

KENYA NATIONAL ARCHIVES

PHOTOGRAPHIC SERVICE

Description of Document LEGISLATIVE COUNCIL DEBATES. VOLS. XXXIX AND XL.

Covering Dates 10th October, to 11th October, 1950 and 24th October
to 20th December, 1950.

Reference No. From Central Government Library.

The following reproduction(s) of document(s), the property of THE KENYA GOVERNMENT
have been made by the Photographic Service of the Kenya National Archives solely for the purposes of research, and must
not be quoted or otherwise reproduced by any means, either in whole or in part, without the express permission of the Chief
Archivist, Office of the Vice-President, P.O. Box 30520, Nairobi, Kenya, to whom all communications respecting this film
should be addressed.

Date of Reproduction

4th January, 1966.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SECOND SERIES

VOL. XXXIX

1950

FOURTH SESSION

10th October to 11th October, 1950

CHRONOLOGICAL INDEX

1950	<i>Columns</i>
10th October	1-2
11th October	3-22

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. HORNE

Ex Officio Members:

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

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

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

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

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

DEPUTY CHIEF SECRETARY AND MEMBER FOR EDUCATION (HON. C. H. THORNLEY).

MEMBER FOR HEALTH AND LOCAL GOVERNMENT (HON. E. A. VASEY, C.M.G.).

Nominated Official Members

*HON. H. L. ADAMS (Secretary for Commerce and Industry).

DR. THE HON. T. F. ANDERSON, O.B.E. (Director of Medical Services).

*HON. F. W. CARPENTER (Acting Labour Commissioner).

HON. S. GILLETT (Director of Agriculture).

HON. J. B. HOBSON (Solicitor General).

*HON. SIR CHARLES MORTIMER, C.B.E. (Presiding Member).

*HON. W. PADLEY, O.B.E. (Acting Secretary to the Treasury).

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

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

European Elected Members:

HON. M. BLUNDELL, Rift Valley.

HON. S. V. COOKE, Coast.

HON. S. G. GHERSIE, O.B.E., Nairobi North.

HON. W. B. HAVELOCK, Kiambu.

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

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

†HON. G. R. PEMBRIDGE, Uasin Gishu.

HON. T. R. L. PRESTON, Nyanza.

HON. C. W. SALTER, Nairobi South.

HON. LADY SHAW, Ukamba.

HON. C. G. USHER, M.C., Mombasa.

* Temporary Member.

† Acting Member in the place of the Hon. L. R. Maconochie-Welwood.

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

Asian Elected Members:

HON. C. B. MADAN (Central Area).
HON. F. E. NATHOO (Central Area).
DR. THE HON. M. A. RANA, M.B.E. (Eastern Area).
*DR. THE HON. S. D. KARVE, O.B.E. (Eastern Area).
HON. A. PRITAM (Western Area).

Arab Elected Member:

HON. SHARIFF MOHAMED SHATRY

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. OIANGA

Representing the Interests of the Arab Community:

†SHERIFF ABDULLA SALIH.

Temporary Acting Clerk to Council:

E. W. M. MAGOR, M.B.E.

Assistant Clerk to Council:

E. V. BORRETT

Reporters:

Miss R. Seeley
Miss E. Fraser

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

10th October—

Hon. Member for Trans Nzoi.
Hon. Arab Elected Member.

11th October—

Hon. Member for Agriculture and Natural Resources.
Hon. Solicitor General.
Hon. Special Commissioner for Works and Chief Engineer,
Public Works Department.
Hon. Member for Trans Nzoi.
Hon. Member for Rift Valley.
Hon. Arab Elected Member.

* Acting Member in the place of the Hon. A. B. Patel, C.M.G.

† Acting Member in the place of the Hon. Sheikh Said Seif bin Salim.



THE TRANSPORT LICENSING
BOARD,
NAIROBI.

COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

FOURTH SESSION, 1950

Tuesday, 10th October, 1950

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 10th October, 1950.

The President took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was taken by Dr. Shanko Dhondo Karve, O.B.E., Temporary Nominated Unofficial Member for Eastern Area, and Clive Wilfred Salter, Esq., Elected Member for Nairobi South.

PROCLAMATION

The Proclamation summoning Council was read by the Acting Clerk.

MINUTES

The minutes of the meeting of 25th August, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE CHIEF SECRETARY:

- (a) East African High Commission Research and Scientific Services—Sixth Progress Report for period January to September, 1950.
- (b) Annual Trade Report for Kenya, Uganda and Tanganyika for the year ended 31st December, 1949.

BY THE ATTORNEY GENERAL:

- (a) Department of Immigration Annual Report, 1949.
- (b) Immigration (Control) (Amendment) Regulations, 1950.
- (c) Immigration (Control) (Exemption) (Amendment) Regulations, 1950.

NOTICE OF MOTIONS

THE CHIEF SECRETARY gave notice of the following motion:

Be it resolved that sections 2, 3 and 4 of the Legislative Council (Temporary Amendment) Ordinance (Cap. 38B) shall remain in force until 31st December, 1951.

THE FINANCIAL SECRETARY gave notice of the following motion:

Be it resolved that the Schedules of Additional Provision Nos. 1 and 2 of 1950 be referred to the Standing Finance Committee.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT gave notice of the following motion:

Be it resolved that the Eviction of Tenants (Control) Ordinance (No. 94 of 1948) shall remain in force until 31st December, 1951.

BILLS

FIRST READINGS

On the motion of the Attorney General, and seconded by the Solicitor General, the following Bills were read a first time: The Police (Amendment) Bill; the Advocates (Amendment) Bill; the Traffic (Amendment) Bill; the Interpretation and General Clauses (Amendment) Bill; the Land Control (Amendment) Bill; the Municipalities (Amendment) Bill; the Shipping (Amendment) Bill.

The question was put and carried.

Notice was given that all subsequent stages would be taken during the present session.

ADJOURNMENT

Council rose at 9.50 a.m. and adjourned until 10 a.m. on Wednesday, 11th October, 1950.

Wednesday, 11th October, 1950

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 11th October, 1950.

The President took the Chair at 10.00 a.m.

The proceedings were opened with prayer.

MINUTES

The meetings of the meeting of 10th October, 1950, were confirmed.

PAPER LAID

The following paper was laid on the table:—

BY THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:

The Report of the Select Committee on the Public Roads (Amendment) Bill.

MOTIONS

LEGISLATIVE COUNCIL (TEMPORARY AMENDMENTS)

THE CHIEF SECRETARY: Mr. President, the first item on today's Order Paper is a motion standing in my name relating to the Legislative Council (Temporary Amendments) Ordinance. Certain hon. Members have asked me to defer this motion until a later stage and with your permission therefore and with that of the Council, I will move it at a later stage.

THE PRESIDENT: If no hon. Member has any objection, the consideration of this motion will be deferred.

The question was put and carried.

SCHEDULES OF ADDITIONAL PROVISION

NOS. 1 AND 2 OF 1950

THE FINANCIAL SECRETARY: Mr. President, Sir, I beg to move as follows: Be it resolved that the Schedules of Additional Provision Nos. 1 and 2 of 1950 be referred to the Standing Finance Committee.

Sir, this is a purely formal motion and needs no explanation.

I beg to move.

THE CHIEF SECRETARY seconded.

Mr. USHER (Mombasa): Mr. President, upon these melancholy occasions it is customary for some Member on this side of the Council to raise a voice in protest, merely at the extent of un-budgeted expenditure that it is expected of us to approve. It is well-known, Sir, that the matters which come before the Financial Secretary and those who have to decide whether the expenditure should be allowed are matters very often of urgency and of great merit in themselves. In the less spacious days before the war, matters of urgency and of great merit also came up for consideration but the amount of un-budgeted expenditure which was then approved was comparatively small. I remember well how those matters used to be dealt with. The old files reveal minutes of this nature. "For consideration in connexion with the estimates for the next year", or it might be "very deserving but there is no provision", and I feel that that ought to be the attitude to-day, Sir, because it is not so much a matter of whether we can or cannot afford the extra money that these projects and so on, involve us in, but whether this Council is retaining that financial control which it should retain. I greatly fear, and it is the opinion on this side of the Council I know, that it has not retained that power which it should exercise.

I do not wish to make any long speech but with your permission, I should like to read an extract from the Colonial Regulations.

"When the Annual Estimates have been passed by the Legislature and approved by the Secretary of State and the Appropriation Law allowed by His Majesty, the expenditure of the year must be held to be definitely limited and arranged. Should any further disbursements on account of the service of that year be required, which could not have been foreseen, cannot be postponed without detriment to the public service, and cannot appropriately be charged to an existing sub-head of the Estimates or will cause any excess thereon, approval by the Legislature and the Secretary of State of the necessary additional provision for such disbursements will be sought in the manner following" and so on.

[Mr. Usher]

Sir, I am wondering whether those principles are being observed to-day. I do hope that if it is the case that expenditure cannot be foreseen—un-budgeted expenditure cannot be foreseen—as easily as it was in the prewar years that my hon. friend the Financial Secretary will find some way in which the control which I feel this Legislature should exercise shall not be lost.

With some sorrow, Sir, I beg to support.

THE FINANCIAL SECRETARY: Sir, I can only agree with the hon. Member that this procedure or un-budgeted expenditure is, generally speaking, undesirable, but I must point out to him that as the year progresses, events often overtake us and it is impossible to avoid incurring expenditure which does not find a place in the budget.

For instance, we may find that a flood washes away a bridge or breaks a communication in some way and if serious trouble is not to be allowed to develop something must be done about this matter and quite obviously you cannot wait till the next budget.

I would also point out to him that all these items which constitute the schedules have, in fact, been scrutinized by the Standing Finance Committee and, however reluctant that body may have been to agree to them, recommendations have, in fact, been forthcoming on each occasion and on the analysis—that they just cannot be avoided.

With regard to his remarks about the lowness of un-budgeted expenditure before the war, I must point out the total budget was considerably less before 1939 than it was 1949 and 1950 and as our activities and services expand so must the extent of un-budgeted expenditure expand.

MR. USHER: On a point of explanation, my argument really was the proportion of un-budgeted expenditure has greatly increased.

THE FINANCIAL SECRETARY: I have no means of checking the hon. Member's statement, but I will take it, Sir, as stated.

I must point out to him that inasmuch as there exists the procedure of the

Standing Finance Committee, there is no lack of control.

I will conclude my remarks by saying that the Government does agree that, where un-budgeted expenditure reaches an over high proportions, it does show an undesirable state of affairs.

We shall do our best in future to reduce it to the minimum, but eliminate it, I am afraid we cannot.

The question was put and carried.

EVICTION OF TENANTS (CONTROL) ORDINANCE

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Mr. President, I beg to move: Be it resolved that the Eviction of Tenants (Control) Ordinance (No. 94 of 1948) shall remain in force until the 31st December, 1951.

The Ordinance, Sir, which I am now moving the continuance of, arose as a result of a position in Mombasa where it was found that there were many small houses and occupied by tenants who had no interest in the land upon which the house stood and whose tenancies were, in fact, not protected by the Rent Restriction Ordinance.

Several of the landlords commenced to take action for the eviction of these tenants under Mohammedan law which had been held to apply in such cases and in local custom. It was considered and quite rightly that wholesale eviction of these tenants would have caused undue hardship and in certain cases injustice.

The measure gave a certain amount of protection to the landlord as well because the Board could give its consent to eviction on the ground of hardship or if the landlord was going to erect housing accommodation substantially larger and of better quality than the house from which he sought to evict the tenant.

A committee was appointed by Government which went into this matter. Its recommendations involved great, very great financial expenditure—it has become necessary to review the position again and that review is in process. I feel, Sir, it is unnecessary to say any more because I am certain that this Council will feel that its essential

[The Member for Health and Local Government] that the tenants concerned shall be protected until some reasonable solution can be found.

I beg to move.

THE CHIEF SECRETARY seconded.

MR. USHER: Mr. President, I quite realize that it is necessary that this motion should be passed but I should like a little further explanation as to the progress of events since what we call the Elphinstone Committee Report was passed to other hands for examination.

The landlord also must be protected in these matters and I wonder if the hon. Member in a reply could let me know what is the present prospect of a solution on that problem.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Mr. President, in answer to the hon. Member for Mombasa, a sub-committee of Executive Council was appointed to go into the position raised by the Report to which he has referred. The implications, particularly the financial implications, are extremely heavy.

During my visit to Mombasa last week, I went into this matter very carefully. I am now awaiting statistics from the local people and as soon as those are received I will be able to place the case before Government again.

More than that, Sir, I cannot say as to the eventual solution, it is obvious I can give no pledge at this stage. I trust that answers the hon. Member's point.

The question was put and carried.

BILLS

SECOND READINGS

The Police (Amendment) Bill

THE ATTORNEY GENERAL: Mr. President, I beg to move that this Bill be read a second time.

The objects of the Bill are, I suggest, fully explained in the Memorandum of Objects and Reasons which is before hon. Members and it is unnecessary for me to recapitulate what is there set out.

I suggest that it is quite obvious that if there is a reasonable apprehension at any time that a riot, an unlawful assembly or organized breach of the

peace will take place, that the Commissioner of Police and the Provincial Commissioners should have all reasonable powers, not only to deal with that event when it has taken place, but to prevent its happening—to prevent breaches of the peace and to prevent possible injury to the persons and property of law-abiding citizens. I suggest, Sir, that the power to impose a curfew, where that step is considered necessary, during the hours of darkness as defined in the Bill, that is 6.30 to 6.30 or any less period—I suggest, Sir, that, that is a reasonable power for the authorities to have in those circumstances, and I emphasize that this only arises when there is a reasonable apprehension, that a riot, an unlawful assembly, a concerted breach of the peace or organized intimidation by threats of violence will take place in any area.

It was an unfortunate feature of the general strike which was attempted by certain persons earlier in this year that there was a certain amount of organized intimidations and I suggest, Sir, that it is intolerable that decent and law-abiding citizens should be put in fear by organized hooliganism or by threats of violence to themselves and more particularly to their families at night. (Hear, hear.) This Bill will make it easier to forestall and control any such attempt in the future and to give protection to decent citizens against intimidation at night. There is a provision, Sir, providing that a Curfew Order must, as soon as may be, be placed before the Governor in Council who, if he wishes, may vary or rescind it. That, I suggest, is a sufficient guarantee against abuse of these powers. Flexibility will be secured by the provision allowing permits to be out of the house in a curfew area during the hours of darkness to be given by a police officer or other designated officer; and, in order to secure further flexibility, I am prepared, Sir, to move in the Committee Stage for the Bill the insertion after the word "shall" in line 18 of the Bill, the words "otherwise than in compliance with such conditions or provisos as may be contained in the Curfew Order". That passage would then read:—

... may by an Order (in this section referred to as a Curfew Order) direct that no person or no such class

[The Attorney General]

or description of persons as may be specified in the Curfew Order, shall otherwise than in compliance with such conditions or provisos as may be contained in the Curfew Order, be out of doors within such area during the hours of darkness, except under the authority of a written permit granted by a police officer or other officer specified in the Curfew Order."

Sir, I suggest that, that will enable the Curfew Order to be so framed as to cover any necessary absence from the house, and that that will give the required flexibility.

Sir, I beg to move.

THE CHIEF SECRETARY seconded.

MR. JEREMIAH (African Interests): Mr. President, on standing to speak on this Bill, I do so for two main reasons.

Firstly, I cannot agree that it is necessary to delegate such dangerous powers to any individual. The power to confine people in their houses after darkness for no reason at all except from apprehension of impending troubles, apprehensions which may be caused by rumours or which may be conditioned upon the individual feelings of the person concerned, cannot, in my view, be sufficient grounds to issue curfew orders proposed in this Bill.

Secondly, I cannot agree that it is for the benefit of any person to be subjected to curfew order on any pretences whatsoever except in case of real emergency, the power for which is already provided in the Law.

I submit, Sir, that Government have all the necessary powers to meet any situation in case of necessity should occasion demand pending the imposition of emergency powers when it proves absolutely necessary.

No one can suggest, Sir, that the forces of Law and Order have not enough and more than enough powers to take action against law-breakers. The Law provides all powers for the police to do anything with people. The police force is free to interfere with the freedom of people as much as they wish when it appears to them to be necessary and they are doing it to their hearts' content, that is why we see them raiding people's homes at the small hours of

night without any consideration as to the harm such actions may cause to the inmates who must include women and children.

Now, Sir, the powers given to police to molest people at will, appear to be considered as inadequate; the moral and physical hardship suffered by innocent Africans at the hands of the force of Law and Order count as nothing in the eyes of the Government; the intention now is to make them suffer more when it pleases someone to do so. I submit, Sir, that such a state of affairs is not conducive to good Government, it only creates antagonism between the people and the Government, which in my opinion militates against harmonious relationship between races of which every person of goodwill is working for.

Honourable Members in this Council can be quite indifferent on this matter because it may not concern them or their constituents, which is the case with other laws that inflict hardship on Africans but do not touch them in any way as far as I am aware; but it should not be forgotten that Africans are human beings and must be treated as such.

When we make laws which to all intents and purposes encourage the belief that all Africans are potential criminals, we are doing a great disservice to the country.

It is a regrettable fact that human nature sees the picture on the dark side of it more clearly than the brighter side; it is therefore inevitable that the inconveniences and hardship suffered by Africans through administration of the laws are liable to obscure the good effort Government are making towards improving the general condition of the mass with the result that hostility and bitterness reign supreme. Surely it is against human dignity that people should live in fear of each other or in hatred against each other. We should make every possible effort to avoid anything which provokes bitterness and hatred.

I believe in respect through love and not through force. This Bill does not aim that way; on the contrary it aims at creating more difficulties to the people and bitterness to the Government.

[Mr. Jeremiah]

I cannot therefore, agree that we should place such powers in the hands of an individual to play havoc with the freedom of law-abiding citizens at will. Do whatever you like with the criminals according to law; but for the sake of good Government and harmonious relationship between the races and respect between the people and the Government, avoid antagonizing the innocent.

Sir, I beg to oppose the Bill.

LADY SHAW (Ukamba): It is a matter of great amazement to me that a measure which is intended to protect decent citizens should be regarded in quite the light which the hon. Mr. Jeremiah regards it in. This measure as I see it and I entirely deny the suggestion that other races are not interested in this, are not sympathetic with the whole question—because in the view of African Members it only affects Africans—this measure is intended to protect the decent man and in fact it is intended, though not entirely freely, to get the co-operation of the decent man for his own protection. If he will remain indoors at the hour of curfew at a time of emergency or possible emergency, then automatically he is helping the police and while not subjecting himself to insult and suspicion because he is out of doors he is, in fact, performing the duty of the decent citizen to help lay malefactors by the heels. He is being asked to assist and I cannot understand why this appalling atmosphere of suspicion and resentment should be provoked by a measure which is common practice throughout the world where emergency arises or is likely to arise. I would like to suggest to hon. African Members that this amendment is to be added to the Bill at the request of the European Elected Members who felt that the conditions in African Locations, with no inside sanitation and no large houses where they can be self-contained, make it quite impossible for inhabitants not to be out of doors on their own lawful occasions within certain limits round their houses. We saw that trouble and we put it to the hon. Attorney General yesterday, and he has agreed to include this amendment at our request. He entirely agrees himself that it is

necessary. I cannot agree we are not interested in making this measure workable or that we wish to make it more difficult for the African or for anybody to conform with it than it needs to be. I am appalled at the attitude of the African Members, which suggests that this thing is done in order to make life impossible for their people, to make it possible for the police to bear hardly upon them when in fact, it is intended and intended only for the protection of decent citizens.

I beg to support.

THE ATTORNEY GENERAL: Mr. President I share the surprise and regret expressed by the last speaker at the attitude with which this Bill has been received by the hon. Member Mr. Jeremiah.

I will deal first with the second point that he made. He said that there were already sufficient powers in the law to deal with circumstances of this kind in case of emergency. I presume that he meant the powers which come into operation only when a state of emergency is proclaimed. It would be quite unnecessary and onerous and would inflict undue hardship upon the population to declare a state of emergency before that very drastic step was necessary, and it might be quite unnecessary to declare a state of emergency in certain circumstances which would bring this Bill into operation. I repeat that it only comes into operation or can come into operation where there is reasonable apprehension that a riot, an unlawful assembly, a breach of peace, or organized intimidation, will take place in any area. It may be quite local, it may be confined to particular persons, particular races, tribes, members of a particular craft, or something of that kind, and it would be quite unnecessary and onerous to bring into operation the heavy procedure of declaring a state of emergency.

The hon. Member went on to say that there was power to bring this into operation on nothing at all except apprehension. Well, is it suggested that nothing in the way of preventive measures should be done, that people should be allowed to be injured and have injury done to their property when it is known quite well, or when there is reasonable apprehension that it will take place?

[The Attorney General]

That seems to be a most extraordinary attitude and one which would certainly not find sympathy from the victims, even in the hon. Member's community.

The hon. Member said further that powers should not be given to the police to molest people at will. That, I suggest, is a most mischievous remark. There is no question of the police molesting people at will under this Bill. The whole object of the Bill is to prevent the decent citizen being molested by hooligans. I cannot see any comparison between asking a citizen to stay in his house within the hours of darkness, and subjecting him to the kind of molestation, head shaving, being thrown into latrines and so on which we know has already taken place. (Hear, hear, and applause.)

Sir, I can only again express my very deep sense of regret that this measure should have been so far misconstrued. The object of it is, as has been said and reiterated, to protect the decent citizen and not to molest him.

The question was put and carried.

The Advocates (Amendment) Bill

THE ATTORNEY GENERAL: Mr. President, I beg to move that this Bill be read a second time. This Bill will effect certain amendments to the Advocates Ordinance, 1949. The objects of those amendments are, I think, either self-evident or are explained in the Memorandum of Objects and Reasons, and I think I need only refer to three of them.

Clause 2 of the Bill will allow the Assistant Legal Secretary to the East Africa High Commission to practice in the Courts. That is a new post which was not in existence when the 1949 Ordinance was passed, and, therefore, could not be covered by that Ordinance.

By the second amendment contained by clause 3 of the Bill—which dealt with the discretion to shorten the period of residence which is required before a qualified person may be admitted as an advocate in Kenya—the discretion will be given to the Chief Justice after receiving a report from the Law Society of Kenya, instead of as at present, on the recommendation of the Law Society of Kenya.

By clause 5, an advocate admonished or suspended or struck from the roll will have the right to appeal to the Court of Appeal for Eastern Africa.

I think, Sir, those are the main amendments which will be effected by the Bill, and as I have already said, the others are sufficiently explained in the Objects and Reasons.

THE CHIEF SECRETARY seconded.

The question was put and carried.

The Traffic (Amendment) Bill

THE ATTORNEY GENERAL: Mr. President, I understand that hon. Members opposite wish for further time for consideration of this Bill and would like to make some suggestions for additions to it. The Government has no objection and, with your permission, Sir, and that leave of the Council, I would ask that this Bill be not proceeded with to-day.

THE PRESIDENT: If no hon. Member wishes to raise any objection, the consideration of this measure will be postponed.

The question was put and carried.

The Interpretation and General Clauses (Amendment) Bill

THE ATTORNEY GENERAL: Mr. President, I beg to move the second reading of this Bill. By the alteration of Time Ordinance, 1936, which by the recent revision of the Laws, was incorporated in the Interpretation and General Clauses Ordinance, it was provided that time within the Colony should be two and three-quarter hours fast on Greenwich mean time. During the war, that was amended by Defence Regulation so as to make Kenya Time three hours fast on Greenwich mean time. That Defence Regulation will shortly expire and unless action is taken now, we shall once more be only two and three-quarter hours ahead of Greenwich mean time. This Bill, Sir, is designed to keep us three hours ahead and that is its only object.

Sir, this is a short and simple Bill, but I suggest that we must cast our votes to-day with due solemnity. The Council is being asked by puny, transient law to try to trammel Time, that most elusive of all transient things—Time which was the future when I commenced this sentence and will be the past when I have

[The Attorney General]

finished it. You are being asked to-day to say in what manner this stuff which life is made of is to be applied to all our lives in Kenya, or, to put it another way, to say where the stations are to be upon the track upon which we are all rolling onward to eternity.

Time, in its passing, ends and completes so much: it consummates or shatters so many beautiful associations—so many beautiful associations. Where, Sir, now are the famous pairs of history: Castor and Pollux, David and Jonathan, the erstwhile Member for Nairobi North and Sir Godfrey Rhodes? (Laughter.) Happily, Sir, not all, all are gone—the old familiar faces.

Sir, these are solemn thoughts, but Time, we are told, is purely relative and, judged by that standpoint, surely it is very appropriate, suitable, and fitting, that the inhabitants of Kenya, the citizens of Nairobi, should be at least three hours ahead of the denizens of Greenwich. (Hear, hear, and laughter.)

Sir, I do not wish to be taken to imply that the inhabitants of Kenya, particularly those of the female sex, are fast; but neither should I wish to have to describe them as slow or behind the time.

Sir, it is, I suggest, important to be early. It is very important that we should at least all try to be "Shirley" (HON. MEMBER FOR THE COAST: "Hear, hear".) —I mean early—and when I tell you, Sir, and when I disclose to the Council the fact that other East African territories have already passed this legislation and that, unless we do something about it now the inhabitants of Kenya will lag a quarter-of-an-hour behind the inhabitants of Uganda, Tanganyika and even Zanzibar, then, Sir, I expect an unanimous vote in favour of this measure. (Applause.) Unless, of course, some hon. Member, stung to emulation, decides to move an amendment to put us three-and-a-half hours ahead of Greenwich mean time.

Sir, I beg to move. (Laughter and applause.)

THE CHIEF SECRETARY seconded.

MR. PRESTON (Nyanza): Mr. President, on behalf of those whose hours and days are governed by the sun

rather than by the clock, as in the towns, I feel I must oppose the motion: The greater bulk of the inhabitants of this Colony have been accustomed to rising by the sun rather than by the arbitrary time imposed on man by clocks and other modern inventions, and this is a measure which imposes hardship on the countryman—even fifteen minutes a day has a considerable effect on people who are now going to be asked to get up by the clock rather than by the warmth of the sun. As we are an agricultural colony it is of great importance that we call our people out to milk our cows and carry out other activities on a farm while it is light, and the measure designed to put us three hours ahead of England was a war-time measure. That necessity no longer arises and I feel that it would be well to consider the gaining of fifteen minutes warmer sunshine for the inhabitants of Kenya to arise in.

I beg to oppose, Sir.

THE PRESIDENT: If no other hon. Member wishes to address the Council, I will call upon the hon. Mover to reply, if he wishes to do so.

THE ATTORNEY GENERAL: Sir, I would merely suggest that the inconvenience of being the one exception to East African time perhaps outweighs the arguments which have been so forcibly put forward by the hon. Member.

The question was put and carried.

The Land Control (Amendment) Bill

THE DEPUTY CHIEF SECRETARY: Mr. President, I beg to move that the Land Control (Amendment) Bill be read a second time. Sir, this measure comes before Council simply to give legal effect to a resolution moved on the initiative of the hon. Member for Trans Nzoia at the last sitting of Council, and accepted unanimously by the Council. In these circumstances it is unnecessary for me to comment further on the Bill.

I beg to move.

THE CHIEF SECRETARY seconded.

The question was put and carried.

The Municipalities (Amendment) Bill

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: I beg to move that the Municipalities (Amendment) Bill be read

[The Member for Health and Local Government]

a second time. Sir, this owes its origin to the City Council of Nairobi, which found in its sewerage programme the need to develop the branch sewer system, as well as the main sewer system. I found, too, that in certain areas and along certain streets a number of the landowners wishing to develop their land on a more intensive basis wished to connect with the main sewer, and were prepared to pay the cost of the branch sewers to enable them to so develop. However, at certain points certain landowners said they did not wish to do so. They obviously wished to see their fellow neighbours pay the cost of the branch sewers and they themselves benefit from the development thereof. In order to enable the more progressive landowner to carry out his intention of providing the branch sewers and developing his land, the City Council found it necessary to ask for the powers which are laid out in this Bill. The City Council's suggestion was circulated to all the municipalities of the Colony through the Association of Municipalities, and has received unanimous support. The principle of the recovery of the cost of branch sewers outlined in this Bill is, of course, nothing new. The same type of power is applied in so far as private streets are concerned, and this principle of the recovery of the cost of branch sewers has been operated in the United Kingdom for some considerable time. I feel, Sir, there is little more I need to say on this Bill.

I beg to move.

THE CHIEF SECRETARY seconded.

MR. USHER: Mr. President, Sir, I understand there is apprehension in certain quarters—apprehension which I do not myself, I may say, share—that there is a possibility that the ratepayers in an area where such branch sewers are laid might possibly have to pay twice for the capital work that is done; the idea being that there is a possibility of the imposition of a special rate under the Rates Ordinance, and that, therefore, they would be, as it were, penalized a second time. Perhaps the hon. Mover would dispose of that point.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: My answer to the hon.

Member for Mombasa is that my Department would of course never agree, Sir, that any man should pay twice for the capital cost of work carried out once. I hope, Sir, that does away with his apprehensions. I trust he will find it possible to support the Bill.

The question was put and carried.

The Shipping (Amendment) Bill

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. President, I beg to move that the Shipping (Amendment) Bill be read a second time. The purpose of this amending legislation is set out in the Memorandum of Objects and Reasons, and I only wish to refer to it in one particular—that, is, in regard to clause 3 of the draft Bill. It has been found in recent years that there has been an increase in the number of Colonial seamen arriving in the United Kingdom. Some of these men have been signed on without repatriation clauses, and have therefore been recruited contrary to the provisions of the Ministry of Transport, and in other cases the men voluntarily waived their repatriation privileges in the hope of securing employment in the United Kingdom. In many cases they have not been successful in finding such employment, have become unemployed and have been obliged to be repatriated, having fallen on the United Kingdom Authorities in the first place for relief.

Section 100 of the present Ordinance provides that any agreement entered into in the Colony for the employment of any seaman in any ship shall make provision for his repatriation, should the agreement terminate outside the Colony, unless it is terminated with the consent of or through the desertion of the seaman in question.

Section 101 states that where any expenses are incurred by His Majesty in connexion with the repatriation of such a seaman, the cost shall be a charge against the ship upon which he is employed; but it also provides that if such expenditure cannot be recovered in that way, it becomes a charge against the general revenue of the Colony concerned. The amendment contained in clause 3 will make it necessary for the agreement to be signed in the presence of a Shipping Master or any person deputed by him in writing, and it will thus ensure

[The Secretary for Commerce and Industry]

that seamen are acquainted with the provisions of the repatriation clause, and that they may be warned against the difficulties of trying to obtain employment in the United Kingdom on an orthodox basis. In order to make the position additionally clear, Sir, it is proposed during the Committee stage to move an amendment to this clause which will make its provision only apply in the case of any seamen born in East Africa.

Sir, I beg to move.

THE CHIEF SECRETARY seconded.

MR. USHER: Mr. President, may I ask the hon. Member in his reply to state whether the shipping companies have been fully advised of this, and have consented to it. I ask this because I received a notice that this Bill might be taken on the 8th only, in Mombasa. I had no previous notice that it was likely to be taken at all. I should like to clear up that point, because the notice is, as far as I am concerned, quite inadequate.

Council adjourned at 11.00 a.m. and reassembled at 11.20 a.m.

THE PRESIDENT: When Council broke off we were considering the Shipping (Amendment) Bill.

DR. RANA: If you will permit me, Sir, before the hon. Member replies—I rise with the intention of supporting the amendment which has been moved by the hon. Member, but I would like to say a few words regarding the Amendment Bill. I would like to suggest to the Government that they arrange something for the distressed dhow seamen who come to the coast of Kenya. Every year there are one or two dhow-wrecked, and those people come to Mombasa, and there is no money available to send them back to the countries they have come from. Mostly they are either from the Arabian coast, or from India or Pakistan, and I have on a few occasions troubled to go and collect money to give them shelter. I would request the Government that there should be some provision or some statement made on this issue, because there is a great deal of trade which is being done still by these old-fashioned dhows. We cannot have any control over the sea and the weather, but certainly something could be done on a reciprocal basis with the

Governments of India, Pakistan and the Arabian countries, or some funds should be put at the disposal of the Provincial Commissioner for the Coast, instead of people having to go begging from door to door. I think it is deserving that some provision should be made, I would like to know from the hon. Member in his reply whether there is anything that can be done at all in the case of these most unfortunate people.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. President, arising from the remarks made by the hon. Dr. Rana, on the question of distressed shipwrecked persons from dhow crews and similar cases. This will be investigated.

In regard to the question asked by the hon. Member for Mombasa concerning whether the shipping companies had been consulted in regard to the provisions of this Bill, I have been in consultation with the East African Railway and Harbours Administration who are responsible for sponsoring the introduction of this legislation, and I have been informed that although, in the limited time available, exhaustive inquiries could not be made, it is possible that the shipping companies may not have been consulted, because the matters referred to in this Bill are matters of detail. They are largely questions of amending a Bill which was originally drafted a considerable time ago, to bring it into line with the nomenclature used to-day in regard to officers administering the port, and similar matters. It is, however, understood, Sir, that certain inquiries have been made at Mombasa, and for that reason the Government does not wish to proceed with the taking of the second reading of the Bill at this stage. I should like to add, however, Sir, one more point, and that is that the liability of the shipping owners is not likely to be increased under this legislation. They are already liable, under section 100 of the Ordinance, to pay for the cost of the repatriation of seamen in respect of whom repatriation agreements have been concluded.

THE PRESIDENT: Am I to understand it is not desired on the part of Government to take a vote on the second reading?

THE ATTORNEY GENERAL: As the second reading debate has been replied

[The Attorney General]

to, possibly it would be better to take the vote on the second reading, on the assumption that if the Bill is read a second time it will be proceeded with no further. It will then automatically die on prorogation and the matter can be raised again in the next session. As we have had a reply, I think possibly that would be the more regular course, if that commends itself to hon. Members on the other side.

The question was put and carried.

IN COMMITTEE

THE ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider clause by clause the following Bills: The Police (Amendment) Bill; the Advocates (Amendment) Bill; the Interpretation and General Clauses (Amendment) Bill; the Land Control (Amendment) Bill; and the Municipalities (Amendment) Bill.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT seconded.

The question was put and carried.

Council in Committee. The Bills were considered clause by clause:

Police (Amendment) Bill

THE ATTORNEY GENERAL moved: That clause 2 be amended by the insertion of a comma and the words "otherwise than in compliance with such conditions or provisos as may be contained in the Curfew Order," after the word "shall" in line 18.

The question was put and carried.

The question that clause 2 as amended stand part of the Bill was put and carried.

THE ATTORNEY GENERAL moved: That the Police (Amendment) Bill be reported back to Council with amendment and that the Advocates (Amendment) Bill, the Interpretation and General Clauses (Amendment) Bill, the Land Control (Amendment) Bill and the Municipalities (Amendment) Bill be reported back to Council without amendment.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT seconded.

The question was put and carried.

Council resumed and the Member reported accordingly.

BILLS

THIRD READING

THE ATTORNEY GENERAL moved: That the Police (Amendment) Bill be read a third time and passed.

THE CHIEF SECRETARY seconded.

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

THE ATTORNEY GENERAL moved: That the Advocates (Amendment) Bill be read a third time and passed.

THE CHIEF SECRETARY seconded.

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

THE ATTORNEY GENERAL moved: That the Interpretation and General Clauses (Amendment) Bill be read a third time and passed.

THE CHIEF SECRETARY seconded.

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

THE ATTORNEY GENERAL moved: That the Land Control (Amendment) Bill be read a third time and passed.

THE CHIEF SECRETARY seconded.

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

THE ATTORNEY GENERAL moved: That the Municipalities (Amendment) Bill be read a third time and passed.

THE CHIEF SECRETARY seconded.

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

ADJOURNMENT

THE PRESIDENT: That concludes the items on the Order Paper and the business of this Council. As hon. Members are aware, it is the intention at an early date that the Council shall be prorogued and re-assemble on a date to be announced. I declare that the Council is adjourned *sine die*.

Council rose at 11.40 a.m. and adjourned *sine die*.

Index to the Legislative Council Debates

OFFICIAL REPORT

SECOND SERIES

VOLUME XXXIX

10th October to 11th October, 1950

EXPLANATION OF ABBREVIATIONS

Bills: Read First, Second or Third time=1R, 2R, 3R;
In Committee=IC.; Referred to Select Committee=
SC.; Select Committee Report=SCR.; Recommended to
Council=Re.CI.; Withdrawn=Wdn.

Adams, Mr. H. I.—
(See Secretary for Commerce and
Industry)

Adjournment—
2, 22

Administration of Oath—
1

Attorney General—

(Mr. K. K. O'Connor, K.C., M.C.)
The Advocates (Amendment) Bill, 2,
13, 21, 22

The Interpretation and General Clauses
(Amendment) Bill, 2, 14, 16, 21, 22
The Land Control (Amendment) Bill,
2, 21, 22

The Municipalities (Amendment) Bill,
2, 21, 22

The Police (Amendment) Bill, 2, 7, 12,
21, 22

The Traffic (Amendment) Bill, 2, 14

The Shipping (Amendment) Bill, 2, 20

Bills—

The Advocates (Amendment) Bill, 1R,
2; 2R, 13; 1C, 21; 3R, 22

The Interpretation and General Clauses
(Amendment) Bill, 1R, 2; 2R, 14; 1C,
21; 3R, 22

The Land Control (Amendment) Bill,
1R, 2; 2R, 16; 1C, 21; 3R, 22

The Municipalities (Amendment) Bill,
1R, 2; 2R, 16; 1C, 21; 3R, 22

The Police (Amendment) Bill, 1R, 2;
2R, 7; 1C, 21; 3R, 22

The Shipping (Amendment) Bill, 1R, 2;
2R, 18

The Traffic (Amendment) Bill, 1R, 2
Not proceeded with, 14

Chief Secretary—

(Mr. J. D. Rankine, C.M.G.)

The Advocates (Amendment) Bill, 13
Eviction of Tenants (Control) Ordin-
ance, continuation of, 7

The Interpretation and General
Clauses (Amendment) Bill, 15

The Land Control (Amendment) Bill,
16

Legislative Council (Temporary
Amendments), 3

The Municipalities (Amendment) Bill,
17

The Police (Amendment) Bill, 9

The Shipping (Amendment) Bill, 19

Deputy Chief Secretary—

(Mr. C. H. Thornley)

The Land Control (Amendment) Bill,
16

Financial Secretary—

(Mr. V. G. Matthews, O.B.E.)

Schedules of Additional Provision,
Nos. 1 and 2 of 1950, 3, 5

Hobson, Mr. J. B.—

(See the Solicitor General)

Jeremiah, Mr. J.—

(Nominated Unofficial Member of the
African Community)

The Police (Amendment) Bill, 9

Karve, Dr. S. D.—

(Acting Member for Eastern Area)

Administration of Oath, 1

Matthews, Mr. V. G.—

(See the Financial Secretary)

Member for Health and Local Government—

(Mr. E. A. Vasey, C.M.G.)

Eviction of Tenants (Control) Ordin-
ance, continuation of, 6, 7

The Municipalities (Amendment) Bill,
16, 17

Motions, Notice of—

2

O'Connor, Mr. K. K.—

(See the Attorney General)

Papers Laid—

1, 3

Preston, Mr. T. R. L.—

(Member for Nyanza)

The Interpretation and General Clauses
(Amendment) Bill, 15

Proclamation—

1

Rana, Dr. M. A.—

(Member for Eastern Area)

The Shipping (Amendment) Bill, 19

Rankine, Mr. J. D.—

(See the Chief Secretary)

Salter, Mr. C. W.—

(Member for Nairobi South)

Administration of Oath, 1

Secretary for Commerce and Industry—

(Mr. H. L. Adams)

The Shipping (Amendment) Bill, 18, 20

Shaw, Lady—

(Member for Ukamba)

The Police (Amendment) Bill, 11

Solicitor General—

(Mr. J. B. Hobson)

The Advocates (Amendment) Bill, 2

The Interpretation and General Clauses
(Amendment) Bill, 2

The Land Control (Amendment) Bill, 2

The Municipalities (Amendment) Bill,
2

The Police (Amendment) Bill, 2

The Shipping (Amendment) Bill, 2

The Traffic (Amendment) Bill, 2

Thornley, Mr. C. H.—

(See the Deputy Chief Secretary)

Usher, Mr. C. G.—

(Member for Mombasa)

Eviction of Tenants (Control) Ordin-
ance, continuation of, 7

The Municipalities (Amendment) Bill,
17

Schedules of Additional Provision,
Nos. 1 and 2 of 1950, 4

The Shipping (Amendment) Bill—19

Vasey, Mr. E. A.—

(See the Member for Health and Local
Government)



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

COUNCIL INAUGURATED
JUNE, 1948

VOLUME XL

1950

THIRD SESSION — FIRST SITTING
24th October, 1950 to 20th December, 1950

CHRONOLOGICAL INDEX

1950	Column
24th October	1-31
25th October	32-58
14th November	59-96
15th November	97-144
16th November	145-195
17th November	196-244
21st November	245-284
22nd November	285-332
23rd November	333-381
24th November	382-432
28th November	433-472
29th November	473-523
30th November	524-576
1st December	577-632
5th December	633-675
6th December	676-726
7th December	727-780
8th December	781-814
12th December	815-859
13th December	860-898
14th December	899-944
15th December	945-995
19th December	996-1030
20th December	1031-1050

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. HORNE.

Ex Officio Members:

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

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

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

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

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

DEPUTY CHIEF SECRETARY AND MEMBER FOR EDUCATION (HON. C. H. Thornley).

MEMBER FOR HEALTH AND LOCAL GOVERNMENT (HON. E. A. VASEY, C.M.G.).

Nominated Official Members:

*HON. H. L. ADAMS (Secretary for Commerce and Industry).

DR. THE HON. T. F. ANDERSON, O.B.E. (Director of Medical Services).

*HON. F. W. CARPENTER (Acting Labour Commissioner).

HON. S. GILLET (Director of Agriculture).

*HON. C. H. HARTWELL (Director of Establishments).

HON. J. B. HOBSON (Solicitor General).

*HON. SIR CHARLES MORTIMER, C.B.E. (Presiding Member).

*HON. W. PADLEY, O.B.E. (Acting Secretary to the Treasury).

BRIEF: GEN. THE HON. SIR GODFREY RHODES, C.B., C.B.E., D.S.O. (Special Commissioner for Works and Chief Engineer, P.W.D.).

European Elected Members:

HON. M. BLUNDELL, Rift Valley.

HON. S. V. COOKE, Coast.

LIEUT.-COL. THE HON. S. G. GHERSIE, O.B.E., Nairobi North.

HON. W. B. HAVELOCK, Kiambu.

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

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

†HON. G. R. PEMBRIDGE, Uasin Gishu.

HON. T. R. L. PRESTON, Nyanza.

HON. C. W. SALTER, Nairobi South.

HON. LADY SHAW, Ukamba.

HON. C. G. USHER, M.C., Mombasa.

Asian Elected Members:

HON. C. B. MADAN (Central Area).

HON. I. E. NATIHOO (Central Area).

DR. THE HON. M. A. RANA, M.B.E. (Eastern Area).

†DR. THE HON. S. D. KARVE, O.B.E. (Eastern Area).

HON. A. PRITAM (Western Area).

Arab Elected Member:

HON. SHARIFF MOHAMED SHATRY

Nominated Unofficial Members:

Representing the Interests of the African Community

HON. J. J. K. ARAP CHEMALLAN.

HON. J. JEREMIAH.

HON. E. W. MAIHU.

HON. B. A. OHANGA.

Representing the Interests of the Arab Community

§HON. SHERRIFF ABDULLA SALIM.

Acting Clerk to Council

T. V. N. Fortescue, Esq.

Reporters:

Miss Seely

Miss E. Fraser

Assistant Clerk to Council

E. V. Borrett, Esq.

**Temporary Member.*

†Acting Member in the place of the Hon. L. R. Maconochie-Welwood.

‡Acting Member in the place of the Hon. A. B. Patel, C.M.M.G.

§Acting Member in the place of the Hon. Sheikh Said Seif bin Salim.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

1950—

24th October—

Hon. Special Commissioner for Works.
Hon. Member for Central Area (Mr. Madan).
Hon. Acting Member for Eastern Area (Dr. Karve).
Hon. Member for Western Area.
Hon. Member for Arab Interests (Mr. Salim).
Hon. Member for African Interests (Mr. Chemallan).

25th October—

Hon. Special Commissioner for Works.
Hon. Member for the Coast.
Hon. Acting Member for Eastern Area (Dr. Karve).
Hon. Member for Arab Interests (Mr. Salim).
Hon. Member for African Interests (Mr. Chemallan).

14th November—

Hon. Member for Ukamba.
Hon. Member for Agriculture and Natural Resources.
Hon. Special Commissioner for Works.
Hon. Director of Agriculture.

15th November—

Hon. Member for Ukamba.
Hon. Member for Central Area (Mr. Madan).
Hon. Special Commissioner for Works.
Hon. Director of Agriculture.

16th November—

Hon. Member for Ukamba.
Hon. Special Commissioner for Works.

17th November—

Hon. Member for Ukamba.
Hon. Arab Elected Member.

24th November—

Hon. Arab Elected Member.

28th November—

Hon. Member for Education, Health and Local Government.
Hon. Member for Ukamba.
Hon. Member for Central Area (Mr. Nathoo).

1st December—

Hon. Member for Rift Valley.

5th December—

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

8th December—

Hon. Secretary for Commerce and Industry.

13th December—

Hon. Member for Nairobi South.

14th December—

Hon. Member for African Interests (Mr. Chemallan).

15th December—

Hon. Member for African Interests (Mr. Chemallan).

19th December—

Hon. Member for Eastern Area (Dr. Rana).
Hon. Member for Central Area (Mr. Nathoo).
Hon. Member for African Interests (Mr. Chemallan).

20th December—

Hon. Financial Secretary.
Hon. Member for Rift Valley.
Hon. Member for Eastern Area (Dr. Rana).
Hon. Member for Central Area (Mr. Nathoo).
Hon. Member for Central Area (Mr. Madan).



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

THIRD SESSION, 1950

Tuesday, 24th October, 1950

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 24th October, 1950.

The President took the Chair at 10.00 a.m.

The proceedings were opened with prayer.

PROCLAMATION

The Proclamation summoning Council was read by the Acting Clerk.

ADMINISTRATION OF OATH

The Oath of Allegiance was taken by C. H. Hartwell, Esq., Director of Establishments.

ADJOURNMENT

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

Council resumed at 10.20 a.m. when His Excellency arrived and took the Chair.

COMMUNICATION FROM THE CHAIR

His Excellency delivered the following communication from the Chair:—

HON. MEMBERS OF THE LEGISLATIVE COUNCIL.

We are assembled once more for the opening of the autumn session of the Legislative Council, at which the Budget will be laid before you. The appropriate Supply and Ways and Means resolutions will be moved and the Departmental Estimates of Expenditure will be examined. The Budget will disclose a continuation of the process of the expansion of the revenues of the Colony

and of the sums expended on the considerably extended services. The development of the economy of East Africa and of Kenya in particular has continued at a rapid rate, accompanied by a continuous rise in costs of almost all goods and commodities and therefore of services. Revaluation of sterling has introduced a new and important factor into our fiscal and economic problems. We cannot expect to be immune from the general inflationary process which is a feature of current world economic conditions, and in a rapidly developing Colonial economy, it is particularly difficult to be sure what increases either in revenue or expenditure represent healthy and desirable development, and what ought to be regarded as inflationary or the consequences of inflation. The rise in the cost of living is certainly indicative of a considerable measure of inflation—a circumstance which is causing the Government the gravest concern. My advisers are giving this question unremitting attention and my honourable friend the Member for Finance, when laying his Budget before the Council, will explain what steps the Government propose to take in an attempt to deal with this problem. The effectiveness of any measures the Government may find it possible to take will be much reduced without the co-operation of every responsible person in the country. I appeal in particular for increased industry and efficiency and the avoidance of personal extravagance. I take this opportunity of saying that in spite of being handicapped by sickness, and the absence on leave of senior members of his staff, the Member for Finance aided by his officers has conducted the most thorough investigation into the finances of the Colony, its revenues from the various sources and the expenditure which it is necessary to face, both

[H.E. the Governor] capital and recurrent. It is on this investigation and a close study of the position that the Budget is based.

A Committee is at present considering whether the time has now come to introduce a system of taxation for Africans which would relate the demand made of the taxpayer more closely to his relative wealth.

Proposals have also been made for the extension to municipalities and similar urban areas of the type of African taxation at present levied in Nairobi and Mombasa, by which part of the gross sum collected is divided amongst the local government authority in question, the taxpayer's Local Native Council and the Native Trust Fund. It is hoped that with a wider application of this system of taxation it will be possible to obtain additional funds for the development of social services for Africans in the non-African areas.

As regards the Capital Budget, during the present year the Development and Reconstruction Authority is likely to execute works up to a value of £4½-million and my Financial Advisers have found it possible to agree that the Authority may spend about the same sum in 1951. In the programme to be placed before you, you will find once more that the demand for buildings of all kinds remains unabated, as the services which the Government is required to provide continue to expand. Nearly half the building programme to be undertaken next year is to meet the pressing demands for schools for all races. The greater part of the remainder will be devoted, quite rightly, to the maintenance and expansion of our natural resources. In addition there is provision for a substantial allocation to the proposed Road Authority, for which legislation has been prepared.

As far as can be foreseen now a sum of about £15,000,000 is likely to be available for development purposes between 1951 and 1955. The allocation of this sum will be the subject of a report by the Planning Committee, which during 1950 has been examining the revised development plans submitted to it by Members and Heads of Departments, designed to try and solve the difficult task of compressing a quart of

development into a pint of finance. In the meantime the Planning Committee is submitting an interim report, which will be laid before you during the present session, recommending certain urgent schemes, which should be undertaken during 1951.

The general question of housing, particularly in urban and township areas, continues to give grounds for concern. Government has accepted the principles of the Vasey Report on African Housing in Townships and Trading Centres and a pilot scheme is being initiated in the Thika area. It is hoped that some of these principles can be applied to African housing in municipal areas also in order to ease a situation which has in it the seed of great discontent.

Housing is of course only one of the aspects of local government finance which have to be considered in relation to capital expenditure; water, health services, sanitation and many other things all call for heavy expenditure at a time of rapid expansion of population and employment and industry, which necessarily lead to developments in local government. The provision of loan finance, which Government recognizes to be a necessary consequence of this development, is being studied. In the meantime Government has agreed to grant loans totalling about £350,000 for water supplies to the Municipalities of Nakuru and Eldoret.

The capital market in London is available to us for strictly limited and closely controlled sums, so that even if we were able to bear the loan charges, we should still have the additional problem that the amounts we can raise by way of loans on that market may fall far short of our needs. We are only one of many would-be borrowers and an already difficult situation has recently been aggravated by the heavy burden of re-armament, for which very large sums have got to be raised by His Majesty's Government.

An important aspect of this problem is the extent to which local investors may be willing to provide finance. I have had discussions in London about the possibility of devising means in collaboration with the commercial banks which would encourage capital in the Colony to seek local investment to a greater extent,

[H.E. the Governor] notably in public utilities and those aspects of our development plans which are of a commercial or quasi-commercial kind. A good example is Mombasa Water Supply for which some £4½-million of capital is required. By reason of present known consumption and of projected commercial and industrial development which only awaits confirmation that water in sufficient quantity will be available, the scheme can be shown to be sound as a revenue-earning venture, besides of course its great strategic and social importance. The matter needs expert examination and all I can say now is that I am trying to arrange for that to be undertaken as soon as possible.

Expansion of local government responsibility is being continued. Discussions have already taken place with District Councils on their acceptance of greater responsibility and it is hoped that proposals will be published for discussion before long. When the new Commissioner for Local Government arrives towards the end of 1950, one of his first tasks will be to assist in the drafting of a new Ordinance based on the result of those discussions.

A policy of creating small units of Local Government on which further development must be based is being carried out. Township Accounts are now operating successfully in Thika, Nyeri and Nanyuki and rating, which has already been introduced into Thika, will be extended to the other townships when valuation rolls are completed.

Government attaches importance to the development of African local government at levels below that of the present African District Councils, a development designed to encourage a sense of interest in and responsibility for local affairs.

Events during 1950 have shown that there is an increasing demand for closer administration in both the African and settled areas. To make this possible, every effort will be made to bring the establishment of Administrative Officers up to strength, and in addition, you will be asked to agree to an increase.

Some reorganization is proposed in the Police Force which will, it is hoped, result in officers being able to spend

more time on tour, and on the supervision of their Commands. It is also proposed considerably to strengthen the C.I.D. so that specialist attention can be paid to grave or complicated crime. Particular attention is also being paid to improving the collection and collation of Intelligence in all areas. The Police Reserve continues to attract an excellent type of reservist and has improved in its standard of training and efficiency. The response to recruiting is adequate everywhere.

Internal security in the Colony is kept under continuous review. It has recently been subjected to examination in the wider setting of East and Central Africa as a whole and in relation to Commonwealth defence plans. The Colony may rest assured that all practicable measures of preparation and precaution have been or are being taken to meet any foreseeable emergency, whether local or of wider extent.

As a result of a recent conference between representatives of all the territories concerned and of the War Department and the Colonial Office it is expected that agreement will be reached for assumption by the territories of responsibility for a considerably greater share of the total cost of defence. Hitherto, as is well known to this Council, a disproportionately large share of the total has been met by the taxpayers of the United Kingdom. The cost to the Colony will be substantial but I am confident that Honourable Members will agree that it must be met.

An Eastern Africa Court of Appeal, to be composed of a permanent President and two Associate Judges of Appeal, will be constituted shortly. It will hear appeals from all the East African territories as well as from the Somaliland Protectorate, Aden, the Seychelles and Mauritius. It will be based at Nairobi, though it will sit in other East African territories when required.

The more important legislation which it is proposed to lay before you is as follows:—

Bills dealing with the regulation of wages and conditions of employment and with Trade Unions. The main provisions of this legislation will be directed to the association of employers and employees with the wage-regulating

7 Legislation

[H.E. the Governor]

machinery of the Colony, to provide for closer supervision of Trade Unions in their very early and undeveloped stages, as well as to make some provision by law for combinations of workmen at a less advanced stage than a fully organized trade union.

A Bill relating to land surveys and surveyors. The existing law is in some respects out of date and is contained in four separate Ordinances. The proposed Bill will introduce amendments which modern developments have rendered necessary and will consolidate the law into one Ordinance.

Further consideration has had to be given to the draft Bill to make better provision for the administration of justice in the Native courts, and it is hoped to introduce this early next year.

The Water Bill, which has already been published, will be introduced during the present session. Arrangements are also in hand for the legal drafting of the Agriculture Bill, which is based upon the memorandum which was circulated for discussion and the comments and criticisms which it elicited.

The recruitment of fully trained agricultural and specialist officers is still difficult and the full development of the proposed research programme is hampered by that difficulty.

The most urgent need in all areas still remains the change-over from monoculture of cereals to a rotational system of ley farming. The extension work of the Department of Agriculture will continue to be aimed at encouraging this change, and resolving the agronomic and economic problems entailed. I am happy to say that in the African Land Units there has been a continuation of the marked change towards an attitude favourable to the care of the land and the adoption of better agricultural practices. Grass is now in some areas regarded in its proper light as a very valuable crop and many other improvements are beginning to be seen.

The Soil Conservation section of the Department of Agriculture has been absorbed into the division of Field Services and this should create a close link between the mechanical safeguards to prevent erosion and the improved agricultural practices necessary to ensure

the permanence of such works, so that they play their full part in the maintenance of soil fertility. It is intended to lay continued stress on the importance of planned farming whether by individuals or on group farms and this will entail as a first step a contour survey of the area to be planned. For this purpose it is hoped to make use in some areas of aerial photography.

Three new important grazing control schemes are projected, two for the Yatta Plateau and one in the Meru District. The African local authorities are assuming all financial responsibility after the initial capital expenditure.

Land Utilization and Settlement Schemes financed by the Development and Reconstruction Authority continue to grow in number and in scope. Experience gained at Makueni is now considered to justify a definite settlement programme to cover the next five years. This has been worked out in detail for the establishment of an additional 1,000 families, making a total of 1,300 families in all.

A demonstration settlement is now being prepared in the Shimba Hills vicinity, south of Mombasa. This is Crown land, totalling about 38,000 acres, enjoys a good rainfall, and is otherwise suitable. It is estimated that it should be capable of maintaining some 3,000 families.

All agricultural research work is now co-ordinated under an Assistant Director (Research). A Colonial Development and Welfare Grant has recently been approved for the establishment of Agricultural Research and Investigation Centres. The main development in 1951 will be in pasture research.

Qualified staff has arrived to fill some of the vacant lectureships, and on the scientific side the training at the Egerton School will be strengthened thereby. On the African side it is hoped to open the Matuga Centre early in the year and so complete the three Centres for the Nyanza, Central and Coast Provinces.

Tsetse Control and Reclamation will be continued in many areas. In the Chepalungu region a large-scale clearing programme is proposed in order to check the advance of the tsetse fly.

9 Hospitals

[H.E. the Governor]

The Veterinary Research Laboratories at Kabete for the production of lapinized vaccine have now been completed, and the noxious block and administration block will be completed in 1951. Further research will be undertaken into the use of this vaccine, which has given promising results so far.

Financial assistance has recently been approved from Colonial Development and Welfare funds for the development of the Experimental Station at Naivasha, which is to include investigational work for the benefit of the pig and poultry industries. It is hoped to extend research into infertility diseases of cattle.

Of the 350 miles of stock route fencing, 100 miles remain to be completed. Development of the animal industry in African areas will continue, including the production of ghee, poultry, honey and wax. Good progress has already been made in the improvement of the hides and skins industry with funds provided by the hide and skin export cess, and considerable expansion will take place during the forthcoming year.

It is expected that the Hiley Report which recommends the establishment of a statutory self-financing Forest Commission will be submitted to Council during 1951. The Department expects to plant about 8,500 acres in 1951 of which 6,000 will be exotic softwoods.

The extension of hospital facilities for all races is progressing in accord with the finance available. The Asian section of the Group Hospital in Nairobi will be started in the near future. This will include facilities for training of Asian nurses and it is hoped that Asian girls will come forward in sufficient numbers to make this successful. Drawings are being prepared for the Indian and African Hospitals at Mombasa. The training of African female nurses will be started at the Group Hospital, Nairobi.

It is hoped that the first hospital in the country for the treatment of tuberculosis will be commenced during the year.

Land has been set aside for the new Leprosy Hospital and building will be started shortly.

Government has accepted the Report on Asian and European Welfare made by the Committee under the Chairmanship of Dr. Gregory. It is hoped to introduce legislation in the near future.

In the African areas the policy of the provision of health centres in order to bring modern medical methods into closer contact with the people and their homes is meeting with an encouraging response. Special emphasis is being laid upon prevention and the social aspects of disease. Government is contributing to the initiation of these schemes, but the financial burden involved in their expansion will be largely the responsibility of Local Authorities.

The educational surveys recommended in the Beecher Report will be carried out early in 1951 and arrangements have been completed, in which I have been personally actively engaged, for the recruitment of staff necessary for these surveys and for the general supervision and inspection of schools. Pending the re-organization of schools the intake into African Teacher Training Centres and Secondary Schools will continue to be increased in accordance with the Ten Year Plan.

It is Government policy to lay emphasis on trade training and technical and agricultural education. The opening of the Mombasa Institute of Muslim Education and a new trade school in Nyanza and an increase in the number of pupils enrolled in the Trade Schools at Kabete and Thika are steps in this direction. Preparatory work is in hand in connexion with the proposed Technical Institute in Nairobi and a visit by Dr. Harlow, Adviser on Technical Education to the Secretary of State, has been arranged.

It is of great importance that this Institute should be designed from the first so that it may develop as rapidly as possible into a fully organized Technological College covering as wide a range of training as our circumstances permit.

The fiscal policy to be followed in regard to the complicated problem of education for all races has been given further study. It is a matter on which, in view of its profound effect on the social and financial structure of the Colony, no quick decision can be taken. Suggestions

[H.E. the Governor] will be placed before the Council for the consideration of Honourable Members as soon as Government is in a position to do so. Meantime, and at the request of the Asian Elected Members, discussion on the Report of the Hartwell Select Committee on Indian Education has been deferred. It is hoped to deal with it, however, during the present session.

The Arab Advisory Council on Education has been re-constituted and its first meeting will shortly be held.

When Honourable Members address their minds to the great scope and variety of the works and services which the very rapid development of the Colony requires, at a time when costs whether for salaries, wages or materials, are rising steeply, they will, I believe, form the same broad general conclusions as I have formed. In comparison with our urgent needs our resources are inadequate: in comparison with the days before the war, our budget has reached proportions which must cause some anxiety. And yet, there are thousands of children for whom even primary education is not available, thousands of people for whom health and hospital services are inadequate; thousands who urgently need more water supplies; more and better housing; and a great many other things; there are thousands of miles of roads which cry out for improvement and thousands more which ought to be made. I could continue the list almost indefinitely. Surely we must give the Finance Member and his assistants our full support and encouragement in their difficult task and recognize that they are able and experienced men upon whose judgment it is wise to rely in these extraordinary times; for if they cannot guide us in these matters I do not know where to turn for guidance; and my own judgment and experience alike lead me to conclude that the budgetary policies to be laid before you are the right and prudent course for the Colony at this time. I would only add one thing; there is no mystery about reducing the size of our budget. It is only necessary to reduce expenditure—that is to say to abandon works in hand or projected and to restrict services or reduce salaries and wages. But it cannot be done any other way, and I do not

expect that any Honourable Member believes, any more than I do, that it can be done that way, or indeed, that we can carry out the necessary development works without drawing further on current income for capital expenditure.

I have recently had the opportunity in London to discuss with the Secretary of State some of the important matters which must engage our early attention. In particular, occasion was taken to consider the steps which should be taken early in 1952 when the original term of four years of existence of the Central Legislative Assembly comes to an end and when a new Council is due to be constituted for the Colony by a General Election. Before that time comes it will be necessary to consider the attitude of this Government in the matter of the Assembly and the question of Indian representation in this Council arising out of the deliberations of the Speaker's Committee on the subject and also the representations which have been made by Honourable African Members to the effect that the number of seats assigned to African membership ought to be increased. It would be premature at this stage to say more than that I propose now to discuss all these matters with the leaders of the various groups in this Council and with the Kenya delegation to the Central Assembly and that if and when proposals are agreed upon they will be made public in ample time for discussion before they are translated into action.

At this stage my endeavour will be to achieve in all these matters agreed proposals, for if there is one thing the Colony needs more than anything else in these difficult and dangerous days it is agreement, mutual confidence and the will to collaborate.

I have little more to say, but I feel I must say this that it appears to me that events and forces, here and in the world at large, have brought us to one of those critical times in the history of mankind and of the societies which he has evolved in which we have to choose between diverging courses which can be seen with some clearness and definition. I will not attempt to describe those courses now, but rather will content myself with saying that I believe that we are faced at this time with an inescapable obligation to take important decisions—decisions

[H.E. the Governor] which must be reflected in our actions, and not merely in agreeable platitudes—but also with an opportunity such as seldom befalls so clearly in the affairs of mankind: an opportunity to set our course once and for all towards the haven of mutual trust, confidence and collaboration between all for whom this land of Kenya can be described by the simple word "home". I pray that we may be guided to take the right decisions.

At 10.50 a.m. His Excellency retired and the President, Sir Charles Mortimer, C.B.E., resumed the Chair.

MINUTES

The minutes of the meeting of the 11th October, 1950, were confirmed.

PETITIONS

THE EAST AFRICAN POWER AND LIGHTING COMPANY, LIMITED (VALIDATION AND LICENSING) BILL

PETITION TO PROCEED WITH

A Petition to proceed with the East African Power and Lighting Company, Limited (Validation and Licensing) Bill, was read, in accordance with Standing Rule and Order No. 97, by the Clerk.

The question was put and carried.

PAPERS LAID

The following papers were laid on the table:—

BY THE CHIEF SECRETARY:

East Africa High Commission—Financial Report and Statement for the year 1948.

BY THE ATTORNEY GENERAL:

Judicial Department Annual Report, 1949.

Interim Report of the Committee appointed to review Standing Rules and Orders of the Legislative Council.

Amendments to the Standing Rules and Orders of the Legislative Council framed and proposed for adoption to the Legislative Council by His Excellency the Governor by an Instrument dated the 23rd day of October, 1950, and made under Article XXIV of the Royal Instructions.

BY THE FINANCIAL SECRETARY:

Standing Finance Committee Report on Schedules of Additional Provision Nos. 1 and 2 of 1950.

BY THE CHIEF NATIVE COMMISSIONER:

African Affairs Department Annual Report, 1948.

BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:

Report of Committee on Agricultural Credit for Africans.

SUSPENSION OF STANDING RULES AND ORDERS

The Attorney General moved the suspension of Standing Rules and Orders to enable the motion standing in the name of the Chief Secretary to be moved without due notice.

The Solicitor General seconded.

The question was put and carried.

Council adjourned at 11.00 a.m. and reassembled at 11.20 a.m.

MOTIONS

INTERIM REPORT OF THE COMMITTEE APPOINTED TO REVIEW THE STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL

THE CHIEF SECRETARY: Mr. President, I beg to move: Be it resolved that Part I of the Interim Report dated 19th October, 1950, of the Committee appointed to review the Standing Rules and Orders of the Legislative Council be approved.

Sir, as hon. Members are aware, some time ago a Committee was appointed with the following terms of reference:

- (i) To review the Standing Rules and Orders of the Legislative Council and make such recommendations for their amendment as the Committee may deem desirable.
- (ii) To consider the desirability or otherwise of the appointment of a Standing Committee to regulate the business of the Council, and if the appointment of such a Committee is recommended, to advise as to the functions of the Committee.

The task which was given to that Committee was a long and complex one and the Committee has been engaged on it

[The Chief Secretary] for some time. I think I can speak for the whole Committee when I say that we are much indebted to our Chairman for the time he has given to this and for the manner in which he has prepared the Draft Standing Rules and Orders for our consideration. (Applause.) We are getting towards the end of that task but I am sorry to say that, for the reasons which are explained in paragraph 3 of our Report, it is not yet finished. But as the Budget Session was approaching, we thought it expedient to submit an Interim Report to deal with the Budget Procedure itself, and following upon that Interim Report, His Excellency the Governor acting under the appropriate clause of the Royal Instructions has framed Standing Rules and Orders for adoption by this Council and this morning I am moving the adoption of Part I of the Report of the Committee.

I think it will help hon. Members to understand the matter if they have before them both the Report and Annexure I. to the Report, and may I suggest that they have one on the one side and one on the other so that they may refer to them with ease.

Now, Sir, one thing that can be said in this Council without fear of contradiction is that we are all agreed that something must be done to curtail the amount of time spent in consideration of the Estimates. (Hear, hear.)

In paragraph 8 of its Interim Report, the Committee has referred to this subject and if I may be allowed, I would like to read what they have to say. "One of the main objects of the new Rules and Orders relating to Budget procedure is to curtail the inordinate time which can be spent on an examination of the Estimates, and the consequent dislocation in the functions of Government that can occur, if the debate is unlimited in time. In the House of Commons twenty days (which may be increased to twenty-three) are allotted to consideration of the annual estimates in supply. In Kenya, on a budget of a fraction of the size of the United Kingdom budget, notwithstanding the introduction of some limitation on the length of speeches, this time is commonly exceeded."

Well, Sir, I think that that speaks for itself and as I have said, I know that we

are all agreed that something must be done to curtail the amount of time spent.

The proposed Standing Rules and Orders have two objects. One is to continue the system of limiting individual speeches. The second, which is new, is to put an overall limit on the debate by the adoption of a programme.

Now, as hon. Members will see from paragraph 5 of the Report, in Kenya the Budget Speech, that is to say, the Financial Statement by the Financial Secretary in which he reviews the finances of the Colony, examines the estimates of revenue and expenditure and indicates his proposals, if any, for new or altered taxation, is made upon a motion to resolve into Committee of Supply to consider the Estimates of Expenditure. In the House of Commons, on the other hand, the Budget Speech is made in the Committee of Ways and Means.

We recommend that our practice here should be continued, but we make certain suggestions. In the first place, Sir, after the Financial Secretary's speech, it has been agreed that the Council should adjourn for about two weeks. The object of that adjournment is, in the first place, to allow hon. Members opposite an opportunity to examine the Estimates and the Budget and to tour their constituencies, if necessary. The second object is to draw up a programme for the debate proper when the Committee resumes.

Now, during that interval I hope that two things will be done. In the first place, hon. Members opposite will inform the Government of the Heads or Votes in the Estimates which they wish to debate so that a programme can be drawn up for the Committee of Supply. Secondly, we hope that an opportunity will be taken by informal meetings between the Member concerned and the Head of Department and Unofficial Members to give them any information on matters of detail which they wish to obtain. In the past it has been customary, on occasion, to use time in the Council or in the Committee to obtain information. We hope in future, hon. Members will obtain that information outside the Council, and on behalf of the Government I would like to say that if hon. Members would like informal meetings arranged in order to give them the

[The Chief Secretary] information they require, we, on the Government side, would be happy to fall in with their request.

Now, Sir, there is one further matter with regard to the motion to go into Committee of Supply. The debate on that motion will deal with the principles and not with details but, and this is important, the debate will not, if our proposals are followed, be confined to expenditure. Under the normal rules with regard to relevancy, the motion to go into Committee of Supply ought to be confined to matters of principle relating to expenditure but we will seek your indulgence, Sir, in initiating a convention which we hope, in time, will be well recognized of permitting the debate on this motion, or rather giving an opportunity in the debate on this motion for hon. Members to discuss the whole financial and economic policy of the Colony so that they will be able to deal with matters of taxation as well as expenditure, but as I have said confined, of course, to principles and not details.

Now, Sir, the motion or the debate on the motion to go into Committee of Supply will be limited to four days. If hon. Members will turn to the Draft Rule 91A (2), they will find that at the end of the four days, the Speaker will call upon the Mover to reply and thereafter the question will be put. On that motion all speeches, with the exception of the Mover, who will be unlimited both in moving and in replying, will be limited to thirty minutes. But, Sir, you will have the discretion to allow four Unofficial and one Official Member to exceed thirty minutes provided, and again this is important—please see Draft Rule 91A (2)—provided that such permission shall not be granted unless the Member desiring to avail himself of such period states his intention of doing so on rising to address the Chair. As hon. Members will remember, we have had a rule like that in the past but it has been observed more in the breach than in any other way and I think it is important that if Members do desire to avail themselves of this permission, they should express their wish to do so on rising.

Now, Sir, when we get into Committee of Supply, under Rule 91b (1), Members

will see that the whole debate in Committee of Supply will be limited to ten days provided that on motion made after notice, to be decided without any amendment or debate, additional time such as may be proposed not exceeding two days in all, may be allotted for the purpose aforesaid. I know all the Committee hope it will be possible to complete the debate within ten days without any extension of time.

In moving motions in Committee of Supply, the Member concerned, or perhaps I ought to explain first that in order to give the Committee an opportunity of debating matters of principle, it is recommended that the Member concerned should move that the Head or Vote should be considered. If that happens to be one of the Votes or Heads on which Unofficial Members wish to debate, the Member in charge will, in moving, that it should be considered, explain his policy and that will give an opportunity for a debate on policy. If it is not one of the Votes or Heads on which a debate is desired, that motion will be purely formal. In moving that a Vote or Head be considered, the Member concerned will be unlimited in time, both in moving and in reply but, as hon. Members will see from page 4 of the Report, the Committee recommends that in those Heads on which a debate is required, although the Mover's speech and reply are not limited in time, Movers will, unless there are special circumstances, attempt not to exceed one hour in moving and half an hour in reply though, of course needless to say, the length of the reply will depend, obviously, on the number of matters raised in the debate which require to be answered.

Now, as I have said, debate on that motion will be limited to principles and not details. As Members will see from Draft Rule 91b (2), all speakers, with the exception of the Mover, will be limited to ten minutes except, again at your discretion, Sir, four Unofficial and one Official Member may speak up to thirty minutes provided once more they claim the right to do so on rising to address the Committee.

On the last of the days allotted for this debate, under Rule 91b (11), the Speaker will put all outstanding questions.

[The Chief Secretary]

Now, Sir, those Rules have been very carefully drafted and, I hope, are clear and explicit in themselves. I do not think there is any further matter to which I need draw attention. But when we move on to Committee of Ways and Means, the motion to go into Committee of Ways and Means will be purely formal and there will be no debate as Members will see from Draft Rule 91D (2).

The debate in Committee of Ways and Means will be limited to three days with the provision that an additional two days may be allowed if required under the same conditions as for the Committee of Supply. Once again, the Mover of any proposition in Committee of Ways and Means will be unlimited both in moving and in reply. All other speeches will be limited to ten minutes with the exception once again that, at your discretion, Sir, four Unofficial and one Official Member may speak up to thirty minutes if they claim the right to do so on rising to address the Chair.

There is one further Rule in Committee of Ways and Means, to which I regret to draw attention, and that is that no Member may address the Council on any proposition more than twice. That is provided under Rule 91E (2) at the bottom of the page.

I would like to call the attention of the Council to the Rule provided in 91F (1), which is to the effect that the Chairman may call attention to any Member who, after warning, persists in irrelevance and may require him to end his speech.

Finally, Sir, in the last Rule of all, "day" for the purposes of these limitations is defined. That, Sir, I think is all I need say in explanation of these Rules because I hope that hon. Members will find them clear enough when they read them.

The last thing that any of us want to do is in any way to stifle debate or to curtail the right of hon. Members opposite to criticize and to examine critically the Estimates of Expenditure. All that we do want to do, and this applies equally to Members on the other side as it does to Members on this side, is to avoid waste of time and to do the job expeditiously. This new procedure,

will require understanding, patience and self-discipline on the part of us all and I am sure I have been right in saying that we are all agreed that something of this kind must be done. Unofficial Members cannot find unlimited time to give to the conduct of public business, and of course so far as many Official Members are concerned, they ought to be getting on with the job. I have no doubt that this new procedure, if it is properly operated, will give adequate opportunity to all Members to discharge their obligations to the public. As I have said, Unofficial Members will decide upon the programme. It will be for them to say what Heads or Votes should be debated and I feel that the operation of this new procedure will give us the opportunity not only to discharge our obligations to the public but to show that, in Kenya, we can do that with the dignity and the restraint which is characteristic of British Parliamentary Institutions.

Sir, I beg to move. (Applause.)

THE ATTORNEY GENERAL: Sir, I beg to second reserving my right to speak later.

MR. MATHU (African Interests): Mr. Speaker, I should like to support the resolution by the Chief Secretary but there is one point, Sir, I feel that requires inclusion. In the Report, Sir, we have these two Parts, Part I and Part II.

Now, the Mover's intention is that this Council should approve only Part I and I am suggesting that Part II also should come into it, and I am suggesting, therefore, an amendment to this Motion. I beg to move, Sir, that the following words be inserted after the words "Part I" in the first line of the motion—"and paragraphs 11, 12 and 13 of Part II". In that case, the motion would read "Be it resolved that Part I and paragraphs 11, 12 and 13 of Part II of the Interim Report dated 19th October, 1950—and so on—be approved".

In the paragraphs that I referred to, Sir, the Committee has made the observation that the view of an Official Member moving a motion after the passing of the Appropriation Bill in the February of the ensuing year should be left for the time being. It is, Sir, the request of the Unofficial Members that this be included now so as to give the

[Mr. Mathu]

Unofficial Members an opportunity early next year to move a motion dealing with this matter including Rule 91H which appears in Annexure II. I do not want to elaborate this point, Sir—all I am suggesting is that if my amendment is accepted, this will give an opportunity to Unofficial Members to move a motion later on to deal with this matter to include Rule 91H as placed in Annexure II.

Sir, I beg to move the amendment.

MR. SHATRY seconded.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Before we proceed, Sir, to debate this particular amendment, on behalf of the Government, Sir, Government has no objection to the acceptance of that amendment.

The question was put and carried.

THE PRESIDENT: The debate will now be resumed on the substantive motion as amended.

MR. HAVELOCK (Kiambu): Mr. Speaker, may I give my support, Sir, to this motion in principle. There is one matter which I do not agree with and about which I will move an amendment in a minute or so.

There are only one or two points I would like to clear up, Sir—perhaps the hon. Chief Secretary could refer to them in his reply. One of these is, he did suggest that Unofficial Members should choose the Heads which should be debated in the Committee of Supply. May I ask him if he means also that the Unofficial Members can ask, recommend to Government the order in which those Heads will be debated? In other words, that we might be able to say that we consider Head 1, 2 or 3—whatever they may be—are most important and should be debated first and if the time is not available for the ones we consider less important then we have spent the time on the more important ones and we have to go without debating the less important ones. The reason why I ask this is that when the hon. Member was speaking he did say that if the Head were to be, one which the Unofficial Members had asked to be debated, then the Mover would make a policy speech on that Head, and it did give me the idea that we might have to go through the whole Budget, all the Heads in the

order in which they appear, and that we would have to take up the time of the Committee in just the formal moving of Heads which the Unofficial Members had not put on the list to be debated when there were still other Heads which we wanted to be debated which had not yet come before the Committee. I hope I have made myself clear on that point.

The hon. Member also referred to this matter of informal meetings of Unofficial Members with Official Members, to ask them for detailed information as regards their different Heads, and expressed the hope, with which I hope all on this side of the Council agree, that if that course is adopted a lot of time would be saved in Committee. There is only one point on that, Sir—I would make it clear that there may be some details which Unofficial Members consider should be made public, and in spite of the fact that such questions have been asked about them in unofficial informal meetings with Heads of Departments, those questions may have to be repeated in the Committee, firstly for record to get the answers in Hansard, and secondly, because Unofficial Members may feel that the public themselves will be very interested to hear the replies. I am very gratified, Sir, that hon. Members on the other side of the Council will try to keep to one hour in moving their Heads, and half an hour in reply, and I, of course, entirely understand the remark made by the hon. Member that the reply depends on the amount of questions. There again that links up with informal meetings, and I hope no reply will need more than half an hour. The whole idea on this side of the Council is to limit time for the debate in Committee and therefore we do not want the Official Members to take up too much of that time. I can say it is definitely the wish of Unofficial Members on this side of the Council that we do not waste time on the Budget debate. On the other hand, we do not wish to be hurried too far, too quickly, into accepting—allowing our wings to be clipped, shall we say, too short—and I would suggest that we should move slowly, not too rapidly; whilst we experiment and find out how it all can be worked out, and we shall not try to severely restrict every Member immediately. I believe this debate that will be coming this year will be one of experiment, and these rules will stand or fall according to how that debate is

[Mr. Havelock] conducted. I can say again and emphasize—and I assure you that it is our intention on this side of the Council not to be irrelevant, not to take up too much time on questions but to get the business expedited provided there is sufficient time to make the points that are required, that we consider are important from the country's point of view.

Sir, the one point to which I object and in fact I can say that the Unofficial Members Organization—all Unofficial Members on this side—do not agree to in the Report of the Select Committee is the matter of the recommendation that there should be only two days—only two days can be added to the ten days for the Committee of Supply.

CHIEF SECRETARY: That is referred to in 91B (1).

MR. HAVELOCK: As we are debating the Select Committee Report, I was trying to find where the Select Committee referred to it.

THE PRESIDENT: In the middle of page 6, paragraph 8.

MR. HAVELOCK: Thank you, Sir. I would, before I move the amendment, say, Sir, it—the Report reads "It was, however, represented to the Committee that some Members wished to have these periods respectively fixed at four days (exclusive of Mover's speech and reply), and ten days plus such additional time as might be required up to a further four days". I was the mouthpiece for Unofficial Members on this particular matter, and I actually did say we would require a further five days, not four days. I regret I was not present when this Report was finally discussed at the last meeting, and, therefore, I was not there at the time to be able to make that correction. Five days was definitely what was required by Unofficial Members and, Sir, because of that I would like to move the following amendment: that the following words be added at the end of the motion "except that the maximum additional time in the Committee of Supply shall be extended from two days to five".

Before I sit down, I do want to assure hon. Members on the other side of the Council and you, Sir, that it is not the intention of Unofficial Members to request a total of five days' extension

unless it is absolutely, in their view, necessary. I personally believe that we should be able to get through the business in the ten days allotted, but Unofficial Members on this side of the Council do wish for that elasticity, if we think it is necessary, up to five days—not necessarily a total of five days but up to five days—and for that reason, Sir, I move the amendment which has been handed to you.

MR. MATHU: Sir, I beg to second reserving my right to speak later.

THE PRESIDENT: The hon. Member has already spoken.

MR. HAVELOCK: No. No.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: On a point of order, the hon. Member moved an amendment to the original motion and he was at that time speaking to the original motion. I suggest he cannot speak again—they must find another Member to second the motion.

THE PRESIDENT: That is my view.

MAJOR KEYSER (Trans Nzoia): I second it, Sir, and reserve my right to speak later—if I can.

THE PRESIDENT: The amendment proposed is that the following words be added at the end of the motion "except that the maximum additional time in the Committee of Supply shall be extended from two days to five". The amendment is now open to debate.

MR. BLUNDELL (Rift Valley): I rise to support the motion, but there is one point I particularly wish to make—also like other Members I am anxious that we should not waste time on the Budget. There is one vital difference between our procedure and that of the House of Commons to which I would like to call attention, as the hon. Chief Secretary mentioned that procedure earlier. In the House of Commons, the Budget is presented by the majority in that House which, over the course of years, moves from one side to the other according to the chances of General Elections—in other words, the Opposition to-day may well be the Government tomorrow. Now, in England, there is a homogenous society and that system has reached, I suppose, its highest development. In this country, we have not such a homogenous society. We have still a very small background measured in time and it may be a very

[Mr. Blundell] long time, if at all, before we come to such a system, and that being so it is well to remember that hon. Members on this side of the Council may require perhaps more time than they would in England; the reason being that whereas in England they may be content to be silent or reasonably silent for four years in the knowledge that they can be vocal the next four—as hon. Members opposite may have observed, we on this side have been in the habit of keeping continuously silent for a great number of years. I felt I must just make this point in supporting the amendment asking for this extra time. On this side of the Council, we feel if we want to have the time to discuss more details, we are entitled to it.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. President, I must say I rise to oppose this amendment in principle, and although I am not going to actually do so when it is put I would plead with the Council. I do feel that this amendment goes a long way towards negating the whole of the intention of these new Rules. An extra five days is a very considerable period of time and I would again, as I have repeatedly in the past, call the attention of the Council to the fact that on this side, we have a large number of people who are attempting to carry out the policy for which the Budget provides and if we are to continue to incarcerate them here indefinitely, it really does set back the Government of this country—really to a very, very great extent. I agree with the hon. Member for Kiambu who said we must go warily in trying to introduce these changes and that this is all in the nature of an experiment. For that reason, one must perhaps reluctantly agree this amendment. My reason for intervening in this debate is to appeal to Members, when they have tried the new procedure this year, if they possibly can, to try and shorten this period in the future because it really is too long.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Mr. President, speaking to the amendment, I would like to support the plea made by the hon. Member for Agriculture and Natural Resources. It is, I think, essential, Sir, that we should get down to the realization that the discussions of this Council should be the discussions on points of policy and not on points of detail. The only other thing I

would like to say, Sir, is—the hon. Member for Rift Valley spoke about the fact that in the House of Commons, the Opposition is content to be silent for four years. Of course, what keeps the Opposition silent in the House of Commons on many occasions is the fact that at some future date they may be called to put into operation the policy they are advocating, and that of course has, Sir, a most restraining influence upon the suggestions one feels inclined to put forward. I think the hon. Member for Rift Valley will agree that that is indeed one of the restraining influences. However, Sir, I like the hon. Member for Agriculture and Natural Resources, would not actively oppose if it is the wish of the majority of the Council, but, Sir, I do join with him in his plea that we shall get more and more down to the discussion of broad policy and more and more to the restriction of the time to be spent upon detailed debate.

One other point, Sir, is that of course in paragraph 8 the words read "a majority of your Committee would have wished to curtail the debate" and indeed this present proposal does not represent what the majority of the Committee would have wished to have happened.

THE CHIEF SECRETARY: Mr. President, speaking to the amendment, I should like to say first of all that we fully appreciate that the object of the amendment is merely to extend the potential time for this Committee and does not mean necessarily that the whole of that time will be spent in the Committee. (Hear, hear.) When the Committee considered this matter, it gave very careful thought to it, and I agree entirely with what my hon. friends, the Member for Agriculture and the Member for Health and Local Government, have said, that it would be a very great pity to extend the potential time, because we feel that twelve days, twelve whole days, ought to be ample time for expressing all the views which need to be expressed.

Although I will have an opportunity when winding up of dealing with the matters raised by the hon. Member for Kiambu, I think it would help the Council if I said at this stage that naturally when arranging the programme the Government will endeavour to fall in with the wishes of Unofficial Members so far as the order is concerned, as well as so far as which Heads are to be

[The Chief Secretary] debated. (Applause.) Naturally, in making up the programme we will have to take into account Members' convenience and when it is possible to bring Members to explain their Heads or Votes, but I see no reason why we should not be able to meet entirely the wishes of hon. Members opposite in arranging the order.

Now, the hon. Member for Rift Valley said that one difference in the House of Commons was that the Opposition might become the Government at a later stage, and it would then be able to express its views without limit. Well, now, the limits apply equally to Members of the Government as to Members on the other side, and it does seem to be a little odd that, in view of what the hon. Member for Rift Valley had to say on that subject, we heard just a little earlier another Member expressing the hope that Government Members would constrain themselves. Well, Sir, the Government Members will certainly do their best to be as concise as possible.

So far as this amendment is concerned, we feel that if twelve whole days are available and if the programme is arranged in accordance with the wishes of Unofficial Members there should be every opportunity for saying all that needs to be said within that limit, and although the Government will not vote against the amendment it will accept it with regret, Sir, because we do hope most sincerely that it will not be necessary.

MR. BLUNDELL: On a point of explanation, Sir, I think the hon. Member for Development has not got quite what I said. What I really meant was, the Government in England, when it puts forward the Budget, is doing so with a mandate from the electorate, and therefore it represents the Government policy as direct to the people, whereas in so far as we are concerned here, hon. Members on the other side are constrained to listen to us and then turn our wishes into what they consider the proper form and then put it back to us (laughter).

MR. COOKE (Coast): Mr Speaker, if I dared to suggest it to you, Sir, I would suggest that the remedy lies very largely in the hands of Mr. Speaker. Sir, I have noticed this over a period of years, that what takes up the time of this Council is the over-elaboration of arguments and

the irrelevances, which were dealt with in this paragraph 8. Now, Sir, the House of Commons has a very sure and certain way of dealing with such matters, because if a Member is prosy or prolix in his arguments the Members gradually drift out of the House until he finds himself addressing an audience of very few people. Or else, Sir, as Mr. Churchill once said, "it leads to swift interruptions and interjections"—of which I used to be rather a past master at this side of the Council, but I have been rather subdued recently (laughter)—those swift interruptions and interjections bring a prosy speaker or a speaker who is being perhaps a bit pompous down to level. I think, Sir, if we employed those methods—of course, within the Rules of the Council—we would curtail debate quite considerably. I have quoted before in this Council, and I will quote again, what Pope said: "For forms of Government let fools contest; what e'er is best administered is best".

LADY SHAW (Ukamba): I just want to make one short explanation with regard to this question of extra time. In discussions with the Unofficial Members on this subject, it was very strongly felt by many Members that with several racial points of view to represent, ten days might not be sufficient, because it is almost certain that about six Heads would have to be discussed in some detail. I find it very difficult to believe that any of the six in my mind could be left out, and I can also imagine there might be others which Members would be anxious to discuss. If Government in introducing those six Heads—this is an exercise in simple arithmetic—if the Government in introducing these six Heads and in moving and in replying to them takes up an hour and a half of the day, which is defined here as a day of two hours, it does in fact leave half an hour in each of those six days for other people to talk. That, by process of elimination, leaves four days plus, that half hour each day for other people's speeches. Now I know perfectly well that many of these days will be more than two hours, but a day defined in fact as two hours, and that is really at the bottom of the feeling on this side of the Council, that it would be wise in an experimental period to make it possible for Members to approach this matter without feeling they are being rushed or

[Lady Shaw] pushed or flustered. That is at the bottom of the proposal. Personally, I do not believe it will work out that way. I do not believe every Government Member will take an hour to introduce his subject or take half an hour to reply to it. But it would be the greatest possible pity in the case of certain of Government Members who have subjects which are very varied and cover an enormous amount of different ground and whose policy we are very anxious to hear, then I think it would be a very great pity if they should not use their hour if they want their hour. It is really a question of a desire to feel that the time given to this side of the Council should not be unduly limited. At the same time, I am quite certain that everyone on this side of the Council is only too anxious to get home and close the Budget Debate.

I beg to support the amendment.

The question was put and carried.

THE PRESIDENT: The debate will be resumed on the substantive motion as further amended.

ATTORNEY GENERAL: Mr. President, in view of the amendment which has just been carried, it will be necessary to ask His Excellency to frame that Rule again for the consideration of the Council. That will come, more strictly, I think, when we consider the second motion which is on the Order Paper.

Sir, in seconding this motion, I did reserve my right to speak later in the debate, but I think that it is unnecessary that I should speak at length, because it seems to me that all the points which have been made have been adequately covered.

I should just like to return thanks to the hon. Mover for the kind words that he said about me. I was responsible for the actual drafting of these Rules, and, in view of the kind reception that they have had, my only doubt now, after listening to the hon. Member for Rift Valley, is whether, in addition to providing for periods of debate, I ought not also to have provided for periods of silence! (Laughter.)

CHIEF SECRETARY: In replying, I would merely like to say that the Committee—and I am sure I can speak on behalf of the whole Committee—is very gratified by the very warm reception which its Report has received.

I have already informed the hon. Member for Kiambu that I think we will be able to meet Unofficial Members in arranging the order of the date in Committee of Supply to suit their convenience. We fully appreciate also—the point he made that there are certain matters which Unofficial Members will wish to be placed on the official record, and we do appreciate that for that reason there are questions which they will wish to ask in the Committee itself, so that the answers can appear in the Hansard. I am sure they will fully understand that, and they will try to elicit as much information as possible outside the Committee by informal discussions with Heads of Departments.

Lastly, Sir, I would like to assure hon. Members that the Government has no desire whatever to "clip their wings", so as to speak, that all we feel—and I know the whole Council feels it, not only the Government side—that it should be possible to say everything that needs to be said and to put everything that needs to be put on the record in the time allowed. We all hope that it will not be necessary to use the additional time required and that later on, when we come to deal with the rest of the Rules and Orders, perhaps after experience in this coming Debate on the Budget we may be able to go back to the original recommendations.

The question was put and carried.

THE PRESIDENT: There are some Bills on the Order Paper for First Reading.

THE CHIEF SECRETARY: Mr. President, there is a second motion and I should be grateful if you would give me one moment to consider it. I want to discuss with my hon. friend the implications of the amendments which were passed to the first motion.

AMENDMENTS TO THE STANDING RULES AND ORDERS OF THE LEGISLATIVE COUNCIL

THE CHIEF SECRETARY: Mr. President, I must apologize for the short delay but as hon. Members will understand, it was necessary to consider what amendment was necessary to the second resolution standing in my name so as to provide for the amendment which was passed to the first one.

Sir, I beg to move:

Be it resolved that the amendments to the Standing Rules and Orders of the

[The Chief Secretary]

Legislative Council framed and proposed for adoption to the Legislative Council by His Excellency, the Governor, by an Instrument dated the 23rd day of October, 1950, and made under Article XXIV of the Royal Instructions, be adopted.

My hon. friend on my left will in a few minutes propose an amendment to this resolution so as to provide for the amendment which was passed to the first. Otherwise, Sir, there is nothing to say. This resolution speaks for itself and follows directly from the one that we have just passed.

I beg to move.

MR. COOKE: On a point of order Sir, if this Instrument is of any use at all, will not it have to go back to His Excellency on a point of amendment?

The Solicitor General seconded.

THE ATTORNEY GENERAL: I beg to move an amendment to the motion:

To add at the end of the motion the words "except that His Excellency the Governor be respectfully requested to frame an amendment to Rule 91n (1) so as to substitute the words 'not exceeding five days in all' for the words 'not exceeding two days in all' therein appearing".

Mr. Havelock seconded.

The question was put and carried.

THE PRESIDENT: The substantive motion as amended by the proposal now accepted is before Council before debate.

The question was put and carried.

BILLS

FIRST READING

THE ATTORNEY GENERAL moved: That the following Bills be read a first time:—

The Wages and General Conditions of Employment.

The Traffic (Amendment) Bill.

I understand, Sir, it is the wish of the hon. Members opposite that a first reading of the Water-Bill should be postponed. I therefore do not move the first reading of that Bill at present.

The Solicitor General seconded.

The question was put and carried and the Bill's read accordingly.

ADJOURNMENT

THE PRESIDENT: That concludes the business on the Order Paper for to-day. Council will adjourn until 10 o'clock tomorrow morning.

Wednesday, 25th October, 1950

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 25th October, 1950.

The President took the Chair at 10 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 24th October, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE ATTORNEY-GENERAL:

An Instrument under Article XXIV of the Royal Instructions framing amendments to Standing Rules and Orders.

BY THE FINANCIAL SECRETARY:

The Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya for the year 1951, and the Draft Estimates of Revenue and Expenditure and Memorandum of the Development and Reconstruction Authority for the year 1951.

BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:

The Hide and Skin Trade (Imposition of Cess) (Amendment) Rules, 1950.

MOTIONS

STANDING AND SELECT COMMITTEES

The Chief Secretary moved: That the following Standing Committees of the Council be appointed:—

Finance Committee consisting of—Chief Secretary (Chairman), Financial Secretary, Chief Native Commissioner, Deputy Chief Secretary, Messrs. S. V. Cooke, M. Blundell, W. B. Havelock, I. E. Nathoo, E. W. Mathu, L. R. Maconochie-Welwood.

Public Accounts Committee consisting of—Mr. M. Blundell (Chairman), Financial Secretary, Member for Health and Local Government, Solicitor-General, Lt.-Col. S. G. Gheris, O.B.E., Messrs. C. G. Usher, M.C., A. Pritam, B. A. Ohanga.

Sessional Committee consisting of—Chief Secretary (Chairman), Attorney General, Financial Secretary, Major

A. G. Keyser, D.S.O., Messrs W. B. Havelock, A. B. Patel, C.M.G., E. W. Mathu.

The Solicitor General seconded.

The question was put and carried.

The Chief Secretary moved: That the following Select Committee of the Council be appointed:—

Legislative Council Ordinance (Cap.38) Amendments consisting of—Attorney General (Chairman), Sir Charles Mortimer, C.B.E., Lt.-Col. S. G. Gheris, O.B.E., Messrs. S. V. Cooke, C. W. Salter, C. B. Madan, J. Jeremiah, S. M. Shatry.

The Solicitor General seconded.

The question was put and carried.

The Attorney General moved: That the following Standing Committee of the Council be appointed:—

Preservation of Law and Order consisting of—Attorney General (Chairman), Major A. G. Keyser, D.S.O., Messrs. L. R. Maconochie-Welwood, C. W. Salter, C. B. Madan, I. E. Nathoo, B. A. Ohanga, J. Jeremiah, Sheikh Said Seif bin Salim.

The Solicitor General seconded.

The question was put and carried.

SCHEDULES OF ADDITIONAL PROVISION Nos. 1 and 2 of 1950

THE FINANCIAL SECRETARY: Mr. President, Sir, I beg to move as follows: That the Standing Finance Committee Report on the Schedules of Additional Provision Nos. 1 and 2 of 1950 be adopted. This is a purely formal motion, and I presume the Council will need no further explanation. I beg to move.

THE ACTING SECRETARY TO THE TREASURY seconded.

The question was put and carried.

DRAFT ESTIMATES OF EXPENDITURE, 1951.

REFERENCE TO COMMITTEE OF SUPPLY

MAJOR KEYSER (Trans Nzoia): On a point of order, may I suggest that in accordance with the maturing custom of this Council, the hon. Financial Secretary be permitted to read his speech on the next motion.

THE PRESIDENT: I take it that hon. Members will be in agreement with the hon. Member for Trans Nzoia, and permission is accorded.

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move: That this Council do resolve itself into Committee of Supply to consider the Draft Estimates of Expenditure for 1951.

Sir, it seems appropriate that the Budget being the main instrument of any Government's economic policy, the Budget speech should open with some reference to the general economic scene. This I accordingly propose to make and, although in the nature of things, our latest information must in the main refer to the last completed year the trend is clear enough to make our picture reasonably current.

1949 saw continued the expansion of our industries both primary and secondary. In agriculture, the increase in production over 1948 was very marked in respect of most products. Statistics for overall African production have not yet reached a stage where accurate figures can be given, but from a general assessment it is clear that this aspect of African economy continues to make great strides. On the non-African side, computation has been effected with some accuracy and the figures disclose among other things that the wheat crop was some 17,000 tons (or 20 per cent) greater in 1949 than in 1948. The maize crop yielded 8,000 tons more. Dairy produce, pig production, sheep production and wattle silviculture all disclosed sharp increases. Of the plantation crops coffee and sugar showed a drop over 1948, but both tea and sisal were up. Our secondary industries continued to expand with undiminished vigour. New establishments included manufactories of building materials, buttons, nails, glass, coir fibre, a tannery, flour mills and so on. In all some 233 new local companies were registered with a nominal capital of nearly £14,000,000. New foreign companies registered increased by three. This development of our economic position is reflected in the growing figures of Kenya's geographical national income. These show an increase from £61,000,000 in 1948 to £71,000,000 in 1949. The figures for 1950 are

Draft Estimates, 1951

[The Financial Secretary]

naturally not available but indications are that the upward trend continues. I appreciate that national income figures could be inflated merely by inflating wages or prices without any corresponding increase in wealth. Indeed part of the increase disclosed by the figures quoted can be ascribed to this cause. By far the greater part of the increase, is however, attributable directly to increased production. In 1949 Agriculture, including African subsistence Agriculture, accounted for £30,000,000 of the £71,600,000 total. If the importance of Agriculture in the economy of the country needed any stressing, these figures convey the necessary emphasis. The figure for non-African Agriculture increased substantially from £7.5-million in 1948 to £9.5-million in 1949, a rise of nearly 27 per cent. Commerce, finance, insurance and all the various ancillary services such as lawyers, brokers, etc., accounted for £12.9-million compared with £10.5-million in 1948. The value of our manufactures increased substantially from £5.5-million to £6.7-million. It will be appreciated that in the present stage of our researches, certain approximations are inevitable but it may be taken that the figures for manufactures are not over-estimated. There is in fact reason to believe that they are on the low side. It is interesting to note that if the value added to such things as sisal, coffee and tea by processing were accorded to manufactures as opposed to Agriculture at present, the value applicable to manufactures would be roughly equal to the figure for non-African Agriculture. The significance of this in relation to our efforts to establish a balanced economy needs no stressing. The value of buildings and constructions increased from £2.2-million to £3-million a reflection of the expansion of industry and commerce in terms of bricks and mortar. It must be appreciated, of course, that the figures given represent only the wages and salaries, etc.; the value of the buildings themselves being much greater. The only activity disclosing a decline was Mining, the fall off in soda ash production and the decline in gold mining being mainly responsible.

As for our external trade, the 1949 figures for overseas trade were the

highest yet recorded. Retained imports were £344-million and exports nearly £11-million. The net balance was just over £234-million in our disfavour. I had occasion last year to point to various offsetting factors in assessing the real position regarding the balance of payments. Apart from the value of Kenya's position as an *entrepot* (she re-exported no less than 33 per cent by value of the goods imported), of her invisible exports in the form of banking, commerce and other services, of her tourist trade and of her claim on overseas assets (these alone produce remittances of not less than £3-million) it must be remembered that a considerable proportion of the net imports represent capital goods. In 1949 the proportion was not less than 28 per cent. Put in another way, not less than 40 per cent of the apparent adverse balance was represented by goods calculated to improve our position as an exporter and to reduce our reliance on imports from abroad. For 1950, figures for the first six months only are available. They disclose a marked reduction in the gap between visible imports and visible exports. Visible imports show a 9 per cent increase by value over 1949, while exports show an increase by value of no less than 44 per cent. We should, however, be wary about making over-sweeping deductions from these latest figures. They reflect the full effect of revaluation on the sterling prices of such exports as pyrethrum and sisal. They must also reflect the rise in the price of primary produce and raw materials generally, i.e. a movement of the terms of trade in our favour. Our export effort must not be relaxed on this account. A rise in raw material prices invariably favours the raw material countries in the early stages but a reversal of the movement may be expected when these higher prices are reflected in the cost of imported manufactured goods.

The sweep of this survey has perforce been broad but on the whole it discloses an economic panorama of considerable brightness. Unfortunately, across this scene a sombre shadow has fallen—the shadow of rising costs. To the impact of revaluation has now been added the increasing pressure of the cold war, world rearmament and the upward surge of world prices. This upward movement

[The Financial Secretary]

is virtually beyond our control. It could constitute a serious threat to our economic stability. Already these conditions have forced upon us increased prices for a number of primary products. The resultant cost of living problem is severe. Increased prices mean increased cost of production and still further increases in prices. What can we do to tackle this problem? I am afraid there is no ready made solution. Clearly it is no answer continually to inflate wages in an attempt to overtake prices. That way can lead only to complete economic disequilibrium and ultimate disruption. Our basic need is to increase our real wealth and in recognizing this is perhaps the pointer to the solution. Our assets, actual and potential, must be developed to the full and as rapidly as we can find the necessary money. We must ensure their optimum exploitation and particularly the optimum exploitation of that fundamental basis of wealth, the land. Last, but far from least, we must strive for an increase in production by an increase in the *per capita* output. I shall have occasion to refer to some of these matters later in this speech.

In the meantime, another cloud on the horizon, and considerably bigger than a man's hand, is the locust threat. Unusually favourable breeding conditions in the Arabian Peninsula have produced vast swarms of the desert locust. Some of these swarms have already invaded India, Pakistan and the French Equatorial Territories. Others have moved south and are almost upon the northern frontiers of East Africa. The danger is considerable. To combat the menace means a widespread and expensive campaign. The problem presents an awkward financial dilemma—whether to spend large sums in the hope of preventing invasion, or whether, on the assessment that prevention is impossible, to reserve the money to offset the effects of the destruction produced. The limited nature of our resources makes the problem that much more intractable.

It is against this background then that this Budget has been framed.

Before submitting to the Council what might be called the policy proposals of the Government I shall give the usual

survey of the revenue and expenditure position together with a brief reference to the finances of the Development Plan. I shall quote figures as little as possible, but honourable members will appreciate that some reference to totals is inevitable. I crave the Council's indulgence.

The approved Revenue Estimates for 1950 of £10,500,360 is likely to be exceeded by over £14-million—the revised estimate being £12,093,547. The main reason for the increase is the rapid acceleration of the Income Tax collections. The year's collection will realize a figure approximating to £3-million compared with the estimate of £11-million. The accelerated pace of collection became apparent only after the 1950 Budget had been laid and honourable members will recall that during the debate in the Committee of Supply I indicated that realizations were likely substantially to exceed the estimate. That prediction has in the event been substantiated and the estimate will be exceeded by about £13-million. On the other hand Customs and Excise revenue is likely to be about £400,000 short of the estimate. Reduced imports of wines and beer, tobacco, clothing and cotton manufactures are mainly responsible, producing a fall of £630,000. Fortunately Excise duties on local beers and tobacco products have been buoyant producing, on the revised estimate, an increase of £270,000. The net effect of these and other less important pluses and minuses is an increase of £1,593,187 on the overall revenue figure.

Expenditure figures are also expected to exceed estimates and by a total of some £1,400,000. Not less than £1-million of this is non-recurrent. Important contributions to the excess were £410,000 for road maintenance equipment, £75,000 for Police and £100,000 against High Commission heads largely for emergency locust measures.

Taking the overall revised figures of revenue and expenditure the surplus for 1950 is expected to stand at just over £320,000 compared with the estimated £124,086. As the revenue balance on 31st December, 1949, is estimated at £5,595,155 the total of accumulated surplus balances on 31st December, 1950, is expected to be £5,915,439. This

[The Financial Secretary]

is admittedly a considerable figure, but lest some people should think this circumstance justifies our embarking upon a fiscal spree I shall take the opportunity of putting a different point of view later in this speech.

The Budget Estimates for 1951 now before the Council provide for a net revenue of £12,948,746. The corresponding expenditure figure is £12,626,684. This gives an estimated surplus for 1951 of £322,062. On the revenue side Customs and Excise are expected to contribute £5,045,000 to the total. In spite of an increase over last year of £405,000 expected from Excise, this total figure is £506,000 below the corresponding 1950 figure. The net fall in import duties is, therefore, £911,000. Part of this is undoubtedly due to the diminution of the back log in consumer and capital goods, about which I expressed some apprehension last year. Income Tax is, however, expected to yield £3,125,000 a figure £1,875,000 above last year's budgeted figure. Among the factors responsible for this increased figure are increasing current yield and accelerated collections of arrears. Based on the present assessment potential the current yield is about £2½-million so that the total figure of £3,125,000 may be taken as including some £625,000 arrears. Poll tax shows an increase of some £169,000. This reflects, among other things, the determined measures being taken to achieve closer collection.

On the Expenditure side the proposed total is £12,626,684 an increase of £2,250,410 over the corresponding figure of last year. The increase is substantial, but it is necessary to say at once that of this figure only £218,000, or slightly less than one-tenth, is represented by recurrent new service proposals made now for the first time by the Government. The remaining nine-tenths spring partly from automatic increases like increments (£337,000), partly from policy and schemes approved during the year by this Council, or its Standing Committee on Finance (these total £235,000) partly from development recurrent charges, £357,000, partly from locust control measures (some £200,000), and a total of about £1-million in respect of certain special non-recurrent contri-

butions. These last items I will refer to later in detail. The figures I have quoted exceed the increase of £2,250,410—but the apparent discrepancy is explained by a number of other pluses and minuses and principally by the disappearance from this year's Budget of the 1950 expenditure item of £500,000 for the short fall in the 1928 loan.

Honourable members will wish to be reminded of the schemes and policies which go to make up the £235,000 ascribed to newly endorsed policy. Examples are, the implementation of the Beecher Report, expansion of the Survey Department, provision for the National Parks, implementation of the Voluntary Unemployed Persons Ordinance, implementation of the Registration of Person Ordinance and so on. I do not wish my reference to the Standing Finance Committee to be construed as an attempt by the Government to shed its responsibility for the increased expenditure bill on to that body. Far from it. I make it clear that the Committee, in any case, deals only with the proposals initiated by the Government. The fact that the Committee endorses a large proportion of the proposals put to it only reflects the inescapable nature of most proposals and the severe sifting process through which they go before being permitted access to the Committee. In its truly anxious care for the interests of the Country, the Committee is as meticulous as any such body might well be and I would here like to bear personal witness to the debt this country owes to this most highly responsible body.

The recurrent development charges spring partly from the need to provide for completed schemes. The staffing of new schools and hospitals are obvious examples. Clearly such expenditure must be faced. The main item, however, is a proposed £270,000 partly for a supplementary sinking fund but very largely for servicing our projected loan. The magnitude of this figure should give food for thought to those who are dissatisfied with our present borrowing programme and consider that we should plunge into debt virtually without limit. The development aspect of our increasing recurrent expenditure is likely to assume ever greater significance as the full impact of capital spending makes itself felt.

[The Financial Secretary]

I now turn to the entirely new expenditure proposals totalling some £218,000. I do not propose to analyse this figure in detail. Those members of Government whose portfolios are concerned will doubtless give all necessary explanation when moving the adoption of the relevant heads in Committee. Suffice it to say here that in considering proposals for new or expanded services the Government has had recourse to the principle of inescapable in relation to the 1951 Estimates. The term inescapable is susceptible of diverse interpretations depending on the circumstances. Thus there is the *intrinsic* case applicable to the Prisons Department. The overflowing and still expanding prison population makes increased provision on this account completely unavoidable. Whatever else fails to secure the approval of this Council extra provision of the order of £11,000 for Prisons must remain in the Budget. Then there is the case of expenditure necessary to avoid a loss of revenue—this year exemplified by the increase under the Registrar General. There is every reason to believe that lack of staff in the office of the Registrar General has prevented adequate administration of Estate Duties. Estimation is difficult, but it seems likely that the loss to revenue on this account has so far been considerable. It would clearly be foolish to let this loss continue for the sake of a small extra expenditure. Extra provision is therefore made. Earlier I referred to the one aspect of our industry which was tending to languish, that is Mining. Viewed against our efforts to establish a balanced economy this trend can only be characterized as regrettable. The decline may be only temporary and indeed the most recent general assessment indicates an expanded activity in respect of a number of minerals other than those I have mentioned. Nevertheless it behoves us to take any practical steps we can to ensure the proper exploitation of our mineral resources. One such step is the earliest assessment of what those resources are. Another is to give, where it is needed, a fresh stimulus to a mining activity overburdened by excessive production costs. If we are not to fail in our efforts, such measures brook no delay—a sentiment which finds expres-

sion in the increase for more geologists under Mining and the provision of £5,000 for gold mining development under the head Miscellaneous Services of these Estimates. The Council will also note that the administration of Weights and Measures has been transferred from the Police to the portfolio of the Member for Commerce and Industry. Moreover, an increase of some £6,000 is proposed. It is the view of this Government that in any country which values its commerce and trade the proper calibration and inspection of weights and measures is essential. The position in this country has therefore been reviewed and it is considered that the time has come when the matter must be placed on a proper footing. Apart from the importance of this aspect of administration in relation to trade itself, it is unfortunately an established fact that absence of proper inspection has resulted in the malpractice of weighing against short measure. In the nature of things the victims of these malpractices are, most often, those who can least afford the loss. Short measure is equivalent to raising the price and, therefore, the cost of living of those thus mulcted. Inspection and the liability to inspection is calculated to minimize this evil. The measure therefore, apart from being itself revenue earning, must produce at least some effect upon the living costs of a large number of people. I think the Council will agree with me that any reasonable measures likely to produce a reduction in living costs must, at this juncture, be regarded as inescapable.

Other increases are susceptible of similar analysis—but I shall not enumerate this speech with further examples. I have no doubt that the Members of Government concerned will be able to satisfy the Council as to the angle from which their own particular proposals must be considered inescapable. I would, however, like to point out that by careful pruning and retrenchment it has been possible to produce recurrent savings of some £64,000 per annum as a partial offset against the proposed increases. The net effect, therefore, is an increase not of £218,000 but of £154,000.

And now something on the capital Budget. Hon. Members will recall that I gave a general analysis of the overall position in my Budget speech last year

[The Financial Secretary] and a more detailed analysis in moving the second reading of the Development Loan Bill in the May sitting of Council. I do not propose to repeat those analyses. One important aspect, however, calls for mention. I refer to the level of annual spending over the remaining five years of the Development Plan. It has now been possible to review this matter and set down a proper programme. It might be argued that where a ten-year plan is evolved the optimum scheme is to spend the capital evenly at 1/10th every year. Things do not, however, work out quite that way. In the first place the creation of the necessary machine takes time, and spending in the earlier years is bound to be low. In the second place, many schemes are of such vital urgency that their execution cannot wait upon the achievement of an average. Provided finance is available at the necessary rate, therefore, the natural curve of activity is a slow rise in the first few years followed—as the organization is built up—by an upward swoop to a peak well above average in the middle years; this is followed in turn by a steady fall thereafter. Assessed against present foreseeable resources our own development activity is likely to follow just such a curve. Our spending has been as follows:—

1946	984,000
1947	1,587,000
1948	2,635,000
1949	4,100,000
1950	4,500,000

The upward swoop is well in evidence, and in the absence of finance beyond the so far computed total of £28,803,000, 1950 is likely to be the peak year. It is obvious that unless our executive organization is to be wholly uneconomic, or the organization itself is to be seriously disrupted by arbitrary amputation, spending in 1951 cannot be far below that in 1950. The figure proposed is £4,100,000. And similarly for 1952. In other words waste can only be avoided if our deceleration is smooth and controlled.

Clearly, however, such controlled deceleration is only possible to the extent that our finances permit. Fortunately our finances do so permit and the

major role in this exercise of control is being played by our surplus balances. The spending rate proposed in 1951 and succeeding years is:—

1951	4,100,000
1952	3,500,000
1953	3,000,000
1954	2,500,000
1955	1,900,000

Having regard to the foreseeable rate of raising loan moneys this scheme of spending will involve advances from our surplus balances to a total of £3,250,000 by the end of 1951. Fortunately, as I have said, we have these surplus balances to lend and the immense advantage to the country in so having is clear. Not only has their possession enabled us considerably to defer the impact of heavy loan charges upon our resources, but they have proved of great value in securing the establishment of an economic rate of spending. I have naturally not attempted to give the complex analysis from which was deduced the rate of spending referred to, but that analysis envisages the repayment of the advances in the years 1952 to 1954. I strongly advise that these precious balances, which give us such control over our general finances, be not squandered in mere taxation palliatives. Their proper use is in the prevention of the waste inevitable in the costly business of living from hand to mouth, in the deferment of borrowing, in the early discharge of onerous indebtedness. They also stand behind the guarantees and commitments involved in governmental policy. They serve as working capital. Our own surpluses are put to all these uses. Contrary to the opinion held in some quarters therefore, these balances are far from being idle. Indeed it is clear that we should be grievously cramped without them. Apart moreover from the restriction upon our financial manoeuvrability which their dissipation would occasion, I hold it to be wholly wrong in principle to use *ad hoc* moneys of this kind to bring about, by taxation palliatives, what must clearly be a recurrent fall in the country's income.

I hope, sir, I have made it clear that the analysis I have so far given refers to the figures and circumstances as they stand to-day. Obviously the provision of

[The Financial Secretary] fresh finance, such as higher contributions from revenue, would enable an enhancement of our spending levels or the prolongation of our Development Plan.

Honourable Members will recall that the opening passages of this speech were devoted to a brief economic survey in order to focus attention upon the factors against which the Budget had been framed. Briefly these factors are:—

1. The menace of risings costs and the consequent cost of living problem.
2. The intrinsic need to develop our resources at the greatest speed.
3. The need for the optimum utilization of our assets, particularly of the land.
4. The threat of locust invasion.

With regard to the first of these we must unfortunately recognize that in relation to the major aspect of landed costs the problem is largely beyond our control. The magnitude of this aspect is proportionate to our dependence upon imports and this, in a young developing country, is naturally very considerable. The only elements of the consumer price within the Government's control are the import duty and the post importation profit. The import duty element does not loom as large in the essentials of family budgets as popular opinion evidently holds, but, nevertheless, it does in fact represent something. While, therefore, the requirements of our financial equilibrium preclude wholesale relinquishments of revenue, the Government has considered it imperative meticulously to examine the problem from this aspect. The exercise has been to produce the maximum downward effect upon the cost of living with the minimum sacrifice of revenue. The items figuring in the various cost of living indices have, therefore, been examined and in the upshot it is proposed that the following abolitions or reductions in duty should be effected:—

Tea.—Excise duty of 15 cents per lb. to be abolished.

Kerosene.—Customs duty of 26.2/3 cents per gallon to be abolished.

Khaki Drill.—Customs duty of 20 per cent *ad valorem* to be reduced to 10 per cent. Specific duty halved.

Made-up Garments.—Customs duty of 20 per cent to be abolished.

Blankets.—Customs duty of 22 per cent to be reduced to 11 per cent. Specific duty to be halved.

These items have been chosen as pertaining to all sections of the community. The cost to the revenue will be £318,000 in a full year. The abolition or reduction will take place with immediate effect. (Applause.)

Turning to the question of post importation profit, it is obvious that if we are to ensure that the reduction resulting from duty adjustments is fully passed on to the consumer, it is essential that Price Control should exist in regard to the items affected. Moreover, it is intended to reimpose this control in respect of a wide field of other items previously decontrolled. Decontrol has in the past been effected where there was evidence that the goods in question were in free and assured supply. It was assumed that the ordinary economic laws of supply and demand would operate to produce competitive prices. Unfortunately, in the case of many things it has not worked out like that. While goods may be in world free supply there are certain factors in this country which operate to impede the free flow of goods to the points of consumption. Sporadic arrival of ships, the limitations of our ports and the carrying capacity of our transport system are obvious examples. Unscrupulous persons have not been slow to seize upon the opportunities presented by the circumstance of local shortage, consumer apathy, and the absence of control. Experience has indeed shown that in a large number of cases suspension of control has been followed by the taking of higher profits and a rise in prices. Some of the profits taken have been substantially above the level formerly permitted under control. In the case of one important consumer item the profit taken was found to be 195 per cent against the 30 per cent formerly permitted. (Shame). This speaks for itself. We have now pursued the policy of decontrol for a considerable time and the fall of prices predicted by those urging decontrol has certainly not eventuated. On the contrary there has often been an inexcusable rise. I think we can justly claim that the laws of competition have had their chance and have, for the most part, failed. If

[The Financial Secretary] the Government is not to fail in its duty to the country considerable reimposition of control is inevitable. Some would call this a retrograde step, but I am sure that no thinking person would agree. (Hear, hear).

Changing conditions are indeed forcing these measures on many other countries of the world including countries like the United States of America with far greater control over their internal economy than we have over ours. However much we may regret an intensification of price control, therefore, we must in present circumstances regard this as unavoidable. It is proposed to introduce this intensification without delay.

Further action which the Government proposes to take in the fight to reduce the cost of living, is to minimize what really amounts to the inflationary effect of the unrestrained use of the credit system by the retail consumer. There is no doubt that the giving of credit on the scale now current in this country with the corresponding need to provide for bad debts and for the cost of accounting must operate to inflate prices. Indeed present controlled prices based as they are for the most part on 1939 prices include, in respect of many articles, a cover element for bad debts, delayed payments and the consequent cost of collection. The Government proposes, therefore, to introduce as early as possible a system whereunder persons making immediate cash payment at the time of retail purchase will secure the benefit of a lower level of prices than that obtaining under the present system. It is proposed to apply this principle to as wide a range of goods as possible.

At my request the Controller of Prices is also examining further ways and means of reducing prices by a reanalysis of the price structure and it is hoped that other measures will be possible which will afford further relief to the general community.

It is expected that provided there is no substantial worsening of the world price position the sum total of the measures to which I have referred should produce a significant effect upon the present cost of living. I must emphasize, however, that the fullest co-operation of the public is essential if these measures

are to be attended by success. There is no control like discriminatory buying and a vigilant public opinion.

I must also emphasize to the Council however, that as far as Government servants are concerned there are already assertions of serious difficulty and even if the measures to which I have referred prove as effective as we hope, and even if we are not overtaken by further substantial price increases, the question of giving monetary relief to Government servants will have to be considered. I think the Council will agree that a discontented Civil Service cannot be conducive to efficiency and if that discontent is justified, the reasons for it should, in equity, be removed. As I have said there are already allegations of difficulty and I suggest that an inquiry into this matter ought to be made without delay. Late this morning, therefore, I propose, with the permission of the Council, to move that a Select Committee be appointed to go into this question and to make recommendations.

Ancillary to measures calculated to reduce the cost of living is action to keep it from rising. As the Council is aware it was necessary this year to increase still further the price paid for mechanized farm produced maize. As is well known, the cost of maize meal has effect throughout the whole fabric of our economic structure and the repercussions of a rise in price, therefore, are wide and cumulative. For these reasons it was decided last year, when a similar rise in farm maize prices was agreed to, that the rise should be absorbed by a subsidy. It is proposed that the increase in maize prices granted this year should also be absorbed. The direct cash cost of this increased subsidy will be £70,000 but the stabilizing effect on the economy of this country will repay this sum many times over.

So much then for the proposals in relation to price rises and the cost of living.

With regard to the second factor, that is the need to develop our resources as quickly as possible—the matter clearly hinges upon the rate at which we can find the necessary money. I have had occasion more than once in this Council to refer to the limits upon our capacity to raise loan moneys. I know that the limitations in question are very unpalatable to certain sections of public opinion,

[The Financial Secretary] but I cannot at this juncture advise going beyond a total public debt of £20,000,000 by 1955. Loan charges for a debt much beyond that figure might easily outrun our capacity to meet them. We already have a foretaste of what the total burden will be in the need to provide a figure approaching £270,000 recurrent in respect of our first loan. Nevertheless, I am at one with those who consider that if possible more money should be found for productive development. There is, however, only one other foreseeable source from which such money can come and that is the current revenue. In this connexion I will, with the permission of the Council, quote a small extract from the speech delivered by Mr. Eugene Black, President of the International Bank of Reconstruction and Development when he addressed in Paris on 8th September the 5th Annual General Meeting of the Governors. Among other things he said:—

"Whatever the rights and obligations of different nations may be, development is not something that can be imported from abroad. It is something which can only be won internally by acceptance of responsibility, hard work and sacrifice. The first essential seems to be the formulation of a balanced development programme. This involves rejecting political pressure for monumental show pieces, and the pressures of vested interests for an enhancement of their position. It is not enough to avoid inflation. It is also necessary to adopt tax systems which make available a greater share of domestic wealth for development purposes."

In general agreement with these views, and in accord with what it believes to be the general wish of the country, the Government, therefore, proposes to increase for this year the revenue contribution for the Development and Reconstruction Authority by a further £200,000. Furthermore, as the Council is aware, it is proposed to present later in this sifting a Bill, for the establishment of a Road Authority and a Road Fund. The revenue for the Road Authority will, in the main, be the proceeds of certain taxation. The capital must, of course, come from the general funds at present earmarked

against our general Development Plan. It is, however, an inescapable fact that if other important aspects of our development are not to be seriously curtailed, the capital sums available for road development are below the total necessary to produce an adequate and well-integrated road system. While, therefore, there can be no question of such action constituting a commitment in regard to future years it is proposed this year to make a special contribution to the capital account of the Road Authority of £300,000. This contribution should enable the Road Authority to get off to a good start, and, provided the money is not expended on roads of a standard wastefully out of proportion to our needs and finances, the contribution should show good dividends in the years to come.

In my reference to the third factor, i.e. the paramount and essential need for the optimum exploitation of our assets and, in particular of the land, I do not wish impliedly to underrate the efforts already being made to preserve the full fruitfulness of the soil. The large sum of £3,000,000 is already in process of being expended through the Development and Reconstruction Authority on land rehabilitation and settlement in African areas. A further £656,000 is being expended on soil conservation in the same areas. I had in mind, however, the problem presented by certain of the Cereals growing areas of this country. As is well known the Government in fixing the prices of farm-grown maize and wheat takes into consideration the cost of production. Such costs are averaged over the whole acreage of these farm-grown cereals. Consequently they include the cost of growing crops on ecologically unsuitable land or areas of low soil fertility—sometimes loosely called the sub-marginal lands. This procedure not only operates to inflate the price but, worse still, it connives at the further impoverishment of land already unfit for growing these cereals. It is true that until comparatively recently, the country needed all the maize and wheat that could be produced, including that produced on these so-called sub-marginal lands. With the much increased overall production, however, the time has now arrived when a longer range policy is possible and the danger of a potential shortage no longer exists as a reason for permitting the con-

[The Financial Secretary] tinuance of this wastage. Certainly in allowing the utter ruin of these otherwise useful areas to continue without making every effort to reclaim them, we shall incur the just censure of generations unborn. As is well known, reclamation of this kind is best effected by a change over from cereal monoculture to a system of mixed farming. But such a change involves capital and a considerable proportion of the farmers concerned are without capital and without the facilities to raise it. If the change over is to be effected, these farmers will need assistance and I suggest that the only method of giving that assistance is to make available to them finance at reasonable rates of interest. The Government, therefore, proposes to institute a Rehabilitation Fund from which, in appropriate cases, advances can be made to such of these farmers who, for reasons beyond their control, cannot raise the necessary capital. The problem is a considerable one and it is estimated that over the whole scheme a total of about £1,000,000 will in due course be needed. Although there can be no question of providing so large a sum this year I suggest that the problem is so urgent that we should not defer making a start if we can find at least part of the money. The Government, therefore, proposes to earmark for the Fund a contribution of £200,000 from revenue this year. I do not wish to disguise the fact that since the money may have to be lent without proper security in the ordinary sense, there will be a certain amount of financial risk involved. I suggest, however, that if we can succeed in reclaiming these large and potentially valuable areas, the risk will have been taken in a very good cause. The details of this scheme are at present under the consideration of myself and of my hon. friend the Member for Agriculture and in due course concrete proposals will be placed before this Council for approval.

Now, Sir, as to my fourth factor, I have on several occasions in the past year referred to the need to build up an adequate revenue reserve. The function of such a reserve would be to act as a cushion against the impact of economic adversity, or as a standby against the advent of special calamity. The recrudescence of the locust threat will, I

think, add point to these references. Widespread and prolonged drought would represent another calamity producing similar results. The locust threat, as I have already said, presents an awkward dilemma. We must clearly make every effort to ward off disaster. But there can be no guarantee that these efforts, expensive as they are, will be successful. Moreover, although His Majesty's Government is now making a generous contribution to the cost of the control campaign, that Government has made it clear that with the enormous expenditure involved in rearmament, it may not be possible to continue these contributions—at any rate at their present level. As for slump conditions it is true that no reserve of feasible proportions could hold off the effects of world recession indefinitely, but nevertheless the existence of a reserve would enable us to adjust our economy with the minimum waste and disruption. It is my very strong view therefore that we should be foolish to let pass the opportunity presented by the existing buoyant conditions without building up such a reserve. Our present Reserve Fund stands at £500,000. I consider this well below what is needed. What the magnitude of the ultimate reserve should be is difficult to assess. It naturally depends upon the magnitude of any calamity we may have to face or the strength and duration of any recession. I would suggest however that a figure of £4,000,000 would not be excessive. It is proposed therefore to make a start this year by making a contribution of £250,000 to the building up of the reserve. I consider also that we should aim at finding something each year from revenue or, maybe later from surplus balances when these are repaid by the Development and Reconstruction Authority, until the reserve attains the proportions I have suggested. If, in the event, our economy, unaffected by adversity, goes from strength to strength and attains a degree of resilience that make a reserve of any size unnecessary there will be nothing to prevent the accumulations being utilized on such worthy objects as a new development programme or the funding of those of our pensions which are contributory.

Sir, the provision of the considerable extra sums proposed in these Estimates,

[The Financial Secretary] together with the revenue sacrifices suggested in pursuance of the policy to bring down the cost of living, has made it necessary for the Government to cast around for ways and means of increasing the revenue. The greatly increased cost of social services for Africans, particularly in regard to education, coupled with the increasing returns secured by the African for much of his produce, renders it appropriate that the increase in poll tax foreshadowed in last year's Budget debate by the honourable, the Chief Native Commissioner, should be put into effect for the coming year. It is, therefore, proposed that there should be increases in existing rates, varying from Sh. 1 to Sh. 2, depending upon the area concerned. These increases will come into effect for 1951 and are expected to produce a total of £90,000 in a full year.

It is the Government's policy to keep company tax as low as our fiscal needs permit during the early development period of our commerce and industry. This policy has been reinforced by such other measures as Customs drawbacks on raw materials and the subsidization of African labour via maize and housing subsidies. The prospering condition of most aspects of commerce and industry in this country bears witness to the success of that policy. There is no doubt that in many cases high profits are being made. Now, therefore, that extra money is needed, the Government considers it reasonable that the policy hitherto pursued should be asked to produce a dividend. The Company tax in Kenya is not only far below that in the United Kingdom (I would not suggest even by implication that we should approach the United Kingdom level), but it is also well below that obtaining in most of the other major Colonies. It is, therefore, proposed to raise this tax from the present level of Sh. 4 in the pound to Sh. 5 in the pound for the coming fiscal year. In a full year this measure is expected to yield £250,000.

These two increases, i.e. poll tax and Company tax represent the sum total of the Government's tax proposals this year, although but for the buoyancy of certain items of revenue, particularly personal Income Tax and Excise, further meas-

ures might have been necessary. The legislation necessary to give statutory effect to these changes will be introduced later. In the meantime Orders by the Governor in Council under the Customs and Excise Duties (Provisional Collection) Ordinance giving effect to the proposed reductions in Customs and Excise duties are being issued this morning and the relevant Bills will be taken through all their stages in the present sitting.

It is perhaps unnecessary to add that before the appropriate legislation is introduced all the taxation proposals which I have made must be considered by a Committee of the whole Council in Ways and Means. I now therefore give formal notice that I shall introduce a motion later in this sitting, that the Council do resolve into Committee of Ways and Means to consider of the ways and means for raising the supply to be granted.

And so we come to the end of another Budget speech. I am afraid that I have perhaps detained hon. Members rather longer than is usual. The Council will appreciate, however, that we are in a period of great change and positive measures are essential if we are to retain the necessary degree of control over our economic well being. What these measures should be has demanded great thought. They equally demand the fullest and most careful explanation. Some of the proposals may not commend themselves wholly to all hon. Members but they represent a sincere attempt to tackle some of the problems confronting us today. It is in the same spirit of sincerity, Sir, that I commend the Estimates to the Council.

I beg to move. (Applause.)

THE CHIEF SECRETARY seconded.

Council adjourned at 11.15 a.m. and resumed at 11.35 a.m.

MAJOR KEYSER: Mr. President, I beg to move that the debate on the motion before this Council be adjourned. This, Sir, is in accordance with the practice that has arisen in the last few years in this Council. Sir, I beg to move.

MR. HAVELock seconded.

The question was put and carried.

SUSPENSION OF STANDING RULES AND ORDERS

THE ATTORNEY GENERAL moved: That Standing Rules and Orders be suspended to enable the motion standing in the name of the Financial Secretary to be moved without due notice.

The Solicitor General seconded.

The question was put that Standing Rules and Orders be suspended in order to permit the motion standing in the name of the hon. Financial Secretary to be moved.

MR. HAVELOCK (Klambu): It is the opinion of the Unofficial Members that, especially in view of what we have heard this morning, and also that there has been a Commission of Enquiry into the cost of living generally—we understand the report has been submitted to Government—that this matter should not be hurried, and this particular matter should not be taken under suspension of Standing Rules and Orders.

Sir, I beg to oppose.

THE FINANCIAL SECRETARY: Mr. President, I am sorry that hon. Members opposite feel that way. There might be some urgency about this matter, and I would prefer to have seen the motion moved this morning, and the appointment of a Committee without delay, but since hon. Members opposite do feel that way the Government will not press this motion. (Applause). I give notice, however, that I propose to move this motion on the first day of the resumed sitting.

THE ATTORNEY GENERAL: Mr. President, with your permission, in view of what has happened, I would ask leave to withdraw my motion to suspend Standing Rules and Orders.

THE PRESIDENT: In the circumstances permission is accorded.

LEGISLATIVE COUNCIL (TEMPORARY AMENDMENTS)

THE CHIEF SECRETARY: Mr. President, I beg to move: Be it resolved that sections 2, 3 and 4 of the Legislative Council (Temporary Amendments) (Cap. 38b) shall remain in force until 31st December, 1951.

Hon. Members will recollect that in 1948 this Council passed a Bill to amend the Legislative Council Ordinance of

1935. That amendment had as its main object the reservation of one seat in the Legislative Council for an India Muslim, and one seat for a representative of the other sections of the Indian community in each of the Central and Eastern Electoral areas. A further object was to provide that each voter in those electorates should be entitled to vote for one candidate only. Section 8 of the amending Ordinance provided that those amendments should remain in force until the 31st day of December, 1949, provided that the Governor, with the approval of the Legislative Council, signified by resolution, may by proclamation declare that such section shall remain in force for a further period not exceeding two years from such date, or in like manner declare that such section shall cease to have effect from such date as may be specified in such proclamation.

The Council will also recollect that last year by Resolution we extended the operation of those amendments up to the end of this year—that is, until the end of 1950. Those amendments provided a purely temporary expedient designed to cover the gap until we should have reached a permanent solution of the question of Indian representation in this Council. We have not yet done that, but, as hon. Members heard yesterday, His Excellency the Governor stated that he proposed shortly to discuss with the leaders of the various groups the question of the allocation of seats in this Council. In the meantime it is of course necessary to provide for the extension of that temporary expedient and the motion which I am moving now will extend the period until the end of 1951. I feel sure that hon. Members recognize that that is necessary and therefore I hope that they will give their support to the motion.

Sir, I beg to move.

The Attorney General seconded.

MR. MADAN (Central Area): Mr. President, Sir, to place it on record once more I would reiterate that the Indian community has always been opposed and is still opposed to the splitting up of seats on a religious basis. For that reason I will not vote for this motion, Sir.

DR. RANA: (Eastern Area): Mr. President, it was not my intention to intervene, but as my hon. friend has said, I would

57 Bills

[Dr. Rana] like to place on record that the Muslim community of Kenya would not be satisfied unless we are given representation separate from the so-called Indian community, and Sir, I support the motion.

THE PRESIDENT: If no other Member wishes to speak I will ask the hon. Mover to reply.

THE CHIEF SECRETARY: I do not think there is anything which requires a reply.

The question was put and carried.

BILLS

FIRST READING

On the motion of the Attorney General, and seconded by the Solicitor General, the following Bill was read a first time—

The Sisal (Amendment) Bill.

The question was put and carried.

BILLS

SECOND READING

THE ATTORNEY GENERAL: Mr. President, there are two Bills on the Order

Paper for second reading, The Wages and General Conditions of Employment Bill, and the Traffic (Amendment) Bill. I understand that it is the wish of hon. Members opposite that a little more time should be given for consideration of these Bills, and I therefore ask that they be not proceeded with to-day, but I should like to give notice that these two Bills will be taken through all their subsequent stages during the present session of this Council.

THE PRESIDENT: I take it that the suspension of consideration of these Bills has the general approval of hon. Members. Is it proposed to take the Customs Bill under suspension?

THE CHIEF SECRETARY: No Sir, there no need to.

ADJOURNMENT

THE PRESIDENT: That concludes the business on the Order Paper for to-day. Council will adjourn until 14th November at 10 a.m.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

THIRD SESSION, 1950

Tuesday, 14th November, 1950

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 14th November, 1950.

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

COMMUNICATION FROM THE CHAIR

THE PRESIDENT: Hon. Members before we proceed to the consideration of the formal items on the Order of the Day, I have a communication which I wish to make to the Council. A telegram has been received from the Speaker of the House of Commons in acknowledgement of the message of congratulations and good wishes which was sent by hon. Members in commemoration of the opening of the new House of Commons. The telegram reads as follows:

"Received with great pleasure the congratulations of the Legislative Council of the Colony and Protectorate of Kenya and I read out to the House of Commons the Resolution which was enthusiastically received. Please accept and convey to all Members our grateful thanks. Douglas Clifton Brown, Speaker, House of Commons, London." (Applause.)

One other small matter I must mention. Hon. Members have on their tables a paper relating to the Hansard service. They may not have had time to read it so I will say a few words about it. Arrangements have been made for a 48-hour Hansard service. That will I am sure meet with the wishes and the convenience of Hon. Members and that arrangement is going to start today, but it does require the co-operation of all hon. Members. Corrections of the typescript which will be placed in your hands must be in the hands of the Hansard Secretary by eleven o'clock on the morning following the day

on which the speeches were made, otherwise the speeches will go in as typed and uncorrected. I am quite sure that hon. Members would not in every case wish that to happen.

We will now proceed with the Order of the Day.

MINUTES

The minutes of the meeting of 25th October, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE CHIEF SECRETARY:

Proceedings of the East Africa Central Legislative Assembly, Third Session 1950-51, Second Meeting.

Public Works Department Annual Report, 1949.

BY THE DEPUTY CHIEF SECRETARY:

The Labour Department Annual Report, 1949.

The Survey Department Annual Report, 1949.

BY THE HON. MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT:

The Medical Department Annual Report, 1948.

The Report on Relief of Distress amongst Europeans and Asians.

BY THE HON. SECRETARY FOR COMMERCE AND INDUSTRY:

Reports of the Commissioner for Transport, East Africa High Commission, and the General Manager on the Administration of the East African Railways and Harbours, for the year ended 31st December, 1949.

The Mines and Geological Department Annual Report, 1949.

NOTICE OF MOTION

MR. HAVELOCK (Kiambu) gave notice of the following motion:

That this Council recommends to His Excellency the Governor, that the proposed rule 91 (H) appearing in annex 2 of the Report of the Committee appointed to review the Standing Rules and Orders of the Legislative Council be framed for adoption by the Council.

BILLS

FIRST READING

On the motion of the Attorney General, seconded by the Solicitor General, the following Bills were read a first time: The Pyrethrum (Amendment) Bill; the Shipping (Amendment) Bill; the Industrial Licensing (Amendment) Bill.

Notice was given that all subsequent stages of these Bills would be taken during the present sitting.

MOTIONS

SELECT COMMITTEE—COST OF LIVING ALLOWANCES FOR GOVERNMENT SERVANTS

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move as follows:—

Be it resolved that a Select Committee of this Council be appointed with the following terms of reference:—

Having regard to the existing price levels and the effect of any measure taken by the Government on those levels in relation to the cost of living, to investigate whether relief is required for any class of Government servant, and if so—

(a) what the scheme of relief should be, and

(b) from what date such relief should take effect.

Now Sir, it is not my intention to speak at any length on this motion. Indeed I suggest that at this stage if we are to avoid giving any impression of preconceived ideas, the less said the better. The demand by Government servants for relief of this kind is well known. In fact, it has been on several occasions in the past very strongly aired in the press. I mentioned in the Budget Speech that a discontented Civil Service is hardly conducive to efficiency and if that discontent is based upon a just cause then in equity we must

seek to remove that cause. It is at least very desirable, therefore, to investigate this matter and it is the Government's view that any investigation of a matter so important as this that the Council should be associated with the investigation from the very outset. It is for this reason that the motion seeks the appointment of a Select Committee of this Council. The wording of the motion is very wide and avoids any suggestion of prejudging the issue. Among other things it provides for taking into account the effect of any measures which the Government is taking and may take in the near future in relation to the cost of living.

Sir, I said I was not proposing to speak at great length on this motion and I accordingly beg to move.

THE ACTING SECRETARY to the Treasury seconded.

MR. HAVELOCK (Kiambu): Mr. President, in supporting this motion I should like to comment that there is a certain amount of disquiet on this side of the Council at the results of this Committee. It is realized of course that it is an exploratory Committee and their decision and the recommendations cannot be prejudged but I personally would have liked this Committee to have had wider terms of reference and to have been able, if they found they should recommend some form of relief, at the same time to take into consideration the financial resources of the Colony; that they should have power to make some recommendations to this Council as to how the expense should be relieved by some form of economy, and I do hope that the Committee may keep that in view when they are investigating the task they have ahead of them.

Sir, in conclusion I would merely say in answer to the speech by the hon. Member for Finance that it is true of course that a discontented Civil Service is an extremely bad thing for the country but I would also say that a discontented public is hardly conducive to good government.

THE FINANCIAL SECRETARY: Sir, I can assure the hon. Member that it is indeed constantly at the forefront of the Government's mind in general, and the Treasury's mind in particular, to keep down the cost of providing services for the country and I have no doubt whatever that the Treasury's representative on

[The Financial Secretary] this Committee in particular, and the rest of the Members in general will keep very much in the forefront of their minds the remark made by the hon. Member opposite.

The question was put and carried.

DRAFT ESTIMATES OF EXPENDITURE, 1951

REFERENCE TO COMMITTEE OF SUPPLY

THE PRESIDENT: We will proceed now to consider the next motion on the Order Paper.

The hon. Financial Secretary has moved and the Chief Secretary has seconded that Council do resolve itself into Committee of Supply to consider the Draft Estimates of Expenditure for 1951.

Before the debate commences I take this opportunity of reminding hon. Members of the self-denying restriction they have imposed upon themselves. That is that no speech may take longer than 30 minutes except that with the permission of the Speaker four hon. Members may speak for longer than 30 minutes if they give notice of their desire to do so on rising to speak, and one Member on the Official side. In accordance with the custom of this Council, endorsed by the Select Committee the report of which has recently been adopted, the debate will be allowed to range over the whole field of Government policy, both the expenditure and revenue, provided hon. Members confine themselves strictly to matters of principle and refrain from entering into discussion on detail for which the opportunity will later arise.

The debate will now proceed.

MAJOR KEYSER (Trans Nzoia): Mr. President, I should like, with your permission, to avail myself of the opportunity which is given to one of our hon. Members to speak for longer than half an hour. I hope, Sir, I shall not need to but I make the request in case I am longer winded than I think I might be.

Sir, I shall be speaking on behalf of the European Elected Members but I would like to make it clear that there are one or two points on which we are not entirely unanimous and those points will be brought out by hon. Members when they speak. I should like Sir, to start off by congratulating the hon. Member for

Finance on the excellence of his speech made to us when he moved the motion before Council. (Applause.)

To me, Sir, the most interesting part of that speech was the very wide review that he made of the economic position of the Colony because of course, Sir, it is on the economic wealth of the Colony that the health of our budget must rely. In making this review, Sir, he gave us a very pleasing picture of the progress that has been made in the industrial development in the Colony and also in the increase of production that has taken place in agriculture and he particularly mentioned certain increases in non-African production that have occurred during 1949.

That increase to my mind, Sir, is due very greatly to the increased European settlement that has taken place since the war, and it is pleasing to note that it is the first fruits of our development plan in the form of an increase in our national income, and an increase in the revenue of the Colony.

It does strike me, Sir, that as far as industrial development is concerned most of our efforts at the moment, and naturally so in the early stages of industrial development—most of our efforts are confined to the production of goods that will be consumed in the Colony, which of course has the effect of lowering our import requirements. But I do think, Sir, that the time has arrived when some effort should be made to manufacture some of our raw materials for export. For instance, one matter—one raw material—that does spring to my mind is sisal. We export a vast quantity of sisal in raw material which goes to other countries and is there manufactured into twine or matting or something of that sort, and I do believe that we should make a very strong effort, Sir, to manufacture, to export, our produce as far as possible in a manufactured condition.

It would also, of course, greatly assist by increasing the value of our exports in reducing that unfavourable trade balance of £23,500,000, which I am sure the hon. Member does not like, or rather dislikes very much more than he appeared to when he was making his speech. And that unfavourable trade balance can really only be dealt with by us, and decreased by a very great increase in our production, which would result in a big increase in our exports. I cannot contemplate a

[Major Keyser]

very great reduction in our imports which will be, say, comfort by comfort. I believe it will be a retrograde step to decrease our imports merely on the grounds of austerity. I do not suppose that in the future imports will decrease very greatly, but we must make every effort possible to increase our exports in order to lessen that very big gap.

Now, Sir, the hon. Member ended up his review by saying that, and I think that that was the crux of his review; "Our basic need is to increase our real wealth and in recognizing this is perhaps the pointer to the solution. Our assets, actual and potential, must be developed to the full and as rapidly as we can find the necessary money. We must ensure their optimum exploitation and particularly the optimum exploitation of that fundamental basis of wealth, the land. Last, but far from least, we must strive for an increase in production by an increase in the *per capita* output".

Now, Sir, there is a lot of meat in that: in fact, all the meat to my mind is concentrated in that particular sentence.

With regard, Sir, to the optimum development on the land, with our rate of increase of population, I think we must contemplate the development of that land being towards the production of greater food supplies which will be consumed in the Colony, and it is unlikely at the moment that great and rapid development of the land will result in the near future in increasing our exports, which are so very necessary, as rapidly as they should. But I think that most of our development of the land will have to go towards the production of food in order to avoid our having to import food from overseas.

Now, Sir, the hon. Member said that we must concentrate "we must strive for an increase in production by an increase in the *per capita* output". We have for some considerable time said that we thought that our manpower should be utilized to a greater extent than it is. I believe that the time has now arrived when we should definitely launch out on a campaign on the lines of a rationalization of labour, because at the present moment there is far too great a waste of energy, human energy, which is being used purely and simply to produce food for the individual to live on.

In other words, it is energy being used on subsistence agriculture only, and a rationalization of manpower is now essential. When one looks at the economy of some of the great European countries, one would see almost immediately that they are themselves very short of raw materials, and their economy is based on the importation of raw materials, and turning those into a form by which people can utilize those materials, and they are then exported and sold. In other words, the economy of those countries is based on the export of the fruits of their labour, and we here, with a very substantial population of over five millions, have an opportunity of developing our economy to a very considerable extent if we could only find out the technique of doing so.

Now I am quite sure myself that the leaders of most of all the communities in this Colony have realized it, and I am quite sure that the African leaders have also realized this position—in fact, I know they have. The difficulty is, of course, going to be to put it across to the people, and I do believe that the time has arrived, as I have said before, when Government should give very grave consideration to the manner in which this can be achieved.

The hon. Member, Sir, also mentioned the question of the increase in cost of imported articles, and of course we have all been faced with that, especially in the great rise that has taken place in the cost of machinery and vehicles, for which we are entirely dependent on imports. But up till a few months ago my own view was that we were on the verge of a deflationary period in the world, and that the position would gradually right itself and that provided it was done—it was effected—fairly slowly, and not by a catastrophic drop such as took place in 1929, we would probably be better off at the end of it. But recent events in the world have led one to change one's mind about it, and I believe now that we are at the beginning of another inflationary period—and there are very good reasons of course for that.

The United States is now embarking on an enormous rearmament programme. That will result in a very great increase in the spending power of the working man in the United States, and will also require the importation of large quanti-

[Major Keyser]

ties of raw materials from overseas into the United States, which will itself have the effect of putting more dollars into the hands of other countries who are in need of foodstuffs, and they themselves will then be able to take up some of the food surpluses which have been built up in the last few years in the United States. And although even a few months ago it appeared as though there were going to be enormous surpluses of food in North America, for which the markets could not be found, not because the people did not exist who could consume that food, but because those people did not have the purchasing power with which to buy it from North America. But that position is changing, and what appeared a few months ago as large surpluses are now being absorbed, and will probably continue to be absorbed for some years, or until—and it is quite on the cards—until there might appear some rapid change in the whole of the international situation.

Now, Sir, that is bound to affect us very greatly here in this country because, if this inflationary movement gains fully great impetus in America and in Europe, it means that the cost of our imports are again going to rise enormously; and we know that on the world's markets many of our exports are to-day fetching phenomenal prices. I did think I was mistaken in the price I heard that wool fetched in London a week or so ago. I thought the figure stated on the wireless was 220 pence a pound, which had never been dreamed of before. You have wool, sisal, cotton, rubber, pyrethrum—all fetching fabulous prices, and yet in this Colony we are trying to stop the effects of inflation by keeping down the cost of living. And I believe that we are getting ourselves into a dangerous position by artificially stemming this tide of inflation, to too great an extent. I believe that the barrier might easily burst with disastrous effects and I should like to see a realization that this inflation cannot be stopped. It can be controlled to a great extent but it cannot be stopped and that the inflation should be allowed to take place in a controlled manner otherwise there is a very great danger that it might get completely out of control and then we really will find ourselves in a difficult position.

I would like to advocate consideration of that from the other side, Sir.

Now, Sir, the hon. Member reviewed and gave us certain information on the 1950 revenue and he mentioned that Income tax produced one and a half-million pounds more than the Estimates for 1950. He did not tell us—I do not think—how much of that one and half-million excess was due to arrears, though he did give us the figure of arrears for the Estimates of 1951. We in the past have been very critical of the arrears in the assessments of Income tax, and it is very gratifying for us to see the very great progress that has been effected in the last year or two. (Applause.) I hope, Sir, that that will be continued so that we can get to the stage where every year the assessment is on the total for that year and the collections have been brought completely up to date and that once we have reached that happy state the Income Tax Department will then be able to spread its net wider and catch those who today are escaping paying Income tax at all.

Now, Sir, when the hon. Member got to his Revenue of 1951 I was a little bit confused, because the printed speech says "that the Budget Estimates for 1951 now before the Council provide for a net revenue of £12,948,746" and I could not reconcile that figure with the net revenue in my draft Estimates and I feel that there must be some mistake in it, that after the reimbursements have been taken off that the net figure is considerably below £12,900,000. Now, if I am right, Sir,—I am certainly right that the figure in the speech and in the figure in the draft Estimates do not correspond—but if I am right in the figure that was given as a net figure really being a gross figure then I do think that a little bit more care should be taken because this speech is prepared some considerable time before it is printed and the hon. Member is allowed to read his speech and I think, Sir, that we should be given a printed copy in which the figures are correct and do correspond with the draft Estimates which are handed to us at the same time. If I am wrong I will anticipate the hon. Member by apologising now, but I do not think I am. (Laughter.) He gave, Sir, for 1951 the figure of Income Tax as £3,250,000 of which £625,000 are arrears. That, Sir, of course, is a very satisfying

[Major Keyser]

figure. But adding up roughly the total figures of direct taxation in the draft Estimates and the indirect taxation—it would appear that the ratio has very greatly changed in the last few years because it is not so long ago that the ratio of direct to indirect taxation was somewhere in the region of one to one and three-quarters or two and now it has become almost one to one.

At that time it was generally agreed that the ratio of one to two was a very good one to maintain and I think, Sir, that if there were good reasons for it then, that we should re-consider those now.

With regard, Sir, to the hon. Member's plan for the development expenditure, I think that we are all agreed and I, for one, think his programme for spending is a very good one. It is far better to spend the money as evenly as possible over the next five years rather than have an enormous boost in spending and then find ourselves with staffs which we cannot maintain, but it is a little depressing to think that from 1953 onwards we are going to have less money to spend, and in 1956 we will possibly have none. I am hoping by 1953 our development programme will be producing results and that our revenue will have so increased that we will find it possible either to raise further loans or to find the finance, partly from revenue, partly from loans, to enable us to proceed with our development programme, because I do not believe anyone here is suffering under the delusion of thinking that by 1955 our development necessities will have ceased. So it does behoove us to make every effort as I said earlier on and, as the hon. Member also mentioned in his speech, to increase our production in the Colony so that we can improve our financial position so that we may continue our development programme.

Now, Sir, I come to some of the other recommendations made by the hon. Member and he mentions the matter of surplus balances and I am going to take the question of surplus balances and his proposal of building up a reserve fund together. Some years ago when our surplus balances began to assume respectable proportions there was a suggestion that they should be thrown into the

development programme and used for developmental purposes. Many of us opposed that very strongly and were of the opinion that those surplus balances should be kept intact and I am very glad to say that not only did we succeed in keeping them intact, but also they have slowly increased until to-day they are somewhere in the region of £6,000,000—a very nice and healthy figure. I still maintain, Sir, that those surplus balances should be kept intact, and, as soon as people grab them for any other purposes, we should step hard on those fingers and those surplus balances should be used in the way they are being used to-day, very wisely, in my opinion, on short-term loans, financing the Development and Reconstruction Authority in between raising of money through loans and for the purpose of supplying working capital to Government for the purchase of crops and so on. That money is more or less liquid and if at any time a financial crisis appeared, it would be possible to realize some of these surplus balances fairly rapidly to be brought into use to meet that financial crisis and, as long as we can keep those funds intact, in my opinion they form a very useful and sufficient reserve, a financial reserve for the Colony. There is, of course, always the fear that somebody will grab a big lump of them so that I do not believe myself that there is the necessity of budgeting for a reserve to go to be placed to a fund. One of the disadvantages of having a definite amount like that of a quarter of a million this year in one's expenditure is it is part of a plan; it is part of a scheme and it will be quite easy in future years, if the revenue based on existing taxation does not provide sufficient funds to balance the budget, that there will be a demand for increased taxation in order to provide for this reserve fund, and I believe that that is a danger that we should avoid. I would not oppose a suggestion that, if at the end of the financial year, there is a surplus balance, that part of that balance should then be voted by Legislative Council to a reserve fund, but even then, Sir, I think Legislative Council would have to know exactly in what way those surplus balances are going to be kept. Are they going to be frozen or are they going to be invested in the loans of our neighbouring Colonies? I think, Sir, that considerable thought

[Major Keyser] should be given to the exact manner in which they will be maintained. But I believe it is a worthwhile suggestion coming from us that Government should consider at the end of the year introducing a motion into this Council that part of the surplus balance should go to a reserve fund, providing they can satisfy Legislative Council of the manner in which those funds are going to be invested and the manner in which they are going to be used, because of course if you freeze them so hard that even Legislative Council cannot thaw them, then they will never be of any use. It must be possible for this Council to decide when those funds shall be used.

Now, Sir, I come to possibly a more difficult proposal before the hon. Members and it is, Sir, the question of an increase in the rate of Company income tax. Most of us, Sir, in fact I think I can safely say all but one of our Members, is opposed to the increase of a Company tax and the reason why we are opposed to it is, Sir, that it will be a tax on the undistributed profits of a company and that those undistributed profits are to-day utilized by companies for developmental purposes and for putting money to reserves. We believe, and very strongly, that at this stage in the development of the Colony, it is essential that companies should have funds with which to develop. We have a very small industrial side to our economy and no bar should be put in the way of that development. There are, Sir, a certain amount of other reasons. One is that a limited company is a company which, because its shareholders have their liability limited to their investment in that particular concern, have to submit to a certain amount of inspection of their amounts and they have to submit certain returns and information. In other words they are a controlled concern and they are, because of that, very easy victims of a tax-collector. I think it is a mistake wherever people conform to orthodox methods to make them easier victims of taxation than those who don't and who penalize them for doing it. I believe that there are in this Colony a considerable number of commercial concerns that are not registered as limited companies and,

because these are not registered as limited companies, it is easier for them to evade taxation. It is a matter that should be looked into before the easier-taxed concerns, such as well run limited companies, have their tax increased.

As far, Sir, as the hon. Member's proposals for the decrease of customs duties goes, we accept this, Sir, as a gesture on the part of Government towards the decrease in the cost of living, but we have our doubts as to whether it is the right way in which to do that and whether, in the long run, it is really going to be very effective in keeping down the cost of living in a world where inflation is taking place as rapidly as it is to-day. As far, Sir, as the tea cess is concerned there is a suggestion, one of the suggestions of the hon. Member was that tea excise should be abolished. Now, Sir, it is a few years ago only that we, on this side of the Council, asked for an increase in the tea excise, and we did that because we came to the conclusion that tea was a commodity that was used by all classes and all communities in the Colony and that therefore any increase in the cess of that particular commodity would be distributed right throughout all the people of the Colony and must therefore be considered as a fair way of raising revenue.

Now, Sir, the hon. Member proposed to abolish that tea cess and I consider that because of the very universal use of tea, it is a great pity to have that excise abolished. I believe that the reason why he has selected tea as one of the means of reducing the cost of living is for the very reason that it is used by everybody so that he and I are diametrically opposed to those views. I consider that because it is used by most people in the Colony, it is a good commodity to have a tax on. His way evidently is that because it is used by everyone, it is a good commodity on which to abolish the excise duty. The rates of the commodities on which to abolish the excise duty. The rates of the commodities on which we propose to reduce or abolish the customs duties, we would support with the reservation, we do not think it is a very good way of dealing with the cost of living.

Again, Sir, the hon. Member proposes to put £200,000 this year to what he calls a rehabilitation fund, the object of

[Major Keyser] which is to allow those farmers who are farming on sub-marginal land to change their farming methods and introduce mixed farming. Well, we are not going to oppose that, Sir, but nevertheless I think that before a scheme of that sort is put into being, very considerable thought should be given to it. First of all, also I have been trying for a good many years to find out what is meant by sub-marginal land, nobody has ever told me. There must be a line where there is a margin. Somebody must be able to say that it is the margin but nobody has ever done so yet successfully on sub-marginal land, and who are going to be benefited in this manner I don't quite know. Again, Sir, there is a lot of very peculiar thinking about what mixed farming is. There is an idea you have only to advocate mixed farming and you have solved the agricultural problem of the community. Mixed farming means sure you balance the arable land and the animal husbandry on the farm with the object of maintaining fertility and thus keeping up the yield of your land. But, Sir, that farmer will still derive a very great part of his cash takings from the sale of cereals. It does not mean that if you go in for mixed farming that he is going out of cereal production. He will still have to produce a considerable amount of cereals on that land. Again, Sir, I would like to point that this building up of a fund—a rehabilitation fund—to £1,000,000 for that use is not quite such a generous gesture as might at first appear. When you come to think that the cereals farmer since the war has been deprived of about £1,500,000 of profit per annum by not being allowed to sell his produce on the world's market, I think it makes this gesture look rather meagre, and, Sir, the use of a fund of that sort must not be compulsory in any way. It would be quite wrong to force a man who is evidently in difficulties over his farming to force him to get him to get further into the mire by going into debt or to force him to have to pay a higher rate of interest. If the rates of interest are low and if the man voluntarily takes up this money in order to improve his methods of farming, then I think a lot of good could be done, but if a farmer is going to be forced to get into debt at a high rate of interest,

then you may quite easily lead him to disaster.

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

The debate continued.

Mr. President, we look on the re-introduction of controls at this stage as a retrograde step, but we would not oppose the re-imposition of Price Control as long as this was imposed with discrimination on essential articles in short supply. We also feel, Sir, that prosecutions should be carried out and heavy sentences imposed on delinquents against this control. (Hear, hear.) We are also going to support the starting off of the Road Authority by a grant of £300,000 and the extra £200,000 that is going to be voted this year to the Development Authority because, Sir, we feel that those amounts of money might be said to come from the £625,000 of arrears of Income Tax and that that is a very correct manner in which to use arrears of Income Tax.

Now, Sir, on the next question of the increase in Poll Tax. We have for some years considered that the direct taxation paid by the African community should be greater than it has been in order to meet the very great increase in the social services which they are enjoying and the very great increase that must take place in these services in the future, but, Sir, for some years we have advocated a graduated wealth tax for the African because we have considered that it would be far more equitable than the Poll Tax which is paid now. A committee is investigating the possibility of the introduction of a graduated wealth tax and Members feel, Sir, that it would be better to wait until that Committee has reported and see whether the total of the indirect taxation to the African could not be increased by the introduction of a graduated Poll Tax which we feel would be much fairer than an increase in the Poll Tax. It is recognized however that the reduction of some of the Customs Duties is going to bring relief to the Africans and because of that, some of us feel that there is justification for an immediate increase in the rate of Poll Tax. Now, Sir, I am expressing the views of various members of the European Elected Members which shows that we

[Major Keyser] are not united on this particular point. I myself feel that there is justification for an increase in the Poll Tax immediately. But as we are not of one mind over it, Members will express their own views later on. Now, Sir, according to the Poll Tax Ordinance, whatever it is called, I cannot remember its name—the Governor can prescribe an increase of the rate of Income Tax as long as the total amount does not exceed Sh. 20 per head and it would appear from that that there is no necessity to refer the matter to the Legislative Council. I am not quite certain what the intention is here but I do feel, Sir, myself that it would be far better if the proposal to increase the Poll Tax should be put to a vote of Legislative Council if it is possible.

Sir, in his speech to the Legislative Council at the opening of this session, His Excellency the Governor referred to an increase that was essential in the Military Vote owing to an arrangement that we have come to with His Majesty's Government. That increase in the Military Vote is, as far as I can see, not reflected in these Draft Estimates. I believe, Sir, that that amount is known, and I would like to suggest to the hon. Member for Finance that when the Military Vote comes up before the Committee of Supply that he should move an amendment to the amount shown so as to include the extra amount that we will have to meet so that we can agree now when we are discussing the budget for the coming year, we can agree now and vote for the figure that we would have to meet for our Military requirements because we, and I also think the hon. Members on the other side, are greatly opposed to having to find sums of money later on in the year by supplementary appropriation, it would be far better to have that included in the present budget.

Sir, I am afraid I have taken up rather a longer time than I thought—I would like to say that I do hope that under these new arrangements, that we are going to take very much less time over the Draft Estimates this year than we took before and that while we will try and avoid long discussions on apparently unimportant items, I do hope, Sir, that Members also on the other side will see

reason a bit quicker than they did last year!

I beg to support the motion.

MR. MADAN (Central Area): Mr. President, Sir, I will not claim the half hour because I do not think I will last that long!

To begin with I should like to join the hon. Member for Trans Nzoia in congratulating the hon. Financial Secretary on his excellent speech. I think Sir, he has made matters so clear that not only we here in the Legislature but most of the people in the Colony know where we stand. Indeed, Sir, I think it was an excellent speech. I, Sir, have had the privilege of sitting in this Council during two Budget Sessions in the past and the two points which I have noticed first, that in spite of all pious resolutions on behalf of everybody, it has not been possible, at least for Indian Members, to avoid bringing in the racial aspect into the debate. When I say that, Sir, I want to convey that it is only because if I do mention anything of that nature, it is not to introduce bitterness into the debate but because we feel it is unavoidable. The second thing I have noticed during the two Budget debates that I have been here is that the Indian Members in their comments are mostly restricted to dealing with social services only and that is so, even if the Budget is progressive. I consider the reason for that is obvious, Sir. The productive services, take for example the best of them—Agriculture, are denied to us in that neither suitable land nor other means are available to us to enable the Indian community to make their proper contribution in this to the services of this Colony. But this is so only in so far as the physical aspect of the productive services is concerned. We do, however, make our contribution in this direction so far as it is permissible to us, although the means to do so are very meagre, and we do feel, Sir, that unless better land is made available to us for agriculture purposes and an expansion takes place and the other opportunities given us, we must of necessity, but definitely against our will, play second fiddle only.

I do not think, Sir, it could be denied that we do create productive services in the Colony and that we do in many different ways; for example: in commerce and industry, the

[Mr. Madan] civil servants who help to conduct the administration of the Colony and the Medical men who work in all parts of the Colony to prevent and cure diseases. We feel, Sir, that because we have made this country our home and because we feel proud to call ourselves East African citizens, the time has come when greater opportunities might be provided for us to carry on the burden of development also. I want to say here once again, Sir, that the Indian community is not here to share the joys only, we are here to help to achieve success and to help to achieve Government in the Colony also. These opportunities, Sir, which I have mentioned, could be provided for us in various ways. It is recognized generally that land is the most important asset here and we do submit, Sir, that all irksome and discriminatory impositions on the possession of land should be removed so that it could be acquired and developed by all citizens in this Colony just as is the practice in all civilised countries which provide equality of opportunity for all citizens. We feel, Sir, we should be given a chance to develop some of the hundreds of thousands of acres of land even though they be in the Highlands, land which now lies unattended and in some cases untenanted even to the exclusion of people like us who need it so badly. We feel, Sir, that if the Indian community is a part and parcel of this Colony, and I do not think any hon. Member here—statesmen as they all are—will deny that, but if we are part and parcel of this Colony, it is only fair then that we should be allowed to share the development of the Colony in all its forms and what greater development could there be than the land itself, and if we are given that opportunity then we will be able to assist what the hon. Member for Finance called the need for optimum utilization of our assets, particularly of the land. It will not be enough, Sir, to say that the Indian community has been given land in the arid and rainless regions of Kibos. While on the subject of land, Sir, I consider it appropriate to mention that restrictions on the possession of land in the townships should also be abolished. In some of the townships, Sir, there is so much congestion that it is felt that allotments of new plots should be made and a further radius should be surveyed. I

am aware, Sir, that this has already been done but there is still room for improvement and need for the allotments to avoid congestion.

Another direction in which opportunity could be provided for the Indian community to help the development of this Colony is by the provision of better education facilities. Now, Sir, I know that Education and Medical Services are two hardy annuals which crop every year and the Indian Members never cease to point out how inadequate are the facilities which are provided and how great is the need for improvement. We cry for that improvement because, Sir, we cannot bear to see the existing state of affairs and I feel constrained to say that it will ever remain a blot against the name of the Government in this Colony in that hundreds of Indian children are out on the streets because they are unable to get accommodation in schools which do not exist. So much for education Sir, because I believe we will be discussing the Hartwell Report.

As far as the Medical Services are concerned in Nairobi we consider that they are non-existent but we were gratified to hear His Excellency declare the other day that the Asian Wing of the Group Hospital will be started soon. All we can say at this stage, Sir, is this, that we hope that it will really be soon. In this matter, Sir, we have to come to a decision. It is whether we will adopt measures to ensure that the now Indian child will grow up to be a useful citizen or not. There can be only one verdict in a matter of this kind. I think that the unanimous verdict must be that all citizens of this Colony should be the type of people of whom not only we, but all future generations should feel proud. I regard education as a productive service in itself and in support of that argument, with your permission and with the leave of the Council, I would like to quote from the speech of the hon. Member for Nairobi North, as he then was, now the hon. Member for Education, Sir, this is what the hon. Mr. Vasey said on the 2nd December, 1949: "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.

[Mr. Madan]

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, and now that the hon. Member has become the Member for Education, we look to him to implement his views so that we can produce, as he himself said, real and useful citizens. I think, Sir, it is necessary to provide these services to improve the standard of living of the people and their outlook in life. It is only the Government who can achieve this and I have no doubt that with sincerity in their hearts and zeal in their efforts they will be able to do so.

Now Sir, here creeps in the question, where is the money to be found to meet all these extra burdens? I say this Sir, that I am aware we are already quite heavily taxed as we are, but should it be necessary to impose further taxation to meet these objects, I for one, would not oppose increased taxation even if it be in the form of income tax. I feel, Sir, that if we are to have the benefit of all these services, we must be prepared to pay higher taxation but the increased taxation must first fall upon shoulders who can best bear it. The poorer sections of the community, I say, Sir, like the Civil Servants, teachers and Africans and the ordinary employees are not able to pay very much extra taxation because of the burden which they carry; because of the burden which is already breaking their backs; that is the increased cost of living, but the rich people in this Colony must realize Sir, that if they are to enjoy the benefits which they enjoy at present, then they must be prepared to pay for the upliftment of the poorer classes in order to avoid an impoverished, illiterate and diseased section of the community. When I say so Sir, I do not mean to refer to community taxation. I feel, Sir, it would be dangerous to embark upon separate taxation for each community, different taxation for Europeans, Asians and Africans. That is an idea which seems to have grown up in Kenya though one does not hear of separate taxation

being introduced for Yorkshire and a separate measure being introduced for Lancashire. I believe Sir, and it may be the orthodox view that all taxation revenue must go into a common pool and that all expenses, whether they be for social services or the administration of the Colony must come out of that common pool. If we adopt the dangerous principle of community taxation, we will be creating a privileged class. I believe, Sir, it is not the function of the Government to help to create privileged classes but to provide for all equally. I have already said Sir, that opportunities could be provided for us in various ways. We are interested in the administration of this Colony and the various services which go to make up that administration. Let me Sir, give you just two examples only. Take the judicial system. The Indian Members in the past have tried to bring it to the notice of Government that the time has come when the Indians might be given an opportunity to share in the administration of justice in this Colony. In saying that Sir, I want to make it clear that as an Advocate who has the privilege of practising in the Law Courts here, we have the greatest confidence in the judiciary. We have faith in their impartial judgment and I take this opportunity to pay a tribute to the Judicial Department for the hard work they put in sometimes, not only sometimes, but I think, Sir, in most cases under very trying circumstances. (Applause.) But the fact remains that the Indian community does provide the largest amount of litigation in the civil courts! You will observe Sir, my anxiety to draw a distinction! That Sir, remains a fact that we do provide the largest amount of litigation in the civil courts and we feel that it is only right that we should have an opportunity to assist in the administration of justice. As I said on a previous occasion, Sir, those who are in the know of things, I am confident, will agree with me that the Indian community has amongst his friends, lawyers and advocates who are fit enough to occupy some of the very high posts. We have people of the calibre and knowledge who are required to be placed in positions in the courts here to administer justice. My second example, Sir, is the Kenya Police Force. I notice from the Estimates that ever since the Service started there are only eight Chief Indian

[Mr. Madan]

Inspectors and 33 Indian Inspectors, or as they are called, Assistant Inspectors. All these people have rendered loyal service to the Colony and have given the best years of their lives for the maintenance of law and order, but it becomes ridiculous even to think that not one of them has been considered fit to be promoted to the rank of, let us say, a Superintendent, or any other higher post. The result is this, Sir, that the Asian Police officers feel frustrated and they feel that, no matter how long their service is or how efficiently they work and how faithful and loyal they are, they must continue to occupy inferior posts. I feel Sir, that that sort of attitude is hardly conducive to the creation of better feelings. Talking of feelings, Sir, I feel I consider the time has come for the Government to take an active part to try and promote better harmony and better relations amongst the various communities here. I feel Sir, that this Colony can set an example to the rest of the world. We can show to the people outside that by being fair to each other, by recognizing each other's rights and by giving credit where it is due and by providing equality of opportunity for all it is possible for people, even if they are often removed far from each other in the colour of their skins, to live together happily. I know, Sir, some efforts are already being made but I consider that the various communities living here have need to learn a new sense of humility, that if we could imbibe in our minds a desire for co-operation and the necessity to give up being proud and to abandon unnecessary and unjustified privileges, then I feel Sir, the races living here could get together much more easily. I believe Sir, it was the hon. Chief Secretary himself when he was acting as His Excellency the Governor who pointed out the necessity for closer co-operation between the various races.

I have Sir, touched some of the points because by arrangement with the other Indian Members I have been strictly prohibited from dealing with the others because they said they would have nothing left to talk about but, in conclusion, I do want to say this that the Indian community is prepared to go with the Government as far as need be to achieve complete development, maximum de-

velopment of this Colony and we are prepared to travel on the road to development with the Europeans and Africans, a road which should lead us all to prosperity subject to and in recognition of each other's rights.

Sir, I beg to support: (Applause.)

Mr. COOKE (Coast): Mr. Speaker, I unfortunately had not the pleasure of hearing the Financial Secretary delivering his speech, but, Sir, I must say in reading it, it seems to me to be a very factual and realistic summary of the position that exists in Kenya to-day. If I may say so, Sir, I liked, too, his sober optimism, which is a relief to me at any rate from what I was going to call the dismal jimmies, but I have been warned by the hon. Member for Rift Valley I must not use that expression, so I shall simply say it was a rebuke to those who indulge in the lamentations of the Prophet Jeremiah! We also—at least, I—have been very glad to see that His Excellency the Governor in his tour of the industrial centres the other day painted a bright picture for the future of Kenya, and my hon. friend the Chief Secretary when he was Acting Governor said very truly at Mombasa that we were undergoing here a minor industrial revolution. I think, if I may say so, that was a happy phrase.

Now, Sir, there are one or two points which have been mentioned by my hon. friend the Leader and on which I do not entirely see eye-to-eye with him, and indeed I probably will draw swords with my hon. friend the Finance Member in this respect as well. The first point is the disposal of our surplus balances. I understand our surplus balances are now in the region of £6,000,000 and roughly 50 per cent of those are used by the Development and Reconstruction Authority, leaving roughly £3,000,000 which, my hon. friend has on many occasions said to me, were necessary to cover the contingent liabilities of Government. Now, I have taken the trouble to find out what those contingent liabilities are and I just would like to mention one of them, Sir, which is the guaranteed minimum return. Now, the contingent liability on the guaranteed minimum return is something in the nature of £1,250,000. Now, over the last eight years that money that is guaranteed has been

[Mr. Cooke] drawn on only to the extent of £9,000 a year on the average. Therefore, we are faced with the position that to cover a probable expenditure of £9,000 we have to, put aside no less a sum than £1,250,000. Now Sir, if I may take a homely illustration, imagine for one moment if the Joint Stock Banks acted on that principle. As we all know, the banks depend on the deposits of their clients, and supposing the banks said, "well we've got a contingent liability for those deposits, therefore we must keep all those deposits in the safe in our bank, because they may be drawn upon at any moment". Those banks would very soon go bankrupt, but, of course, they do no such thing. Experience over a number of years has taught them that a 10 per cent deposit is a sufficient deposit to keep liquid and the other 90 per cent is, of course, productively used. That, Sir, I think—and it is not the first time I have said so in this Council—is the mistake that we have been making over the past few years. We have more or less frozen that valuable money which might have been productively spent. Now, I will no doubt be asked to give some suggestions. Well, I shall give two or three. Take first, Sir, the question of rents of offices. I think the rents of offices in Nairobi come to a sum which would service a loan of something like a million pounds, maybe only half a million—say half of a million. What I mean, Sir, is this—due to the shortage of buildings Government have had to rent a number of big buildings erected in Nairobi, and the annual sum paid in rent would, as I say, service as a very considerable loan, so that we have this crazy financial position that we are throwing down the drain large sums of money in rent which would be, in ten years' time, or whatever the time may be when Government decides to put up these buildings, absolutely wasted. I said, Sir, that a proper use of these surplus balances would have been to have built offices to house Government. I hope that if the hon. Members on the other side would like to interrupt me that they will do so now if they want anything explained—I am sure my hon. friend the Member for Development will say "That is all very fine, but we have not got the staff to build the offices". My reply to that will

be that if immense buildings like the Mansion House and Barclays Bank and other buildings have gone up there is no reason why Government should not have erected similar buildings.

Another point which has been taken up by the Kenya Farmers Union is this question of silos. We were informed, Sir, a few years ago by an authority that the lack of silos had cost this country anything between £1,000,000 and £2,000,000. Now, I have—and other people have as well—advocated for years the construction of silos. If those silos had been erected five or six years ago not only would they have been erected at much less cost than they could be to-day, but they would have saved us a very large sum of money. That, Sir, I submit would have been a right use for these surplus balances—or some of them.

Now, just one more point. I personally am sick and tired of hearing the Africans accused of being "white collar workers". That is the sort of term they use. Well, what steps have we or the Government taken to see that they cease to be "white collar clerks"? It was suggested in the Report of the Technical Institute Committee, of which my hon. friend, I think, was Chairman, my hon. friend the—I forget his designation to-day—Mr. Hartwell, that the highest possible priority should be given to the building of a Technical Institute and Government said that they accepted their conclusions and principles, at any rate. Well, we have Dr. Harlow visiting this country at the moment, and where is the Technical Institute? I think that the sum then calculated was about £70,000, but it would probably cost about £100,000 now to build one, but the longer the delay the higher probably will be the cost. We are great people for bringing experts to this country—I have a great admiration for experts—we bring Dr. Harlow and Sir John Russell and we bring others and they tell us all about technical institutes and soil erosion. We know all about the necessity of these, what we want now is something done. (Hear, hear.) What we want is less *maneno tu* and to get on with the job. I think my hon. friend is going to deal with agricultural matters but I am going to say that, visiting the Machakos Reserve the other day, in spite of all the promises we have had, it is my deliberate impression that the soil is

[Mr. Cooke] even more eroded now than it was ten years ago.

On the question of National Income which the hon. gentleman mentioned I would like to say how much I agree with him in drawing attention to this fact. Now, there are people going round the country and saying that our national income is not what the hon. gentleman says it is. It is not £70,000,000. He is making a mistake in including subsistence farming in his calculations. Well, if the hon. gentleman has made that mistake he has a good many other eminent people with him making the same mistake, because anyone who has read anything on the subject knows that in the calculation of all Colonial national incomes this factor of subsistence farming must be taken into account and, of course, the reason is too simple, because if the Africans did not produce what they do by subsistence farming that food which it represents would have to be imported from abroad. Now, it does a lot of harm, I think, when people go round decrying a conclusion of this kind and saying that it is not based on a proper calculation; and so on. It is up to them to show why it is not; and I would be very pleased to lend any person in the Council a book on the subject by Miss Phyllis Dean, which goes into the matter in a most exhaustive manner.

About the Reserve Fund, I agree with what my hon. friend the Member for Trans Nzoia said, but I personally would prefer to see this £200,000 paid into Development and Reconstruction Authority and used for productive purposes; but I think that a reserve fund should be built up. Well, now, it is no use of course complaining that we are taking this money from Revenue—of course we are. But if we are going to take it from Surplus balances it is six to one and half a dozen of the other. Because my hon. friend and his distinguished predecessors were past-masters at under-estimating the Revenue of this country, and it would be the simplest thing in the world for him next year to underestimate the revenue and later say "Well, I have got £200,000 more by some most extraordinary luck" and put it in the reserve balance. I think the course he has taken

is a much more honest course than has been taken in the past.

I also welcome the Rehabilitation fund. I was rather amused to hear my hon. friend saying that he had been trying for years to find out what sub-marginal land was. I am sure he did not mean that to be taken in a literal sense! I am sure he was really trying to find out—

MAJOR KEYSER: What do you mean by it?

MR. COOKE: What I mean by sub-marginal land is sub-economic land, land which is not worth cultivating under conditions which prevail today. I think it is a very wise suggestion of the Government to put aside a sum to enable farmers to swing from—I think they call it—a monoculture to mixed farming which, of course, as my hon. friend says, includes the growing of grain and so on.

Sir, with regard to the cost of living, this I have regarded for some time as the most urgent problem facing this country today, because it is a problem which is facing the lower salaried people and it is facing the lower salaried people of all races. I welcome very much these proposals, even though they are only gestures, because I feel that every "mickle makes a muckle" and that if we can encourage Government in other ways to help these people by, I think the economists call them, "concealed salaries", then it probably would not be necessary certainly to give the high rise in Cost of Living Allowance that the Civil Servants are today asking for, I am not prejudging the case; I think they have got a very good case, but if we can do it in a manner by which the whole community benefits then I think it would be very much more satisfactory.

My hon. friend for Trans Nzoia seemed to think there was some difficulty in limiting imports—it would not be desirable. But in South Africa it was found not only desirable but highly necessary two or three years ago to limit imports, especially of consumer goods, and also to limit credit facilities in South Africa in order to discourage people from buying consumer goods of a luxury nature. It might be one of the ways of dealing with the question. The other drastic, but complete manner, of course, is subsidization of food—and I am not

[Mr. Cooke] grudging the farmer, his prices, it may not be a high cost, but it is obviously inevitable that the higher the price they receive the more subsidization of locally grown food must take place. In England we know that the subsidization of food means to an ordinary family, that is four in a family, an addition of £40 a year to its income, which is a considerable sum of money.

I welcome these taxation proposals. It may not be a very popular thing to say, especially when a general election is in the offing, but I feel, Sir, we have got to get revenue. Everybody hates taxation of every kind, but the Company Tax seems to me to be on the whole a fair tax. I have got a number of friends in commerce in Nairobi and I have not heard one of them so far criticize this tax, and I think that it is very much to their credit, if I may say so, that they have taken that line. The only reason we put on taxes, of course, is to provide services, and if somebody else would provide us with roads and schools and that sort of thing, if they fell like manna from the heavens, there would be no need to tax anybody. Just before I came out to-day I found a very good quotation from Benjamin Franklin which possibly some of you know. He says most of us "are more heavily taxed by our idleness, pride and folly than by the Government" and that, Sir, seems to me to be an incentive to everybody to work a little bit harder so that they can pay their taxes. It may seem strange for me to say so, but I am not opposed to this increase of African poll tax, because to begin with there is no guarantee that the recommendations of the Committee which is now sitting will be implemented, and a bird in the hand is worth two in the bush and therefore I welcome these poll tax proposals. Now, I would put it this way—and I know that a lot of my friends on this side of the Council feel that it is an onerous burden on the African peasant to-day, but if you think of it, if his tax to-day is Shs.15 a year and we increase it by Shs.1 he has only got to work one fifteenth as hard again for one month in order to earn that extra shilling. Well, that does not seem to me to be a very difficult thing to do, either for the Europeans or for the Africans in this country at the present moment, so I welcome this proposal. We are told, of course—and we all know—

about the canon of taxation of not taking more from the pockets of the people than is needed for the public purse and the money would fructify in the pockets of the people. But the object of taxation is to increase the facilities of this country so that we can attract more capital and—being a very old man—I have heard for many years the same charges brought against those who were keen on increasing Income Tax, that it would discourage capital from coming into this country. Well, Sir, I have not seen any sign of that discouragement yet. I think some £14,000,000 of fresh capital was put into development last year—and at any rate, where is the capital going to? Most other countries in the world are more heavily taxed than Kenya is, and they will be forced by circumstances in any case to invest their money in a low taxed country such as this. When people go round talking of capital being discouraged I feel there are other things which discourage capital far more than any higher taxation, and I am speaking on information given to me on the highest authority, and that is this, that any exuberance of political demands or any bad racial feeling—which I am glad to see now is not very much in evidence—would drive capital from this country far more than any taxation which my hon. friend in his wildest imagination could possibly devise.

Sir, I support the motion.

LT.-COL. GHERSIE (Nairobi North): Mr. President, I am sure we all sympathize with the hon. Member on the occasion of his having to introduce his annual estimates. It is quite obvious he cannot satisfy everyone and, at the present moment, I am wondering whether I am answering the hon. Member for the Coast or the hon. Mover of this particular motion. Whilst I would also like to congratulate him on the manner in which he introduced the budget, I am afraid I cannot do so to the same extent on the actual budget itself, as I consider in certain degrees it lacks vision and imagination.

Now Sir, on reference to his speech we realize that we are confronted with proposals involving direct taxation, additional direct taxation, which will affect all sections of the community, and I refer particularly to the increase in poll tax and the shilling increase in Company tax. Now hon. Members are aware that

[Lt.-Col. Ghersie] there is a Committee at the present moment investigating the practicability and desirability of introducing what might be termed an African graduated poll tax, and I submit, Sir, that the occasion is not only inopportune, but it also lacks vision to increase the Native Poll Tax at this particular juncture.

I am not aware if it is a coincidence that the amount expected to be derived from the Company tax is £250,000. But if it is the intention that that amount should go to reserve, which happens to be exactly the same sum, then I consider from both a practical and psychological point of view it is unsound. Now the hon. Member made a reference to existing buoyant conditions. A little earlier in his speech he sounded a warning on the menace of the rising costs and the consequent cost of living problem, and again he then went on and said, the need, the intrinsic need, was to develop our resources at the greatest speed. Now, Sir, having regard to that last remark, surely it is far more advisable, and he would be wiser to leave the money that he hoped to derive from a Company tax in the hands of private enterprise so that they can expand industries and at the same time create further employment. That, Sir, is the obvious argument from the practical side and I do suggest from the point of view of psychology, any increase in the Company tax in this Territory might easily deter further investment in the Colony from potential investors. He also mentioned in the speech—and would like the Member for the Coast just to listen to this also—that new local companies, 233, I think was the figure, have been registered in the Colony during the last year, with a nominal capital of £14,000,000. What would be more interesting to know would be the subscribed capital of those companies. Incidentally, he mentioned that three foreign companies have also been registered. One must not be misled by the formation of private companies in this country. Neither must we be misled by the total nominal capital which may mean nothing at all—it is the subscribed capital that counts. It is often the case that many individuals merely limit their liabilities by the formation of private companies. I strongly oppose any question of any further direct taxation, and I

believe when we resolve ourselves into the Committee of Ways and Means—I am convinced in fact—that by a little judicious pruning of the expenditure side of this budget we will find ways and means of more than cancelling out the figure of £340,000 which is represented by your increased direct taxation.

MR. BLUNDELL (Rift Valley): Mr. President, there are only one or two points upon which I want to touch, because a great deal of the opinions which I hold have already been covered by the hon. Member for Trans Nzoia and the hon. Member for Nairobi North.

Sir, finance. I think this is the third budget that I have sat in in this Council and heard, and I really have not ventured in the past to say very much upon the general financial policy, rather on the grounds of not being an angel, I did not want to rush in. I wonder if I might put a few suggestions to the hon. Financial Secretary, but I do so not as criticisms, but in order that he may at least know how other Members feel on the general problem. Sir, I do not think that we are cognizant enough of the tremendous pressure in the world towards inflation. I believe that we did ourselves, for instance, over the last five years, considerable harm in that we attempted to control agricultural prices too low. That was an attempt to control inflation, and I must say that although inflation must be controlled, nevertheless if we do not move in step with the world, which is inflating, undoubtedly we shall meet disastrous consequences. One of the results one sees already is that having kept maize prices, for instance, in my opinion, too low, we now have to find in the budget a sum of £200,000 for rehabilitation. I am convinced that had we allowed maize prices to move more in relation to those of the world, although I am not advocating strict world parity, I believe this £200,000 for rehabilitation would not have been necessary. Now Sir, I should like to deal with the two taxes which the Financial Secretary has put forward to this Council. I have not hidden from my constituents the fact that if the expenditure of this Colony is continuing to rise and if we are constantly going to be faced, as we are, by demands for more services, either roads, hospitals or schools, then the only answer is that we must have more taxation, but I am opposed in a young and

[Mr. Blundell] developing country to taxation being taken by the state, if the same money can be used by the individual for development, and it is my belief that in the budget which is being presented to us we are carrying a tremendous amount of money in the form of capital development, and to impose additional taxation in order to build up the reserves at the present time is wrong. There are arguments for reserves, I do not deny it. I believe that the £6,000,000—very close to £6,000,000—of surplus balances might well be considered in the light of reserves, although they are on a daily basis largely committed.

Now Sir, in this budget we are already providing the following finance: £500,000 to the Development and Reconstruction Authority; £300,000 normally and £200,000 this year—a special grant of £300,000 to the Road Authority; a rehabilitation reserve, let us call it, of £200,000; designed to go to £1,000,000; an estimated surplus in the budget structure of £300,000 and a reserve of a quarter of a million pounds, estimated to go to £4,000,000 in addition. That all totals up to £1,500,000. On top of that we have the surplus balances of close to £6,000,000 and we have got a grant to the United Kingdom made during the war of £500,000. Now in the light of all that I am disposed to believe that it would have been better not to have considered a reserve, but to have allowed the money to remain in the hands of the companies themselves for development, because I consider that the budget is quite well loaded at the moment with capital expenditure which is creating an asset which may well be regarded as a reserve in the form of development.

Sir, on the African poll tax, I find myself much in agreement with what the hon. Member for Nairobi North said. I believe that some of the poorer Africans are much pressed by the cost of living and although they have had a help in the reduction of the customs duties, nevertheless I am disposed to think that if there is to be an increase in African poll tax it would be better made in the form of a tax which fell upon those who were above the lowest levels.

Sir, on the Customs duties, like other Members on this side I propose to welcome them as a gesture on the part of

Government, but I would ask during the next year, examination might be made whether the same amount of money would not be better used for a reduction in the cost of living in other ways. I myself am very doubtful, like the hon. Member for Trans Nzoia, whether the remission of the excise on tea is really a significant factor, and I believe that the same money used in other forms, possibly in the building industry, possibly in transport—which were the two points I think the hon. Member mentioned—I believe the same money might well reduce the cost of living to greater advantage.

Now Sir, I just want to deal, before I sit down, with a point made by the hon. Mr. Madan. He supported, if hon. Members will remember, the remarks of the hon. Member for Finance in regard to the maximum development of our capital assets, especially the land. I do not want to enter into the very controversial subject as to land tenure at the moment, but I thought that in his anxiety to ensure that his community shall bear their burden of development as well as the other communities—an anxiety which I think everyone on this side of the Council will commend him upon—he was perhaps a little unfair or perhaps a little misinformed on the actual points of land tenure. For instance, Sir, he referred to Kibos as being an arid region. If he looks at the rainfall records of Kibos, although he will find it is hot, he will find it is one of the wettest areas and it is a perfectly good area for the development of land—indeed if someone would give me a considerable block of land at Kibos as a grant I would have much pleasure in developing it and adding to the country's wealth thereby.

I would also like to say, and I do stress to him I am not raising these matters in a racial spirit at all—I thought his remarks were a little unfair. There are large areas of the Coast which are held under Indian tenure at the moment which are not developed and there are also large opportunities at the Coast and between the edge of the Highlands and the Coast, where Indian capital could be profitably employed in the development of land. In so far, Sir, as the Highlands are concerned, I think it is only fair to say that the only mentioned European tenure in the Highlands. Well, I personally feel that if that is to be attacked it

[Mr. Blundell] is no worse than, shall we say, the tenure of any other particular people within the Highlands as well. For instance, if you are going to state that everybody must be able to have land within the Highlands it is also reasonable to state that everybody must be able to own land, for instance, in the area of Tumutuma or round Kisumu, near, let us say, Rongalla. What is sauce for the goose is sauce for the gander. If there is to be no limitation on land tenure it must apply to all.

I would just like to return to one point I missed on reserves, in the hope that the hon. Financial Secretary will answer it. A further reason that I do not like the building up of reserves at the moment is that it is my firm conviction that we are in for an inflationary period. If there were a vast improvement in the international situation that might be turned the other way for various reasons, one of the reasons undoubtedly being the building up of the stock piles in America. But nevertheless, I cannot see myself any improvement in the international situation, and I am forced to the conclusion, therefore, that a fairly long inflationary period is ahead of us. Now one of the disadvantages in my view of building up reserves in the form in which they are recommended in the budget is that those reserves must inevitably during a certain period fall very considerably in their building, or purchasing or actual value. One can prove that, I think, because at the time we lent the money—£500,000—to the United Kingdom as our contribution to the war effort, it would have developed very much more than the same money would to-day, and I am opposed, therefore, to reserves at the moment. When one can see, as I think it is reasonable to say we can see, an inflationary period ahead of us, I believe the best possible use for our money is in productive development, and not in sterilizing it in the form of a reserve largely to make the balance sheet look prettier.

Sir, with these words I support the motion.

THE PRESIDENT: There is still a quarter of an hour to go before the normal hour for adjournment.

MR. HAVELOCK: Sir, may I suggest we now adjourn until tomorrow morning. I do not think we will take up four days on the present showing and I do not think Members are ready as yet to speak. We have passed the 12.30 hour so this counts as a day according to our Standing Rules and Orders.

THE CHIEF SECRETARY: Naturally the Government would not oppose an adjournment at this stage. It is merely that, if time is limited, we do feel that the best advantage should be taken of the time that is available.

THE PRESIDENT: I feel it would be a pity to waste almost a quarter of an hour, if any hon. Member would take up the debate at this stage—some hon. Member who does not desire to speak for longer than ten or twelve minutes.

MR. COOKE: Can I speak again, Sir? I only spoke for twenty minutes.

THE PRESIDENT: I am afraid that I could not allow you to do so.

MR. PRESTON (Nyanza): Whilst congratulating the hon. Member for Finance on his very lucid explanation of the budget, which was of very great assistance, I am sure, to all of us, I would like to comment on the suggested alterations in taxation and on the revenue side generally. I do feel, Sir, that the timing of these proposed measures has been singularly unfortunate. We have had a Cost of Living Commission sitting the report of which we have not yet had the opportunity of seeing, and yet without waiting for the advice which must of necessity be given therein and which would have guided us, I feel a bit more as to what items on the Customs side could have been suitably reduced, it has been suggested that we enter into certain reductions.

Again, Sir, on the question of African Poll Tax. We have a committee sitting on the whole question of graduated wealth tax and it seems to me that it would have been far better to have awaited the findings of this committee before embarking upon increased taxation which will undoubtedly, I think, cause the greatest hardship on the agricultural labourer rather than on any other class, as he is on a fixed monthly wage. I feel that in many ways we would have done better to have pre-

[Mr. Preston] served the principle that the rich should pay for the poor which we would have attained had we held our Customs Commission back certainly until we knew more about the cost of living and, again, if we had also held back our Poll Tax proposals.

The hon. Member for Finance did say in the course of his speech that his budget was partially based on the necessity of trying to reduce the cost of living and I do submit, Sir, that these proposals, although indeed they are a step, are not really going very far to reducing the cost of living. The Tea Excise in particular I would comment upon because I think we are being very unrealistic there if we say we will remove this Excise Duty of 15 cents per lb. which probably means a saving of between Sh. 1/15 and Sh. 2/80 per annum per European and from 15 cents to 30 cents possibly per African per annum, and by that small relief we are sacrificing somewhere in the region of £40,000 revenue which I submit is very painlessly extracted from the public and I think one must always take the view that any revenue which is obtained in a semi-painless state is more desirable than a more painful extraction.

Now, Sir, on the question of Company tax, I do feel in common with a great many other Members in this Council, we must not lose sight of the fact that we are still building a Colony and we have got a lot more building to be done before we have achieved our object, and that anything that would tend to slow down developments should be deplored. Had this proposal been made with additional proposals that some measure of relief could have been given for development or a rebate for general development in this Colony and a relaxation under section 21 (b) of the Income Tax Ordinance, I think, Sir, I would have felt more in agreement with hon. Members on the other side of the Council.

Now, Sir, there are one or two minor matters which are not very minor, but which in proportion to the main features of the budget do seem of smaller importance. The hon. Member for the Coast touched on the importance of silos. Now, Sir, I entirely agree with the point of view that we must undoubtedly have lost a great deal of money over these last few years with our present storage

arrangements for crops, and there is another point which in my mind renders the erection of silos of great importance to this Colony. I think it is not generally realized the amount of waste that occurs in loss of sacks and bags through storage and the cost of handling, as long as we continue the practice of carrying our grain around the countryside in sacks rather than in bulk. Now in most grain-growing countries in the world to-day grain is moved in bulk and stored in bulk in silos. Now the saving to this Colony apart from saving to the producer, with consequent effect on the cost of living, would be very considerable if all our grain could be handled in bulk.

The hon. Member for the Coast went on to refer to technical institutes and I do submit, Sir, that we have not advanced nearly as far as we should have done on the proper training of skilled artisans and I do hope the day is not too far ahead when we can have better facilities for training master craftsmen who can in their turn train by means of the apprenticeship system younger men.

The point that struck me as being very significant in the whole of our budget is that whereas we are to spend well over a million on preserving law and order in this Colony and over a million on what are termed social services, our departments which are contributing to the development of this Colony—Agriculture and Mining—are well under those figures. It does seem to me to be unfortunate that we should have to pay out such large sums of money on long-term policies, if I may term them as such—social services are after all very long-term policies—before one reaps the full benefit. But our Agriculture and our Mining industries do require greater stimulation and greater assistance every year and it is on this structure, the services which are going to produce a better economic structure, that we must build this Colony. Therefore, Sir, I do hope that next year's budget will show reductions on law and order and a rise in our more productive services.

I beg to support, Sir.

ADJOURNMENT

Council rose at 12.43 p.m. and adjourned to 9.30 a.m. on Wednesday, the 15th November.

Wednesday, 15th November, 1950

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 15th November, 1950.

The President took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 14th November, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE FINANCIAL SECRETARY:
The Report of the Cost of Living Commission.

BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:
Meat Marketing Board Accounts as at 31st May, 1950.

BY THE SECRETARY FOR COMMERCE AND INDUSTRY:
Estimates of the Geographical Net Income and Output for the years 1947, 1948 and 1949.

MOTIONS

THE SUGAR CONSUMPTION TAX
ORDINANCE (CAP. 271)

Continuation of

THE ACTING SECRETARY TO THE TREASURY: Sir, I beg to move: Be it resolved that the Sugar Consumption Tax Ordinance (Cap. 271) be continued in force until the 8th March, 1952.

This Ordinance, Sir, provides that a tax shall be levied of one cent per pound on all sugar consumed in Kenya. The proceeds of the tax are used to pay subsidies to the sugar manufacturers in Kenya and to provide funds for sugar research. The Ordinance is one which has to be renewed annually and I beg to move that it remain in force for another year.

THE FINANCIAL SECRETARY seconded.

MR. NATHOO (Central Area): There is one point I want to inquire from the hon. Mover whether the sugar that is imported to the country comes at a much higher price than what is produced

in the country and whether the money that is realized in the consumption tax goes towards paying for the imported article. That is the information I should like to have from the hon. Member.

THE ACTING SECRETARY TO THE TREASURY: The answer, Sir, is in the negative. With regard to imported sugar it is true that the price is much higher than the price of sugar obtained locally but the selling price to the consumer is an average of the price of all sugar consumed in the Colony; but that is a separate account and has nothing to do with the sugar consumption tax.

The question was put and carried.

THE PYRETHRUM (AMENDMENT)
ORDINANCE, 1943

Continuation of

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. President, I have been away for some ten days or more and thus was not aware that this motion was appearing on the Order Paper. I have reason to believe, Sir, that it is not necessary to move this motion and therefore with your leave and the leave of the Council I beg to withdraw it for the time being.

THE NATIVE POLL TAX
(MUNICIPALITIES) ORDINANCE, 1948

Continuation of

THE CHIEF NATIVE COMMISSIONER: Mr. President, I beg to move: Be it resolved that a Native Poll Tax (Municipalities) Ordinance, 1948, shall remain in force until the 31st December, 1951.

This Ordinance contains provision in the first instance for it to continue to the end of 1949. It had the provision that with the approval of this Council it might be extended and was extended by Proclamation No. 62 of 1949 to carry on until the end of this year. The Ordinance enables an African Poll Tax to be levied in the areas of Mombasa and Nairobi, part of the proceeds of which may be distributed and are distributed between African District Councils and the local authorities and the African Trust Fund.

It might be if time permits that this Council will be able to debate during this Session a Bill which was published only yesterday which will apply this

[The Chief Native Commissioner] principle to areas other than in and in addition to Mombasa and Nairobi. If that Bill is approved by this Council, it would mean that this resolution which I am now moving would be of no effect but it is doubted whether there will be time to take that Bill. In any case we do not know what its fate may be. In the meantime Government is anxious that the principle recorded in the present Ordinance should be continued in any rate in Mombasa and Nairobi.

THE HON. SOLICITOR GENERAL seconded.

The question was put and carried.

DRAFT ESTIMATES OF EXPENDITURE, 1951

REFERENCE TO COMMITTEE OF SUPPLY

THE PRESIDENT: The Hon. Financial Secretary has moved that Council do resolve itself into Committee of Supply to consider the Draft Estimates for 1951 and the motion is before the Council for debate.

MR. NATHOO: Mr. President, although it is possible that I may not exceed the half hour which has been allotted to every member, I feel, Sir, I must request the privilege of speaking more than the appropriate time, should I go over the limit.

THE PRESIDENT: Permission is granted.

MR. NATHOO: In the first place I would like to join my colleagues in paying tribute to the hon. Member for Finance for a lucid explanation of the present financial position of the country and of the plans of the Government as regards the forthcoming year.

The hon. Member mentioned that the production of cereals in this country during the last year gave great satisfaction inasmuch as the total production of wheat and maize reached a record figure. That Sir, is all to the good and we should see that our food supplies are maintained to the maximum; but, at the same time, Sir, I should like to draw the attention of the Government that, whilst a certain amount of encouragement has been given to the sugar industry to increase its sugar supplies, on the whole Sir, we feel that not enough attention has been paid to giving the manufacturers as much encouragement as is necessary so that they can produce an increased supply for the

Colony. In the coming year Sir, I have been given to understand that a quantity of over 5,000 tons, or perhaps more, will have to be imported from overseas at prices that are much higher than those which the local manufacturers obtain. Whilst it is necessary that every effort should be made to keep down the cost of living by keeping all essential foodstuffs and other articles under control, it is, I think, Sir, necessary that we must take into consideration the present position of supply and the fact that, if we are prepared to pay a much higher price for the imported article, it would perhaps be in the best interests of the Colony as a whole to see that by a little extra encouragement to our manufacturers we may be able to get a bigger quantity.

That also, Sir, brings me to the question of land, about which my colleague, the hon. Member for Central Area, Mr. Madan, spoke yesterday, and which the hon. Member for Rift Valley touches upon also. In the early years, Sir, when land was given in the Kibos area the average acre per farm used to be between 50 and 200 acres. To-day, Sir, we find quite a lot of these farms have been divided up into holdings of 15 and 20 acres and I feel, Sir, that the time has come when more land should be made available in suitable areas for the Asian community, as, according to the present position, in about 15 or 20 years the position will be reached when the holdings in Kibos will be reduced to about five acres each, which, Sir, you must admit is not very economical for the country. By the efforts of the Indian and Arab Land Settlement Board during the last few months some areas have been earmarked and have been made available for alienation for Asian agricultural industries. Whilst thanking the Government for the effort they have made, I do believe that greater attention is required from the Government to this branch of the Asian agriculture, on which must depend the future of the rising population of this Colony.

Then, Sir, in the Budget which the hon. Member for Finance has presented us, I was very glad to see that he has mentioned figures for the development programme of the Colony for the period of the next five years. Except in cases of emergency, when all our plans may have to be scrapped, it is of paramount importance that the Colony and its people

[Mr. Nathoo] must know the intentions of the Government as to the development of the country, and, Sir, for that reason it is a matter of great regret that in spite of all the efforts we have made during the last few months, we have not been able to get any satisfaction out of the Planning Committee as to what it proposes to do with the allocations which are given for a period of five years from the finances of the Colony and other sources. Unless, and until, Sir, these figures are available to us, it is impossible for us to know the Government's intentions, and whatever allocations made, are adequate or otherwise. A question may be raised, Sir, that nothing is adequate in view of the present demands on the Government funds for various schemes, but, Sir, we submit it is essential that we must know where we stand, as far as grant of block allocations for various schemes and various plans during the coming five years. In this respect, Sir, under the development programme in the Budget presented by the Member for Development we see, Sir, that the education allocations to various schools perpetuates another injustice which we mentioned last year and, Sir, until and unless we have the programme and figures for the next five years, we are unable to see, Sir, whether the grievance we had last year and which we were promised would be redressed during the next five years, has been redressed or not. Until those figures are available to us, we submit we cannot possibly agree to the figures which have been earmarked for the various schemes. The same position, Sir, must apply to the medical facilities for the Asian community in this country. It is essential, Sir, that we must know from the Government what programme they have, apart from Nairobi, in respect of providing medical facilities to us over the period of planning which is five years.

The hon. Member has also referred to controls and I admit, Sir, that a case has been made out by him to show that the re-imposition of price control is necessary. It is a matter of regret, Sir, that due to the action of certain black-sheep in the trading community, this control, which was being relaxed gradually, has to be tightened up, but Sir, I would implore the member to see that the control is imposed only on those essential articles which go towards the cost of living and

not to range the activities of the price control over everything which comes into the Colony, which makes both the organization expensive and the control ineffective. There is, Sir, another point in respect of control which I would like to mention and that is the distribution control by the Commodity Board. Whilst, Sir, it is appreciated that articles which are in short supply must be distributed under control, the time has come when the increasing production of the country's food supply and several other items could be decontrolled, and the cost of this Commodity Board be substantially reduced.

In dealing with the cost of living we must face the fact that rent control plays a very important part in the budget of the small income group people. A number of recommendations, Sir, have been suggested by the retiring Chairman of the Board, Sir Charles Belcher, and I beg of the Government that early attention should be paid to these recommendations so that the anomalies may be removed. It is also necessary, Sir, that we should decide at this stage as to what period it is likely that this rent control is to be kept on. I feel, Sir, that, taking into consideration the rising population of this Colony, it will be essential for us to keep this control for at least three to five years. At the present moment, we renew this control from year to year, with the result that those who want to build on a large scale are deterred from doing so, without knowing as to what Government's intention over a long period is. It will assist development of residential houses, Sir, if the Government would at this stage declare that it was their intention to keep on this control for a certain number of years, rather than to go on from year to year as we are doing at present. Then, Sir, the hon. Member for Finance has given great stress to the question of the cost of living in this country. This question has been engaging the mind, not only of the people of this Colony, but of the people of the world, and it is time, Sir, that we must look at the question in the light of what is happening all over the world. It is, Sir, desirable and it should be our duty to see that the cost of living should be kept down as low as possible, but, Sir, in our efforts to

[Mr. Nathoo]

that end, we must not lose sight of the factors which are governing the whole position of these articles and, Sir, it is time that, at this stage, we must take a bold decision; even if we are to increase our prices we should peg them at a level at which we are able to maintain them for some time to come.

At the moment, Sir, from month to month the position changes, with the result that essential foodstuffs prices have to be increased from time to time. The question, Sir, instead of tackling piecemeal must be dealt with as a whole, as it affects the economy of this country and also the position which obtains in other parts of the Commonwealth; and, Sir, on those lines we must take a decision so that we may be able to say what prices will obtain over a period of, say, between six months to a year at least, rather than every two or three months some producers are clamouring for increased prices, and the Government has to agree to these increases under pressure.

At once, arising out of the rising prices, we must face the fact that if prices of essential foodstuffs and other articles cannot be checked, we must face the fact that we cannot peg wages. Two years ago, when we were debating the Salaries—Commission—Report, it was hoped that the new scale rise which we had given to the Civil Service would enable us to carry on for a few years without any demand from the Civil Servants for increased allowances. Sir, at the moment we are already committed to a Select Committee to go into the question and without prejudging the issue when we take into consideration the prices of essential foodstuffs, I cannot help, thinking that it will be almost certain that a case will be made out whereby certain allowances of cost of living will be granted. Sir, this also should encourage us to go into this question as a whole and with broader vision to see if we cannot arrive at some solution whereby some sort of stability could be obtained as regards the prices of essential articles and the cost of living.

There was one factor in the Budget which I was very glad to see, and that was the Rehabilitation Fund for which the hon. Member for Finance has ear-

marked the sum of £200,000 to build up a reserve of £1,000,000.

Now, Sir, I would like to deal here with this question in conjunction with the abnormal rises in the prices of various commodities which we produce in this country. The first and foremost, Sir, which springs to mind is sisal which, during the last eight months, has experienced a rise of over £60 a ton. Now, Sir, this is an article which is mainly used for export. We are very glad, Sir, that the producers of sisal, who have had a very bad time in 1934 and onwards to such an extent that quite a few of them had to go out of production, and some of them had to carry on with heavy losses and heavy overdrafts, have benefited from the rise. That position, Sir, for the time being is so, but I cannot help thinking, Sir, in the same manner as these prices have rocketed up, a time must come—whether it is within the next two years or whether it is within the next ten years—when we must see a corresponding drop in the prices.

Now, Sir, in the adjoining territory—I am referring to Uganda, where the chief economic crop is cotton—due to the sagacity of the Government they pegged down the prices to the producers at a level which has enabled the Government to build up a fund of over £15,000,000 over the last eight or nine years. While, Sir, I am not advocating any scheme to that extent in this country owing to the fact that the producers in Uganda are mostly backward people, as opposed to the fact that the producers in this country are the advanced Europeans, I do feel, Sir, that the time has come when a cess should be levied on all export commodities such as coffee, pyrethrum, sisal and other articles of export, whereby to build up a reserve fund which could be used not by the Colony for expenditure in times of necessity, but by the agricultural industries as a whole to make available to those industries which are not in such a fortunate position as others to use money from that fund at a very low rate of interest, which will enable us to devote our finances to more pressing and urgent needs of the Colony.

The Tanganyika Government last year imposed a certain cess on sisal and I, Sir, advocated an identical measure in

[Mr. Nathoo]

this Council which, I am sorry to say, the hon. Member for Agriculture turned down flatly, saying that he considered that it was not a good policy to levy this cess. Now, Sir, this year Tanganyika sisal growers made representations to the Government to say that this tax as was put on them was unfair as the adjoining territory, which was in an identical position, did not do so. The Tanganyika Government, Sir, raised nearly £1,250,000 last year which they allocated towards the development of the country. The argument some of the people have made is that the only reason why such a tax is not introduced in this country is that it affects the British European growers. I am saying, Sir, what is generally and freely said in the adjoining territory, and I think we should examine the question because I do not think it is the intention of the Governments of East Africa to make discrimination in their policy from one territory to the other solely because the growers of these two territories happen to be in different categories. I do not believe that that is the intention of the Tanganyika Government of levying the tax there, or of the Kenya Government for not imposing the same here, but with conditions almost identical in the two territories it is right that we must look into the question again and I beg of the hon. Member for Agriculture to give this matter a reconsideration to see that in these times of prosperity whether it is possible for him to build up reserves which is in the interest of the agricultural industries as a whole.

Then, Sir, the hon. Member for Finance has advocated a rise in the Native—African—Poll Tax. I share the view of some members on this side of the Council when it has been said that the lowest group income (African) is already heavily taxed, and whilst a certain amount of relief will accrue to him due to the removal of duties on certain articles, I feel, Sir, that the time has come when we must go into the question of taxing those Africans who are able to pay more than the others, and not to put them all in the same category, with the effect that a person who is earning perhaps £2 a month pays the same tax as the man who earns £200: and the question of graduated

Poll Tax must be taken in hand as soon as possible.

This, Sir, brings me almost to the end of my speech on the general policy of the Government and, Sir, before sitting down I would like to say that we all hope and pray that the bright picture that the hon. Member for Finance has drawn for us will not be marred by events which are already causing us great anxiety, and that during the coming year this Colony will go on from strength to strength.

Sir, I beg to support.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, the hon. Member for Rift Valley yesterday made some reference to foals and angels, and it is with not a little diffidence that I rise to speak at this stage. I do so, however, Sir, because there are a few matters to which I must refer, and perhaps because it is timely to indicate that the Government is not speechless in the face of the arguments that have been produced in the opposite side of Council. (Hurray!)

I have listened with the greatest interest to the remarks which were made on the subject of industrial development, and in particular to the points raised by the hon. Member for Trans Nzoia. He stressed the need for increasing our exports in order to offset the apparent adverse balance of trade. As my hon. friend, the Financial Secretary, pointed out in his excellent speech when opening this debate, there are a number of factors which can be set off against that £23,500,000. There is, however, Sir, certainly no ground for complacency, and I entirely agree with the views expressed by the hon. Member opposite. I agree with him still more when he pointed out how desirable it would be that we should process our raw materials before exporting them overseas, and thereby increasing their value and the wealth of the Colony.

Sir, it would, however, be wrong if an impression was created that nothing was being done in that direction. There is one very outstanding example of what has been achieved. During 1949, the Colony exported wattle bark extract to the value of some £880,000 worth as opposed to unprocessed wattle bark to the value of £110,000 worth. In addition, Sir, sodium carbonate, insecticides, pencil slats, prepared meat, edible oils, flour and

[The Secretary for Commerce and Industry]

meal all featured among the exports of domestic produce from Kenya. It takes time for industry to develop its full momentum but, looking ahead, I believe that our ranges of exports are likely to be considerably increased in the next few years. The canning of fruit, vegetables and cream are now all being developed with a particular view to building up an export trade. We manufacture pyrethrum extract, biscuits, confectionery, boots and shoes, glazed pottery, industrial acids, jams, marmalade, blankets, some types of glassware and fertilizers; and I believe that the years to come will see some of these at any rate featuring prominently amongst our exports.

There is a move at the present time to develop the export of half-tanned hides as opposed to unprocessed hides and skins. The Colony has already developed a very promising industry in the manufacture of aluminium hollow ware from imported raw materials.

The hon. Member referred to sisal as an outstanding example of a raw material, the value of which could be added to by processing. I entirely agree with him, Sir, but we must not lose sight of the fact that in Kenya we are producing sisal bags in a very large quantity which are used to pack a considerable proportion of our crops and produce. There is a new factory nearing completion which is designed to produce by-products—valuable by-products from sisal. Kyanite which is in itself a valuable export, is being processed by calcinizing into the still more valuable form of mullite. A new cigarette factory is very nearly going into production. There are large-scale projects at present under consideration for the manufacture of cotton textiles; cement-glazed earthenware piping and refractories.

Sir, I have been privileged to be in a position to watch the development that has taken place during the last 4½ years, and I have been amazed at the extent accomplished. (Applause.) I have no desire to bore Members further, Sir, with a catalogue of industries, but if hon. Members wish to get an idea of what is happening I suggest that they might care to drive round the new industrial area in Nairobi and see the amount of building which is taking place, and has taken place within, say, the last two years.

Sir, I have made little reference to the exploitation of the mineral wealth and I do not propose to do so at this stage because hon. Members opposite have not referred to it in any detail, with the exception of the hon. Member for Nyanza who suggested that Government should provide additional funds for mining in 1952. Sir, personally I am most wholeheartedly in support of that proposal. There have been valuable discoveries of minerals in the East African territories, which include coal and iron, and they must cause the present industrial trend to go well ahead in the next decade.

Sir, almost all of the industries to which I have referred are being developed by private enterprise—(Applause)—and it is Government's policy which has been stated on many occasions to encourage development of this type. As hon. Members will be aware, the Government has a policy for making cheap land available for industrial development in centres outside Nairobi and Mombasa. In those two centres the present demand for land exceeds the supply. But, Sir, even there the price at which Government is making land available is very far below the current market value. There is a scheme for the development of industrial land at Thika for new approved industrial enterprises at exceptionally low rents. I hope it will be possible to advertise that scheme on a wide scale overseas in the fairly near future.

Government has also introduced a system of allowing drawbacks of customs duties, or rather refunds of customs duties, to secondary industries which are experiencing economic difficulty through the fact that the customs duty payable on their raw materials makes it impossible for them to compete against the imported finished article due to the operations of the tariff.

Laboratory facilities and technical advice are provided by the East African Industrial Research Board, the Mines and Geological Department, and many of the services operating under the control of my friend, the hon. Member for Agriculture and Natural Resources. We have in the last few years enormously increased the availability of statistical information, thanks to the good offices of the Director of Statistics, operating under the East Africa High Commission.

[The Secretary for Commerce and Industry]

And finally, Sir, it is the duty and the privilege of the Department of Commerce and Industry to provide all advice, information and assistance that is possible for new enterprises.

Sir, I would like to say a word on the subject of the increase in the Company rate of Income Tax from Sh. 4 to Sh. 5. A number of hon. Members on the opposite side of the Council have expressed the view that this increase will retard the investment of new capital and hold up development. Sir, when I first heard the proposals, my fears were very similar. I have, however, discussed this matter with a number of prominent business men here and I find that that is not their opinion. There are, I think, certain facts which are significant in this case. We derive a great deal of our new capital for enterprise from the United Kingdom. The rate of Company Tax in the United Kingdom, I believe, stands at Sh. 9 in the pound. Moving over to the African Continent, Sir, from the latest information which I have been able to obtain, I understand that the Company rate of Tax in Nyasaland and Northern Rhodesia is Sh. 7/50 in the pound. Then in Southern Rhodesia, there is a sliding scale whereby Sh. 3 in the pound is paid on the first £500 taxable amount, Sh. 6 in the pound on the next £500 and Sh. 9 in the pound on the balance over the first £1,000. Going to the West Coast, Nigeria and Gambia have a rate of Sh. 9 in the pound, Sierra Leone and the Gold Coast Sh. 7/50. Sir, I believe that those figures speak for themselves. I believe, Sir, and indeed it has been made quite clear that some hon. Members on the opposite side object to the increase of this tax for different reasons, but I submit, Sir, that there is no reason to anticipate that this increase will retard the investment of new capital or development. (MAJOR KEYSER: Question.) Sir, my views on this matter are in complete agreement with those expressed by the hon. Member for the Coast.

There are further brief points to which I would wish to refer which were raised by the hon. Mr. Nathoo, Member for Central Area. In the first place, he referred to Rent Control and asked that the Government should make some statement of policy. Well, Sir, there is, as hon. Members are aware, a motion

standing in my name to retain the Increase of Rent (Restriction) Ordinance in force for a further period of one year from the 31st December and I have no doubt that this matter will be gone into in considerable detail at that stage. I would say, Sir, that in my opinion, we shall not be able to do away with Rent Control over all types of property within a period of one year but I believe that it is generally the wish of this Council that when Bills are retained in force by resolution of the Council, they like to be able to review the situation at not too long intervals.

The other point, Sir, was the matter of distribution control and the hon. Member suggested that there were items controlled by the Central Commodity Distribution Board which were in free supply and that control was no longer necessary. In reply, Sir, I would merely say that the number of items under control has been progressively reduced, that we are, I believe, left with the control of sugar, wheaten products, ghee and edible oils. In regard to sugar, the position is that the Colony does not get sufficient sugar to meet its full potential requirements and is at present obliged to import from overseas. In regard to ghee, we made an experiment in removing control and were immediately requested to replace it, which we have done. The situation in regard to edible oils is also that the Colony is dependent on the bulk of its supplies from Uganda and that the Uganda Government allows us to receive sufficient supplies to meet our reasonable requirements at a figure below the price at which they can export overseas. That leaves us, Sir, with the question of wheaten products. It is quite true that there has, in the last few months, been a free supply of wheaten flour in Kenya but the position with regard to this particular commodity is most difficult to foresee. Last spring, the Control was at its wits end to meet demands. There has been a falling off in demand; but since I had the opportunity of discussing this matter with some of the hon. Members on the opposite side, there have been indications that, possibly in anticipation of an increase in price of flour, there has been very heavy buying in Tanganyika and Uganda and there has been a run on supplies in this Colony. Wheaten flour is not controlled at present in the other territories and it is controlled here as a

[The Secretary for Commerce and Industry]

result of which we have been able to resist, to a considerable extent, those demands. I therefore submit, Sir, that there is at this stage no case for removing control on the four items I have mentioned and, indeed, when we come to consider the Estimates, the amount of expenditure involved on that control and the operation of certain other distribution controls under the same organisation is now so small that I do not believe it is going to affect the Colony's financial position very materially.

Sir, I beg to support. (Applause.)

MR. MATHU (African Interests): Mr. President, may I have your permission that if I find it to be necessary, I speak longer than half an hour.

THE PRESIDENT: Permission is granted.

MR. MATHU: Sir, the speech of the hon. Member for Finance has been very refreshing, particularly when it has that note of optimism which was the characteristic of his speech last year, but I do know, Sir, that the position, as he has suggested also in his speech, should not make us sit down and feel complacent because there are, as he pointed out, certain difficulties which we might have to face.

Sir, the hon. Member suggested an increase of African Poll Tax by Sh. 1 in certain areas and Sh. 2 in other areas. The reason for that he said was there has been greatly increased social services for the African community and particularly Education, and also there has been greater returns for the products that the African grows. Sir, I am opposed to any increase in the Poll Tax because I do not think this is the right time to impose increased taxation on the African. Now, Education services—that has been the reason given to increase African Poll Tax—has been just over £60,000 in the coming year and that actually, as you know, touches only the fringe of the problem and we feel that, out of the surplus balances and all the reserves that are suggested, could be very well utilized in expanding African Education and getting a larger proportion of the African community educated with a view to increasing the earning capacity of this country.

That, Sir, would be said in regard to Medical Services, that they are only

touching a fringe of the problem and I cannot be said that the increase has been so substantial as to cover all the requirements for medical services of the African in this country.

Now, Sir, this question was gone into by the Plewman Committee in 1947 and their recommendation was that it would create a tremendous hardship if the increase was made on the Poll Tax. Now that recommendation, although the Plewman Committee Report was accepted by Government, was not implemented because we had had an increase between 1947 and the proposed year of 1951, a shilling went up not very long ago, and now we are proposing in many places an increase of Sh. 2. I suggest, Sir, that the hardship that would be created particularly on the labouring class as on the peasants throughout the country would be unbearable and I think it is very wrong to put this further burden on the African at the present moment.

There is also another consideration and that is, we have had very clearly put by the hon. Member, the Mover, the question of this rising cost, rising price and the very unsatisfactory position regarding the cost of living. Now, Sir, surely this could be the right time if the country was easy as far as living conditions were concerned, there might be a case, but when things are very tight, very difficult for these poor Africans, and then put Sh. 2 on top of it when most people in the towns and other places have perhaps only one meal a day, I think, Sir, it is a very wrong policy. Now, we are told that minimum wages went up in some towns only recently, in many places only Sh. 2 went up and now these Sh. 2 are now proposed to be taxed. You give it in one hand and you take it on the other hand. It is unreasonable, Sir, very unreasonable.

The other consideration is, I think, that the Government has not taken in this matter, is that only this year they appointed a Committee to go into the question of the practicability or otherwise of introducing a graduated or personal tax based on income. Now, Sir, that Committee is still sitting, and just before the Committee had even covered the country, the announcement came of this increase of Sh. 2 on the African Poll Tax. I sympathize with the hon. Member for African Affairs because he

[Mr. Mathu] committed himself last year by announcing to this Council that he was going to propose a rise in the Poll Tax of the African in 1951. Now surely, I can sympathize with him because a man of his standing must keep his word but unfortunately if he had foreseen all the difficulties, Sir, I am sure he would not have committed himself as he did last year and as a man of great common sense, I am sure he would not feel it will be below his dignity to support me in my suggestion that this tax should not be increased.

Yet a further consideration, Sir, which I think is necessary for me to mention, to point out that the burden of African taxation at the moment is very heavy. Now, if you study the Local Native Council Estimates for the last five years, the significant fact is that these African Local Authorities have been increasing their rates considerably. In one district, the rate is as high as Sh. 14 per ratepayer in addition to the Sh. 15 or Sh. 17 that they have to pay to the Government. Surely, Sir, it is the same person. It may be, of course, different services, local services, but it is the same *Njoroje* who is paying both taxes and I think it is a point that is worth taking into consideration when you are suggesting that the African should pay more tax. The Plewman Committee had a recommendation on that point because they did say that, on page 47 of their Report—"In the event, therefore, of a contribution to taxation in the form of a local rate becoming heavier, the Committee recommends that there should be a corresponding downward revision in the basic rate of Poll Tax. Now that has not attracted the attention of the hon. Member for Finance because if it had, he would have suggested some downward movement somewhere particularly when these local rates have been going up since 1947, up to Sh. 14 per head in some districts. Now I suggest, Sir, that this matter has not been given very careful consideration and I shall oppose it. There is a final point also which Government ought to have taken into account and that is the question of the cesses levied on the produce of the African taxpayers. In some places, as in Nyanza, the cess goes up to about Sh. 4 a bag of maize. You will tell me that it is all right, it is for the

Agricultural Betterment Fund but it is a form of taxation which is being opposed by some other producers in the country and I think that also ought to have been taken into consideration and I shall have a few remarks to make on that particular aspect of the problem later on.

Now, the hon. Member for Finance will tell me—What about the Government proposals regarding the reduction of Customs and Excise Duties?—as he has suggested. Well, I agree with him that there will be a certain amount of relief but the relief I think cannot be said for certain it is going to be relief because, as he suggested, we have no control over world prices and if prices of imported goods go high and although we might reduce the excise or the duties, the consumer price might be higher in 1951 of the essential commodities than it is today and so it cannot be said for certain that we shall definitely have relief as a result of the reduction in Customs and Excise that have been proposed here. We will have to wait and see.

Now Sir, I should like to refer to the hon. Member, the Mover's outline of the economic scene of this country. I think as I have mentioned earlier on, he has done it extremely ably and the position appears very clear but there is one point which I think is a matter for disquiet to us African representatives on this Council and that is that it has not been possible to extract accurate statistics of the production of the African in this country. The hon. Member did say that Agricultural statistics for overall African production have not yet reached a stage where accurate figures can be given. Now, Sir, I do not think it is impossible to give those figures even with greater accurate assessment. The products that come to the market through controlled organization is easy but then even if we went to the question of subsistence agriculture, there are again all these increases in the personnel, agricultural officers, welfare officers, community officers—surely they can do something to gauge the actual production of the African. So surely we can have some figure which could be taken into account in our National Income. I suggest, Sir, for the consideration of the hon. Member that some attempt should be made to give us something we can bite on so that we can

[Mr. Mathu]

see a clearer picture of the African contribution—direct contribution in the production of this country. I agree, Sir, with the hon. Member that our most important asset in this country is the land and therefore the land must be looked after by all who use it as carefully as possible. Now, Sir, the hon. Member suggested certain ways by which to encourage farmers to use their land better. Now he mentioned the question of subsidies in the growing of maize, the guaranteed minimum returns, the rehabilitation grants, and so on, but what I would like to get from him, Sir, in his reply is whether he had in mind all the growers of these products in this country or has he an eye on one or two sections, because I do feel, Sir, that the African grower has not received the encouragement, financial encouragement as have the other growers and the guaranteed minimum prices, as I said the £70,000 going to subsidize the maize grower, the cereal grower, the £200,000 suggested for rehabilitation grant, I would like to know how far that amount will go to encourage the African grower. There are other things as well. The other growers have facilities for credit through the Land Bank, the Board of Agriculture, and I do think that a Report which was produced, I think, a year ago now, on agricultural credit to African farms, we should like to know what Government is doing about that.

Now, Sir, when I am on the question of subsidies, might I also suggest that there is a tremendous resentment throughout the country and some hon. Members on this side of the Council who have been touring the country with me on a Government committee, will bear me out on this question of different prices for maize grown by different communities and I should like to say that I raised this question in the last year's debate on the budget and I think the position actually is worsening. The Sh. 4 that has been proposed to be paid for mechanization I think can never be justified. One produces by machine, the other produces by his blood, actually the one to produce by blood and sweat ought to be paid more. The machine has no life but the life is surely more precious, if you have a machine without humans I don't think you can produce, you cannot have a nation of machines but you

can have a nation of human beings. It is the human person, the blood, the soul of the producer that we should look after more. Now, Sir, what you are putting is a premium on lifeless objects the machine, and I suggest the emphasis is put in the wrong place and the grant should go to the producer who uses his physical energy and he should get Sh. 4 a bag. There is no justification for it whatever and I would like to say, Sir, how cheered most of us have been by the resolution that was passed by the Trans Nzoia Cereals Committee, a place I did not expect such a thing would come—(laughter)—but they did pass a very sensible, reasonable resolution that prices of maize should be the same for all growers. There should be no differences, no preferences whatever. Could you have a more sensible lot of people than the Trans Nzoia farmers. (Laughter.) They are the largest growers of maize in the country. Now surely if they can give that view, surely the Government and Member for Finance should take note of that, surely there must be sense in it—or is it the Member for Agriculture? I think there is some sense in that and I would like to suggest most seriously that in equity and in order to encourage the speedy development of this country, speedy production, abundant production, the price for maize should be made exactly the same. I agree the quality should be the same—the quality I am not disputing. If the maize is of inferior quality, you have to pay inferior prices. If it is the same quality, I think they should be paid the same price. There is no justification for these too generous allowances on these things.

Now, Sir, I should like to refer to two other crops which I feel would enhance the national income of this country if the overwhelming majority of the population were given a greater opportunity of taking part in the activity. I refer to coffee growing. I raised this matter last year and the hon. Member for Agriculture produced quite a number of usual hindrances, difficulties of plantation crops, looking after the disease and all that, but I can tell him, Sir, that in Kilimanjaro the Chagga there are building up huge sums of money and, if they can, I am sure we can. If all these restrictions were removed and we see

[Mr. Mathu]

even in Parliament they are interested in referring to it—by some persons who visited this country not very long ago—we might avoid all these unpleasant references to this country. I think the African can produce coffee on a peasant basis as is shown in Embu, Meru and Kisii. I suggest that we are being afraid most unduly and the European coffee grower, I am sure, should welcome his African colleague next door to produce for the good of this country and not for the good of the individual. There should be no question about that.

The other crop that has been referred to is sisal. Sisal is a plantation crop they tell me, but recently the Wakamba and the Kisii and the Kikuyu have contributed during the last few months considerably in the production of sisal. Now they do it, Sir, as you know, by demargining their holdings. They did not do it because they wanted to commercialize the commodity but it has been found to be working very well and they are, through that way, producing it on a peasant basis and doing it extremely well—and can you believe it that in Machakos they have put a levy on it now. The suggestion has been so many cents per lb. and the Africans in Machakos are finding things extremely unjust. When they start coming on, you put a cess on it and the Local Native Council agreed, it is not the Central Government, but there have been some difficulties and some discouragements and I suggest, Sir, that the hon. Member for Agriculture should at least give some encouragement to these folk who produce sisal for our local market and also for export. On this point I support the hon. Member for Trans Nzoia in his plea that we should encourage all our exportable commodities, production of exportable commodities, and the African here now can come forward and help.

There is another point in regard to production to which I must refer and to which I referred last year. I refer to the restrictions on the movement of foodstuffs from one district to another. Now that refers mainly to maize and a few other things, but it is suggested that there is no necessity for controlling the movement of foodstuffs within the Colony. It is most disquietening and even now as a result of this, there is a lot of illicit

trade between districts at night. Now surely this is demoralizing and we should not encourage any such things that will bring down the morals of the people—right down—and I suggest to the hon. Member for Agriculture—as he referred last year he did not want to go in for any savage regulations—but might I suggest that that has been the suspicion on the part of the African throughout this country over this undue control of the movement of foodstuffs. Machakos Wakamba are now paying much more for their maize than they would be if they were buying directly from those who grow. I do not think there is any justification for this control.

Sir, I should like to refer to our position regarding the maintaining of the fertility of the land. I agree with all those who say that we must keep our land in good heart. Now, the hon. Member for the Coast suggested in his speech yesterday that as he travels through the African land units, he thinks there has been greater erosion now than ten years back. Now he did not go on to say "why"—because there are some reasons. If that is so I do not agree with him entirely because it may be true in certain districts but it is not true as an overall picture of the country, but he knows that in ten years our population has gone up and the land does not expand like rubber. So what happens is that you have more people on the land now than you had ten years back and the congestion in these areas is astonishing—most astounding in some of the districts—and unless we solve the problem of population by creating employment in the way of secondary industries, better housing in these places and also in the way of getting more land for the African in places where the land is not being developed, I do not think that the hon. Member for the Coast will fail to make the same statement ten years hence. It must be solved and I do not think that we are tackling this problem very seriously. The African Settlement and Utilization Board—they have their schemes all over the country, and I suggested last year, as I would like to suggest again, that soil conservation, terracing, bush clearing and all that—those are mechanics in agriculture, but I suggest that that is not the end of agriculture. What I would like to know now, Sir, is not the number of miles that we have

[Mr. Mathu] terraced but the greater production that has resulted from the miles of terracing—I am not interested in the acres that we have terraced—that is the point. The point is, if we were growing ten bags of maize in an acre, as a result of the work that we are doing through all these schemes, let me know whether we are doubling that production because I could not see the point in other things. That is, I might say, only part of a negative policy. That applies to livestock also. In livestock when we read some reports of the Government, the people are happy when they hear that a particular African community has reduced their livestock from a certain number to a lower number. Surely fatter beasts, a greater yield in milk and so on—that actually is really the positive aspect of it and I do not think that we are doing more of the positive side but I think the tendency is towards just control, reduction and I think that that is not the way to look at it. What we would like in the African areas, as far as livestock production is concerned, is for the African to be encouraged to breed better beasts, dipping—that they should dip their beasts—fencing, greater water supplies for these animals, that is surely, Sir, the thing that we want.

When dealing with production, one cannot lose sight of labour. The hon. Member for Trans Nzoia suggested the rationalization of labour. Now, I do not exactly know what that means but if it means more of them with less work or few of them with better work or whether it means intelligent application of their knowledge to labour with more time saving means, if it means all those things I think it is a very good thing—but it also means this, Sir, better education for labour so that they can apply their intelligence to whatever work they do. It means better housing, better wages. I think that the wage structure has been very conservative for many years and although it is true that in certain directions the output of labour can be increased. It is a vicious circle because they say we want some incentives, more wages so that we can work harder, the employer says work harder in order to earn more. It is a vicious circle, but we have to break it somewhere and I think, Sir, our labour could do more. I entirely agree they could do more and I think employers

could also do more in encouraging them in the way of better wages, better housing, better human relations with them because that, I think, is a very important matter.

In regard to the Civil Service, Sir, we have suggested from time to time that Government should perhaps go out of their way and create high posts in the Government service for the African community. When we mention this we are told there are the African Assistant and Administrative Officers. That is a start. Surely we can go higher than that. What possibilities have they for promotion—any facilities to become D.O.s or D.C.s? Sir, I think there is frustration throughout. Our man-power is being wasted—man-power is being wasted because of this policy that we must import expensive products from the United Kingdom. That is why actually most of our education expenditure has gone up. They are very expensive these people and you can get them here—they are available here. Let us give them good jobs and pay them well and make them a contented community. I think Government should get out of their way to try to give somebody a higher post. Make someone an Assistant Director of Education, like myself. Let us take some risks! (Laughter.)

I have got two further points on production—

THE PRESIDENT: Are you likely to take long?

MR. MATHU: Another ten minutes, Sir.

THE PRESIDENT: If you are not going to take more than ten minutes, carry on.

MR. MATHU: On the question of production, Sir, and the part the African could play in increasing the wealth of this country. I feel that the Forestry Department could encourage the African more to take part in the exploitation of timber; I will have some detailed references on this when we come to that vote, but let me say that the policy of the Forestry Department for a long time has been most discouraging. Pit-sawing is limited—you can only pit-saw a tree which is dead on the ground and you are limited to one pit-saw—even if there are ten of you, you have only one saw. There is plenty of timber going and this policy, I think, is really to bring poverty to the country, because I feel the African

[Mr. Mathu] can make a tremendous contribution to the exploitation of timber in this country. Similarly, I have had cases—which I can produce—of Africans applying for permission to set up saw milling in quite a number of areas and the policy of the Department has always been to prohibit it. I have personally gone to see the Conservator—I have had talks and sent letters and you can never get any satisfaction. They only say, tell the African, "No there is no room, all the necessary saw millers are there, there is no room" and next day you get other communities coming forward and getting opportunities in the exploitation of timber. Now, Sir, I think it is a most unsatisfactory state of affairs and I suggest that some more positive approach to the problem of that Department towards the part the African can play in this country should be made.

The final point I want to mention is in regard to the sum proposed to go to the Development and Reconstruction Authority—the £200,000—to go to the Development and Reconstruction Authority for capital works. I only refer to this because I think I did make an indication last year that if the Development and Reconstruction Authority has no funds, the country should give them some funds so that they can develop this country and the £200,000 I think perhaps could go to assist, but I should like to mention to the hon. Member for Development that what we want in most of these areas is water supply, and I do not think we are getting value for our money that might be expended in providing water for man and beast. In drier places like Ukamba or the pastoral areas I think we can move more quickly in providing water supplies and I do not think the money is not there. The Colonial Development and Welfare Vote has plenty of money for water supplies in African areas and the Development and Reconstruction Authority also. I think all we want is to get going and give water to these people. Some of these people are most disheartened if you visit them. Dam making is one of the problems but a dam is useless if there is no rainfall. You cannot use dams if there is no rainfall and some places have no rainfall at all so I think it is better to have bore holes and get some water even when the rains are not on.

I want to refer lastly to the Road Authority and the £300,000 proposed to go to that Authority for capital works and as I have pointed out more than once—and I think I will point it out until—(MR. HAVELOCK: Until the cows come home)—the roads in the African reserves, Sir, are dreadful and whoever is going to look after this business—it is a productive business—you cannot move maize, move wattle bark, move any products under the conditions which our roads are in African areas. They are most dreadful—there is no word I can find to emphasize this condition. Can someone not come forward to make passable roads in these African areas. (MR. BLUNDELL: A shilling on the Poll Tax.) The money is there—where does the money come from? Is there no money to give one hard surface road in any African reserve. (MR. HAVELOCK: You do not use machines.) Can you people not give us money to get some machines to make some good roads in our areas. It is not a joke—the matter is a serious one. It is a productive service and unless you do not want us to contribute to the wealth of this country I suggest that something should be done by the Member for Finance or the Member for Development and all the others concerned. I make a plea—this is important.

Finally, Sir, may I congratulate the hon. Member for Finance on the very able speech in which he gave a financial exposition of the country as a whole, and it is my belief that this budget will take us a step further towards prosperity, happiness and good relations in this country.

Sir, I beg to support. (Applause.)

Council adjourned at 11.00 a.m. and resumed at 11.23 a.m.

The debate was resumed.

MR. HOPKINS (Aberdare): Sir, most of the points in this Budget which seem to call for comment have been adequately dealt with by various speakers, but as the matter of the increase in the Poll Tax has given rise to such a variety of opinions and as matters of principle and policy, I believe, are involved, I would like to make my own opinions clear in this matter. I am one of those who has felt increasingly during the last two or

[Mr. Hopkins]

three years that the time has come when the Africans should make a more adequate contribution to the increasing number of services which are being provided for them by the Central Government and that this monetary contribution should come in the way of direct taxation. Year after year his leaders press for further services and year after year those same leaders resist, as strongly as they possibly can, any suggestion that there should be an increased contribution on the part of the African to help pay for these ever-increasing services. I am confident, Sir, that both the Europeans and the Asians are quite willing to continue to shoulder a substantial portion of the cost of services for Africans, but I do feel that the African should be made to realize that he cannot go on indefinitely having these services increased without some increased contribution by himself. The extra shilling in the poorer district, or two shillings in the richer district, while it will make quite a useful contribution to central revenue, will put a very small extra burden on the individual taxpayer. (Mr. MATTIU: Question.) A shilling works out at eight cents a month. The whole year's tax could be got by the African peasant by the sale of half a dozen eggs or a few bananas and by the labourer with a few hours extra work.

Attention has been drawn, Sir, also to the increasing sums which are necessary for the maintenance of law and order. The ever-deteriorating position is, I am sure, due in a large measure to the fact that in the African communities there is not a healthy public opinion which condemns wrong-doing and ostracizes the evil-doer. I think there is no better way of bringing home to the African the desirability of co-operating with the authorities and to stamp out lawlessness and not to shield the wrong-doer than making him realize that a policy which does not do this is likely to cost a great deal to the individual in the long run. It is only by making him realize that he himself has to pay more for the maintenance of law and order that we can, I think, influence this public opinion.

I find myself, Sir, in strong disagreement with those who urge that no steps should be taken to increase the Native Poll Tax until we have had the Report

of the Committee which is now sitting to consider the graduated Poll Tax. Now, my reasons for being opposed to the views of these people are as follows: firstly, because the Committee's Report cannot possibly be implemented, when it does arrive, in less than another two years, what I mean is it cannot be implemented at the earliest till 1952 whereas I believe most earnestly that we should ask now for further contributions from the Africans to central revenue. Secondly, because in any event a graduated Poll Tax will apply to only a small portion of Africans, to the more wealthy class, and I believe that the time has come when we should ask all Africans to make a larger contribution. Even the most remote peasant these days derives considerable benefit from the medical, educational, agricultural, veterinary, judicial and many other services which are provided for him. Thirdly, I believe that the African is well in a position to pay an increased Poll Tax because of the increased price which he gets for his produce and the general rise in the level of wages.

Sir, I am not at all impressed these days by reference to the Plewman Report. That Committee made some very sound recommendations and some very wise observations. Unfortunately, its recommendations were not implemented so far as native taxation was concerned and the observations in many cases are now entirely out of date. I would remind those who fear that this small addition to the direct taxation will bear heavily on the poor, that District Commissioners and their staff each year travel round their districts and examine the ability to pay of every taxpayer on their register. They have powers to reduce taxation and they do not hesitate to use these powers. The Provincial Commissioner, moreover, in the case of famine or some other such disaster can make recommendations for the reduction of the basic tax of a particular tribe or area under his jurisdiction. Again, Sir, we must not lose sight of the fact that the Native District Councils have powers to impose local direct taxation on the people in their area. Now Sir, I have for some time been rather worried about the rate at which this local taxation increases, but I never realized that it had increased to the extent which the hon. Member for Native Interests pointed out, that is that in one

[Mr. Hopkins]

district there has been Sh. 14 imposed as the local cess. Now Sir, I believe that a citizen's obligation is first to pay his dues to the central revenue, and I feel that if any native council considers that a tax imposed by Government is too high, that they could quite easily set it off by reducing their own local taxation. I think, in fact, that there is a case in many areas for this local direct taxation to be reduced straight away.

Finally, Sir, in the discussions which led up to this debate, one or two Members of the African team referred to the fact that our detention camps each year, or I should say stated, as a fact that our detention camps each year were filled with unfortunate Africans who could not pay their Poll Tax. Now Sir, due probably to the fact that a spell in prison or detention camp carries no social stigma amongst the Africans, there are each year scores of even quite wealthy men who prefer to serve a few weeks in the detention camp to the selling of a goat to meet their tax dues. The large number of men which it is, unfortunately, necessary to prosecute each year for non-payment of Poll Tax are made up, Sir, not of unfortunate people who cannot pay but almost entirely of those who are able to pay but will go to almost any length to avoid doing so.

Sir, there is nothing more I wish to speak about except to say that I support very strongly the suggestion of the hon. Member for Trans Nzoia that money for the reserve fund should be allocated at the end of the financial year from such surplus balances as may have accrued rather than that it should be budgeted for the beginning of the year.

Sir, I beg to support.

MR. SALTER (Nairobi South): Mr. President, I will ask the indulgence of hon. Members in order that I may make a very brief contribution to this debate.

Yesterday the unusual silence of hon. Members on the opposite side of the Council led me to suppose that the seeds of wisdom which had been sown by the skillful farmers and hon. Members on this side had fallen on good ground, but as I looked more closely at their expressions, I realized that it had fallen on stony ground. But to-day, signs are more encouraging. Signs, I will not say, of anima-

tion but at least of movement in the Commerce and Industry and they indicate perhaps that the seeds have taken root. What crop it will produce, whether of dragons teeth or not, we know not.

Taking advantage of this silence, I would like to make two observations on the taxes which it is sought to impose. So far as the Native Poll Tax is concerned, I regret that I find myself at variance with the last speaker and with those who would support this tax. It has been said that it is an ill-timed tax and an unnecessary tax. Ill timed because of the reasons stated and unnecessary because although, laudably the proposals are placed before this Council, nevertheless there are powers contained in section 3 of the Native Poll Tax Ordinance which would render in fact any decision of this Council nugatory.

The point I wish to make Sir, is this. The ratio of the tax collected would appear to bear little relationship to the population upon whom it is imposed. Looking at the figures which were disclosed in the Plewman Report, it would appear that between 1935, or rather in 1935 and 1946 the difference in the amount collected was rather less than £7,000. In 1935, the total given was £502,301. In 1946 it was £509,274. Those figures speak for themselves but it is idle to suppose that the population had not gone up by whatever percentage hon. Members think—it must be nearly double.

Therefore, I would submit Sir, that those figures show not that an increase in tax is needed but that increased collection is needed. The increase of tax would merely add yet another burden to the willing taxpayer. It is not going to bring more revenue into the coffers that is needed. When one thinks that the extra tax estimated or the estimated yield of that tax is only £90,000, one would suppose that it could be obtained by a more efficient collection of tax or a saving of expenditure in other departments.

When one thinks also of the number which are filling our detention camps in the Colony because they are unable to pay this tax or have not done so, surely Sir, that is yet another argument for not increasing this tax at the present time. In saying that I do not wish it to be supposed that because I am opposing it to-day, I do not recognize that at some

[Mr. Sallier] future date the African population must bear a greater responsibility in providing finance for the social services and education which they are, at present, enjoying and which may be increased.

Now Sir, with regard to the Company Tax. The hon. Member for Commerce and Industry has said that in the opinion of many business men this tax will not retard development or the capital of companies coming into this country. Many business men, nevertheless, in Nairobi do not share that optimism. One would also like to reflect for a moment on the relief which was given or apparently given in the 1947 Income Tax Ordinance. That relief was given in respect of increased allowances for capital expenditure and this tax, in the opinion of many people, is going to offset and render quite illusory the relief which was granted under that Ordinance. Furthermore, Sir, the principle and the policy, surely, of such a taxation must be that relief is afforded when depression of trade threatens, and additional taxation imposed when profits and prices are undeniably high or threaten to become so. There is, therefore, in my submission, only one possible advantage in the proposed increased rate of Company Tax and that is, that it should have a deflationary effect, and in that respect it would be accepted, and only on those grounds, as a very temporary measure.

Now, Sir, those are my brief contributions on those two points.

I will not take up the time of this Council in supporting, as I would support, what has been said on the removal of the Excise Duties and on the amount to be put into a reserve fund and so on, but I believe that, going through this budget, I would have liked to have seen, and many people would have liked to have seen, greater emphasis laid upon the cutting of expenditure and retrenchment than in the raising of the taxes which have been suggested.

I beg to support.

MR. JEREMIAH (African Interests): Before I say anything, Sir, I must congratulate the hon. Member who has just spoken on his maiden speech. (Applause.) On speaking on this debate, I do so merely, as being a debate on the budget, I felt I ought to contribute a little.

It is inevitable that due to increasing services, more money should be found to meet the expenditure involved. The African is playing his part as much as anybody else and is trying to do what he can to increase the wealth of the country but, out of all the proposed expenditure during 1951 over 1950, the African gains very little in the way of wages and salaries. The number of new employees is almost negligible whereas the employment of the other communities appear to have increased substantially. The rate of remuneration paid to Africans, apart from being extremely low, is made doubly low by the ever-increasing cost of living. It is also surprising to me to find that various Government departments in existence for years have not recognized as their duty the necessity of employing Africans as skilled workers. This fact is, in my opinion, difficult to understand and I would request that Government would give us some reasons. I tried to think that, perhaps, the non-employment of Africans in certain departments may be due to lack of qualified Africans to fill such posts but such an argument could not convince me. Another argument which came to my mind was that the non-employment of Africans in such departments was nothing more than prejudice. Now, Sir, if Africans are not employed in certain departments due to lack of the necessary qualifications, I hope this Council will be informed clearly what kind of qualifications are required, and whether all employees in those departments possess such qualifications, and at this point I would request the hon. Member for Education to take a careful note of the reply in case it may concern his department; but should the reply be that Africans are not wanted in certain departments merely because of prejudicial views held by some of the Heads of the Departments concerned or because of some other ingenuous and unsatisfactory reasons, Government should take immediate steps to rectify the position.

The hon. Member for Finance is no doubt aware that by employing more Africans or employing as many Africans as possible, some considerable economy could be achieved especially in the way of leave and passages; I do not say salaries, because with regard to salaries we are not even satisfied that the African

[Mr. Jeremiah] is being paid reasonably. We think that we should be paid better.

The Departments mostly concerned are the Audit Department, the Immigration Department, the Police, the Kenya Police Reserve, the Registrar General and the Accountant General's Departments.

Now, Sir, with regard to Police, I see that there is created a post of Senior Inspectors (African) and at a salary scale which to my knowledge was not recommended by the East African Salaries Commission. The Salaries Commission recommended with regard to the Police Force, the scales of Recruit, Constable, Sergeants, Senior Sergeants, Assistant Inspectors, Inspectors and Chief Inspectors and what was considered to be the appropriate scale for each grade was laid down. It is surprising to see that after all the long and faithful service some of the African officers have rendered to that force, none of them have been found fit to be promoted to the post of Chief Inspector. I can only take this to be a natural oversight but I cannot understand how it has been possible for Government to devise a different scale of salaries for such officers on the African side.

The hon. Member for Central Area, yesterday complained that there are only eight Asian Chief Inspectors. I believe the African case is worse. There is not a single African Chief Inspector. Moreover in the case of Asians there is a prospect of more people being promoted to Chief Inspector but in the case of Africans such a prospect seems to be in process of being eliminated and the often-quoted statement that the sky is the limit seems to me to have no significance. I have heard people dismissing some grievances as imaginary but I suggest that this is a real grievance and Government should lose no time in rectifying that regrettable position.

I welcome the reduction in customs and excise duties as well as the subsidy on maize. What I am not sure is whether the full value of the subsidy is passed on to the consumer. A bag of maize meal, as far as I know, does not cost less than Sh. 30. I hope the hon. Member for Finance will tell us what it would cost if there was no subsidy. I am inclined to doubt the wisdom of spending such a large sum of money for whose benefit I

do not know, but I should be quite happy if the position could be made clear.

With regard to the proposed increase in Poll Tax, I regret to say I cannot agree with the statement that there is an appreciable increase in the return for the African for much of his produce and as every hon. Member of this Council is aware of the lower standard of living among Africans. It is my opinion that any increased return secured by Africans should remain with the individual concerned to improve his general standard of living, but if any increase secured by the African is to be taken away from him immediately, can we justifiably claim that we are helping the African to improve his living conditions.

I join the hon. Members who have opposed the proposed increase in Poll Tax. Sir.

Sir, the debate so far has been conducted in a manner besetting our position as common citizens of Kenya and I hope we are beginning to realize our inseparable position to each other and the benefit of tolerance towards one another.

Sir, I beg to support.

DR. KARVE (Eastern Area): Mr. President, I am really sorry that I was unable to be present when the hon. Member for Finance moved the Budget, as very often the same speech read in cold print conveys a slightly different impression than when it is actually heard. Even, however, in cold print I was struck with the lucidity of the exposition of the present financial position of our country. We are indeed in a very happy position. Our customs imports last year were less than usual and, in spite of this reduced income, our Budget position is and has been better than what is was owing to the buoyancy of the general revenue and of the excise revenue particularly on tobacco and beer. I have not much to say about tobacco but I do think that the excise on beer has been mainly contributed by the Africans who have been allowed to use beer during this year and they have thus contributed—whether it is right or wrong, I think it is wrong myself—but even so they have contributed to a large extent in that part of the increase of excise, particularly of beer.

[Dr. Karve]

Then again, we have been very lucky in having the arrears of our income tax collected by the Income Tax Department which again has made our position very much better than it was. The hon. Member for Trans-Nzoia has taken the credit for this reduction in the imports and the increase in production to his own community. With this, however, I disagree, but that the present prosperity is going to last for some time and that there is no immediate prospect of any sudden slump due happily, or unhappily, to the Korean war and the general condition of the world politics, I agree with the hon. Member for Trans-Nzoia. We need, therefore, not be afraid in the immediate future of a slump and that is to say a great deal.

I must compliment the hon. Member for Finance for setting aside large sums of money out of our surplus towards capital expenditure which is going to contribute to our future development. This, I think, is the wisest motion in the present Budget proposals. I do not, however, agree with the hon. Member in some of his other themes. The main theme of his Budget speech, as far as I could read it, was that he dreaded inflation and in order to combat the inflation he had two remedies in mind. One remedy was to reduce certain customs duties on essential articles so as to reduce the cost of living to the average man, and he has chosen articles which, according to him, are used by every person—or in fact by a large majority of persons amongst us. The second remedy which he suggested is by tightening of controls, particularly price control. In my opinion, both these remedies are not going to conduce to any real relief or real lowering of the cost of living. Taking firstly the reduction on the articles suggested—he has suggested five items. The first is tea, the second is kerosene, the third khaki drill, made-up garments and blankets. I am going through in detail to show how very little difference it is going to make for the ordinary man in the street, particularly the African, how little difference there will be in his monthly budget. The 15 cents reduction in the pound will perhaps save him 7½ cents per month if he cooks the tea himself, because on an average I consider that half-a-pound of tea is all that an African consumes in

a month and most of the town Africans with whom I come more into contact unfortunately, do not cook their own tea themselves but go to a small hotel African eating place, where most of the cost of the made-up cup of tea is the milk, sugar and the heat that is required for cooking. Tea, in fact, contributes very little to the cost of a cup of tea.

The second item is kerosene. Now, how much kerosene does an ordinary man in the street, particularly an African, use? The small wick lamp that he uses takes perhaps a couple of drams a day because he uses it for a couple of hours and that perhaps will come to an overall quantity of a bottle a month which is one-sixth of a gallon, and the reduction of 26½ on a gallon it will come to a little more than four cents a month.

The next item on the list is khaki drill. I have come into contact more with the town African and he generally does not pay for the khaki drill clothes that he uses. They are really provided for him and he buys other things to supplement the uniforms that are provided by his employers, so the reduction on the khaki drill, if it helps anybody at all, will help the employer and not the average man in the street. The next item is made-up garments. I do not know exactly what this means. I did go to a few of these clothes merchants to ask them, what are these articles which are called made-up garments, and they told me that they did not quite know. If I am mistaken on this particular item I shall have to ask the indulgence of the Director of Customs, or the Controller of Customs. As I take them, the made-up garments are shirts or coats or hosiery or things like that which are very sparsely used by the average African, and, if used at all, they are second-hand, and I am quite sure any reduction in duty is not going to reach him when the clothes are sold second hand to him.

The final item is blankets, and that also will not reduce his costs to a great extent as the labourers employed on farms and such other places are provided with blankets by the employer, which is, according to labour regulations, a necessary item that the employer has got to supply. So this item also will benefit, if anybody, the em-

[Dr. Karve]

ployer and not the African himself. There is another little point in the matter of these blankets and I consider I hope, along with the Members for the Coast, that this is a discriminatory item because at the Coast blankets are very rarely used. (Laughter.) Having shown how the reduction of duties is not going to help the average man in the street—he may be a poor African or even, I may say, a poor Indian, I will now go to the second proposition or the second thesis by which he proposes to reduce the cost of living and that is the tightening of the price control.

In this country of ours where the population is not homogenous but consists of three different stratas of society or of races, or whatever you might call it, the tightening of price control is a very difficult matter indeed, because of the impossibility of strict rationing. That is possible in those countries where the population is more or less homogenous. Price control in this country, even at its strictest time, has never actually in practice reduced the price of an article. An article, as soon as it was controlled, if the price was higher than when it was controlled, vanishes out of the market and goes into the black market, so the poorer man does not get that article at all, and, I think, in the long run production suffers. This was very well found out recently in Mombasa when the price control came on vegetables—I am talking of a recent example. The vegetables that were being sold in Mombasa at a lower rate than what the controlled price was fixed at were in free supply in the market, even after the price control, but those vegetables which were rather better type vegetables immediately vanished from the market and nobody ever could see them unless they were ready to pay black market prices. In many cases this has led to lessening production because people would not produce better articles if they were not going to get the better price that they wanted for them. If the decrease of prices goes on in the very necessary articles of diet that we usually consume, as has been happening over the last six months, we shall all find that most of those articles, particularly those that are produced by the European farmer, have all increased in price. I should quote tea,

coffee, butter, eggs, and I suppose the Meat Marketing Board have been responsible for the increased price of meat. After all, the price control is not going to reduce the cost of production. The cost of production is increasing owing to the conditions in the world of inflation, and unless we are ready to give the producer a fair return for his price—I say fair, because very often it is not quite fair—a fair return for his commodity, we are going to reduce production. The prospect of the reduction of the cost of living by the process of having two sets of prices, one for cash and one for credit, I think is even more absurd. In the first place the usage and the custom in this country militates against it. The custom in this country of sending our servants with chits to the shops is founded on the fact that we cannot trust many of them with cash, or that many of us are perhaps living over our incomes. In any case the African has been and is paying cash for everything that he buys, and he being the largest consumer in the Colony I do not see how big a percentage can be saved by actually paying cash for the articles in the shops. If in fact the Government thinks that paying cash will reduce the cost of living, they should appoint a committee for considering whether the cost of living allowance given to the civil servants is superfluous, because an order from the Government to their civil servants to make it illegal to buy except for cash will solve the whole problem. I do not therefore think that the reduction in customs revenue and the tightening of price controls are in any way going to reduce the cost of living, but will increase our expenditure by increasing expenditure on price control officers.

Now this reduction in customs has lost a revenue of, I think £318,000—I think that is the figure, £318,000—with practically no benefit to an individual, or I should say, an insignificant benefit to the individual. If it benefits anybody at all it will benefit the employers of labour. The loss of revenue caused by this amount, £318,000, is going to be made up mainly by two taxes. One is the increase in African poll tax, and secondly the increase in the company tax. I am not going to go over again the arguments why the African poll tax should not be increased at this stage, because many of

[Dr. Karve]—my predecessors have gone over the arguments before, but I will put it this way: that an increase in poll tax could be justified only if the real income of the African was increased. By real income I mean his buying capacity. I have only come into contact mostly with the town African and I can say with great emphasis that his real income is certainly not increased. On the other hand it has decreased so that his capacity to buy nourishment and a good balanced diet has been destroyed, and that his physique, the physique of the town African to-day, is much worse than it was a few years back. (Hear, hear.)

The next increase in tax is the company tax. Well, I really do not think that the shilling increase in the company tax is going to make any great difference in the flow of capital to this country or otherwise, but I do think that this tax is a tax which is like living on our future income, simply because this tax has got to be paid back, at least a major portion of it, to the individual shareholders as a rebate, as tax paid at source. It is equivalent to an individual who is getting an advance on his pay, and we all know what that leads to. In fact I entirely disagree with the hon. Member for Finance in his choice of taxes for making up the loss that he has unnecessarily made in reducing the customs revenue on those three or four items that he has chosen.

Well, there is only one virtue in those two taxes, and that is they are easy of collection. After all, it is just as easy to collect Shs.20 from a man as Shs.18 or Shs.15, and it is just as easy to get Shs.5 in the pound instead of Shs.4. That is the only virtue I find in these proposed taxes.

Lastly I will refer to one more point in his speech, and that is about the committee that is appointed for the cost of living allowance. It would be premature to say what that committee will decide, but any rise in the allowances or pay of Civil Servants will give rise to a commensurate rise in the pay of people employed in private and commercial firms, and so finally raise the wages of the whole structure of the Colony. This will lead to inflation, which is exactly what he is fighting against. Of course he can make up one argument for the African poll tax and that is that that is a deflation-

ary measure, though I certainly will say that that would be the wrong approach. I think the time has now come—I do believe that there are certain times in the life of an institution, a business or a country, which are prosperous times where money is coming in easily, and the temptation to please everybody is very great. We are at present passing through such times, but these very increases in salaries and other things breed disaster in the time of financial stringency, and it is time that we call a halt and consider whether we will not tell everybody that the standard of life in this Colony is too high, and instead of increasing the wages to go up with the standard of living that we are having, it is time for the higher income people at least to call a halt and reduce their standard of living.

There is just one more point that I will make, and that is about the using of the surplus balances. I think it is necessary that information as to how much of the surplus balances are in a fluid state must be given to this side of the Council, at least once or twice a year, because that is most important for the control of finances of things like the Development and Reconstruction Authority and other things.

Sir, I beg to support.

MR. SHATRY (Arab Elected Member): Mr. President, I would like also to associate myself with the previous speakers in congratulating the hon. Member for Finance on his preparation of the 1951 Budget. Taking into consideration what His Excellency had told this Council in his opening speech, that the Member had been handicapped by sickness and shortage of staff in his department, and in spite of which he had been able to conduct a thorough investigation into the finances of the country, I can only say that he is a very able officer.

The Financial Secretary in his budget speech has told us that the country's estimated expenditure for next year exceeds the corresponding figure for last year of about £2,000,000. In a rapidly developing country such as this, where a number of schemes and projects are being initiated, and others are yet uncompleted, this disclosure is not at all unexpected. It is customary, however, and

[Mr. Shatry] absolutely necessary, to exercise a certain amount of scrutiny on the particular expenditure so as to avoid withholding urgent projects and incurring unnecessary extravagance. The hon. Member assured us in his speech that he has been guided in his framing of the budget by four factors: the problem of the cost of living, the need to develop the country's resources, their utilization of other assets and the threat of the locust invasion. We appreciate very much the efforts of the Government in dealing with the cost of living problem, a matter which His Excellency has told us is giving the Government the greatest concern and to which His Excellency's advisers have given unremitting attention.

I have one or two points. Mr. President, to raise in regard to the cost of living problem. The first is about the present price of meat. The price has gone up since the establishment of the Meat Marketing Commission. One of the aims of the Commission was to reduce the price of meat to the consumers and it was with this expectation that the public was in the end prevailed upon to accept it. I hope the effects of the Commission will be examined by the Government.

The second point is the introduction of the price control. I wish to say that the controlled price in itself is no solution to the cost of living, and, unless the country by determined Government action do see that the commodities under control do really appear in the open market, this administrative machinery required to supervise the control will be a mere waste of money, as very little result will be achieved. Hitherto, it has been a great tendency that whenever there is control the commodities tend to disappear in the open market and turn into the black market. This problem is at present appearing in this country, and one of the examples is ghee.

Another problem which is giving the whole country a headache is the housing shortage. In the main towns, particularly Mombasa, there is considerable overcrowding in houses, and as more and more old and temporary houses are being destroyed and replaced by new ones the problem is going to

worsen. The sad fact about it is that once a house is destroyed and replaced the displaced persons, because of poverty, can never hope to get any accommodation in the new houses. Public thought should now be turned to try to solve this problem, to solve this difficult social problem. I hope Government will make a lead in this direction. The Vasey Report on African Housing is only the beginning. The contribution to the Development and Reconstruction Authority and the Foad Fund are both welcome as the provision of better roads and thus better means of transport will be useful to the economy of the country in a number of ways. Our roads have been subject to public criticism and to criticism from tourists from whom we aim at developing a tourist industry. It would be bad economy not to spend money on our roads. There are some pretty bad roads in the country which have to remain closed at certain times of the year. This is a great inconvenience, Sir, and please do not let us have roads uncompleted all over the country.

Turning to the education problem, this year's vote shows an increase which is justified by the argument that there will be increased development for Europeans, Indians and Africans as well as the implementation of the Beecher Report on African education. The Government, I am sure, must be well acquainted with the position in the Arab school at Mombasa. There is a long waiting list which I am sure will at least double by the beginning of the year. Since I find no consideration of this by Government in the increased education vote I am naturally anxious about this matter. This, I think, is a great injustice to my community and unless something is done now nothing will be done later on.

Sir, at this stage I will also take the opportunity of congratulating the new Member for Nairobi South and the Acting Member for Eastern Area on their maiden speeches.

I beg to support.

MR. MACONOCHE-WELWOOD (Uasin Gishu): Mr. Speaker, before I support this motion I also should like to congratulate the hon. Member for Nairobi South and the hon. Member for Eastern Areas on their very excellent and well-thought out maiden speeches. (Applause.)

[Mr. Maconochie-Welwood]

To someone like myself, who has just returned from the United Kingdom, a first glance at this budget makes one think how fortunate we are and what a low-taxed country we are, but then to set beside that one has to realise the difference of motivation of taxation here and there. In that country at the present time it is the intention gradually to destroy private enterprise in order to run the country more and more by nationalised industries and nationalised corporations, whereas here we have nothing else to support our economy except private enterprise and, therefore, there is nothing we should do in any way to make its position difficult.

Now, a lot of people have discussed this Company Tax from the point of view mainly, as I see it, of the large companies operating in Nairobi. It is not unnatural that the hon. Financial Secretary or even the hon. Secretary for Commerce and Industry should look at Company Tax mainly from the point of view of capital coming to this country and its possible discouragement, and I agree with them that that is most unlikely to happen as a result of this tax; but the way I view this Company Tax is this: it is of necessity mainly a tax on the undistributed profits of companies, small companies in particular. We are still—and I have said it before in this Council—largely a pioneering country. Capital is not readily obtained for the small type of private company that you get in this country. You get small private farming companies, you get small industries, you get small saw mills in particular, none of whom find it easy to raise fresh capital and whose only opportunity of developing their resources and buying their machinery and things of that sort is from their undistributed profits, and this is going to act as a sort of capital levy on that type of company.

As regards the Poll Tax, I have no particular objection to this under the circumstances, but I would like to say this: It seems to me that the hon. Financial Secretary is rather taxing in this Budget out of a sort of horror for a reduction of taxation without a balancing increased taxation. What he has actually done is to reduce the taxation on the African; I think myself (unlike the hon. Member for Eastern Area) considerably more than he has increased it by Poll Tax, therefore I do not think the

African has much to complain of. In point of fact, the relief of duty on kerosene is certainly going to benefit the literate African more than the illiterate because he is the man who wants to get up and read at night, and he will certainly gain very much more from it than he will lose from a shilling or two on the Poll Tax.

Now, there have been some points raised in this debate by various speakers which I would like to reply to, and the first one is a point made by the hon. Member for Trans Nzoia, which was replied to by the hon. Member for the Coast. The hon. Member for Trans Nzoia said that he for a long time had looked for a definition of "marginal land" and had never found it. The hon. Member for the Coast replied to that by saying that the definition was perfectly simple—"Marginal" meant land which was marginal at the time of speaking and the conditions of the Government. Well, I am afraid I am confused by the reply of the hon. Member for the Coast.

MR. COOKE: As a point of explanation I said no such thing. I said "sub-marginal land was land which was sub-economic and was not worth working under the present conditions in Kenya."

THE PRESIDENT: That is my recollection of what the hon. Member for the Coast said.

MR. MACNOCHIE WELWOOD: Mr. President, I accept that, but it does not alter the point I was going to make. I entirely accept that I did not remember the exact words. The point I want to make is: who fixes the economic circumstances of sub-marginal land? The hon. Members opposite. They fix the prices of the produce of that sub-marginal land and therefore it seems to me that logically they in fact can fix as to whether land is economically valuable or not economically valuable. The hon. Members opposite fix it. If, of course, you are going to say it depends on the economic factor of world prices, then the situation becomes even more confused, because I point out to the hon. Members opposite that in fact the produce per acre of wheat in Canada over the last 20 years before the war was in the region of 3½ bags an acre; in Australia it was about 2½ to 3 and in America I understand it was somewhat higher, about 4½, so you cannot go by the hon. Member for the Coast's definition of what is economic in this country.

[Mr. Maconochie-Welwood]

The hon. Mr. Madan made a remark which I would like to take up, and I hope in doing so I shall not be accused of trying to raise a racial issue. I think it is important it should be taken up. The hon. Mr. Madan said that he considered the time had come when Indian judges should be raised to the Bench in this country. Now, if we have the enormous disadvantages of different races, as we have in this country, I cannot see why we should not at least have the advantage that we can gain from having one race which is not anything but impartial to two other sections of the community. I believe that no Muslim in this Council and no Hindu in this Council would wish to be tried by a judge of the opposite religion, and we have this fortunate position of being able to put European judges on the Bench in this country who, whatever else can be said against them, have no strong belief, religious or social bias, in trying a case. I think this is only emphasized by Mr. Madan's remark that the majority of litigants in this country were Indians.

A point made by the hon. Member for African Affairs, Mr. Mathu, about pit-sawyers, I would like to answer, because I have something to do with the matter on the Forest Advisory Board. The reason why we do not want pit-sawyers in the forests is twofold. In the first place, if you go into the question of the timber industry in this country, or indeed more so if you go into it in the United Kingdom, as I have tried to do, you will find that the greatest drawback of Kenya timber—which I hope in the future we shall export—is the extraordinarily poor quality of the milling, both by mechanical means and by pit-sawing; also pit sawing is not a desirable means of conversion, it is immensely wasteful, and thoroughly unsatisfactory in every way. The second objection to the African pit-sawyer is this: that most unfortunately (not in the least because they are Africans), but because of something of their attitude towards forests in the past, they are not to be trusted in the forests to honour their agreements as regards the trees they cut in a concession. Again and again cases come before the Forest Department where licences that have been granted had been abused in this way and I think the hon. Member for African Affairs will

agree that at any rate it is the duty of the Forest Department and all those concerned with the forests of this country, to see that those natural resources are kept and guarded as far as we may against wilful waste and abuse.

The hon. Mr. Nathoo made some remarks which were rather frightening to me on the subject of copying Tanganyika because its position was identical to this country. I, of course, do not for a moment agree that that unfortunate land of groundnuts, political cockshies, and insecurity of land tenure resembles this country in the slightest degree (Laughter.) But the point that he was leading up to was that industries such as pyrethrum, coffee, sisal, etc., should follow the example of the sisal in Tanganyika and should pay a cess while their price is buoyant. Well, I would point out to the hon. Member that there is one very grave objection to this, and that is that all these commodities do in fact voluntarily impose a cess on themselves at the present time for research in their own industries, and the first action of these industries if a cess was imposed in this way, in order to make a spread of the price benefit over the other industries of the Colony, would be that they would cut off that money which they voluntarily spend on research, and I think research is so vital in this new country that no possible—if I may call it so—socialization of agriculture such as Mr. Nathoo envisages could benefit the country as much as the existing situation where industries interested in themselves take the trouble to set aside ever-increasing funds out of surplus—if he likes to call it surplus—money for the improvement of their industries.

Mr. President, I beg to support.

MR. CHEMALLAN (African Interests): Mr. Speaker, I am quite sure that those hon. Members who have more than often in our previous Budget sessions argued against increased social services, particularly education and medical, as unproductive must be quite happy this time that almost all the speakers have almost entirely devoted their time on the economic position of this country.

Well, I too will do the same as the previous speakers, and I will confine myself to one aspect only. I think it is true to say that the economic position of Kenya is progressing, but even so it

(Mr. Chemallan)

requires to be raised up from all possible angles to a better level by developing our natural resources to the maximum, as the hon. Member for Finance has already advocated in his speech. We have been informed, Sir, that our agricultural development in the country is steadily progressing. It is very encouraging to hear that, but there is something I am doubtful about, Sir, because what about the other source of wealth in this country, and that is the livestock? Perhaps when I say that I am demanding a better improvement than has been done to the livestock industry in this country, and especially in the African areas, the Member for Agriculture may say against the many hundreds miles of terracing and the other soil conservation works which have been carried out in the African agricultural areas that destocking has very successfully been carried out in the African pastoral areas. But I have a query on that, Sir. Is it only by destocking that we can make improvements to the African cattle? Is it only the slaughtering and eating that is going to be the only improvement we can have in African cattle? When I say that I do not try a bit to suggest that destocking may not—I underline the word *may*—be necessary at times. But it really appears to me, Sir, that we are simply aiming at making the African cattle ownership in this country as a mere subsistence.

When I brought up this matter during our last Budget I tried to plead with the Government that African cattle people in this country should be taught and encouraged to go for dairy farming, because I said that it was the only factor that was going to make the African cattle owner realize the benefit of quality other than quantity. We have in the pastoral areas a considerable number of Africans who have received a primary veterinary training and we have other educated Africans. I should like to know how many of those Africans who have been trained by the Veterinary Department have been helped at least to start the ordinary dairy work, that is, milk separating and ghee making. Several Members in this Council have complained of ghee shortage. This is absolutely ridiculous, because it could not be thought quite true that ghee could not be made in this country when we have so many thousands of herds.

And what about the other side of it? People are complaining that there is a

meat shortage. I think this is as ridiculous, because once again we have so many cattle, which every year die without any benefit to anybody because of the shortage of grass, and this is because cattle trading is restricted. If Africans were allowed to sell out the cattle when they are quite healthy, you would not have so much waste during the drought.

Another thing, Sir, which I brought during the last year's Budget session was the question of pasture. In some of our luckier pastoral areas in which rainfall is plentiful one finds that the grazing is of such a poor quality that even though the cattle are healthy and produce a few bottles of milk that is not really to maximum. I do not see why in those areas where the rainfall is plentiful the Veterinary Department should not encourage and teach the African to sow or plant grazing of better quality which would improve their cattle. Against the factor, Sir, in the other areas in which rainfall is short and people have difficulty in grazing, at least these people should be given sufficient amount of water supply. I notice that the Masai pay more Poll Tax than the other Africans because they are said to be wealthy. Well, I do not see why those wealthy people in cattle should not be made to help us in the various milk production that we require in this country by giving them all the encouragement and assistance to make the best out of their stock.

Before I sit down, Sir, there is one thing which I should like to mention. This has been mentioned by quite a number of speakers in the Council, and that is about the increase in African Poll Tax. I am not going to go over the arguments that the previous speakers have given in opposition to the increase, but I should like to register my opposition to the increase.

To end it, Sir, I hope that my request for the improvement and development of the cattle industry in this country is going to be regarded by the Government with seriousness, because I do not think that it can be the wish of the Government of this country to see that a wealth and a food which is of the greatest importance to us here is going to be wasted.

Sir, I beg to support.

ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 9.30 a.m. on Thursday, 16th November, 1950.

Thursday, 16th November, 1950

Council assembled in the Memorial Hall, Nairobi, on Thursday, 16th November, 1950.

The President took the Chair at 9.30 a.m.

MINUTES

The minutes of the meeting of 15th November, 1950, were confirmed.

BILLS

SECOND READINGS

The Shipping (Amendment) Bill

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. President, I beg to move: That the Shipping (Amendment) Bill be read a second time.

Hon. Members will recollect that during the last session of the Council this Bill did in fact pass its second reading but as the result of representations made by my hon. friend, the Member for Mombasa, the Bill was not taken through its final stages as he was in some doubt as to whether the Shipping Companies had been fully consulted. Sir, I have been informed by the hon. Member that he is satisfied in that regard and I do not, therefore, propose to take up the time of the Council to any extent in regard to moving this motion. The objects and reasons of the Bill cover very fully the purposes for which it is being enacted, which is largely formal and deals with the change in nomenclature of certain officials in the employment of the East African Railways and Harbours Administration, and also makes somewhat more satisfactory provision for the repatriation of seamen. I would merely mention that in order to clarify the intention of the Bill in regard to the repatriation of seamen, it is the intention to introduce an amendment at the Committee stage to insert between the words "shall and provide" in clause 3 of the Bill the words "in the case of any seaman who is born in or is otherwise a permanent resident of Kenya, Uganda, Tanganyika or Zanzibar within the meaning of the law in force in any such territory relating to the control of immigration."

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

The Pyrethrum (Amendment) Bill

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I apologize for being late in the Council.

I beg now to move the second reading of the Bill entitled an Ordinance to Amend the Pyrethrum Bill. This Bill is almost a formality. It is a small amending Ordinance designed to confer on the Pyrethrum Board powers to borrow money. Similar powers are given to other Statutory Boards which control other industries and it has been represented to Government that it is absolutely necessary for the Pyrethrum Board to be given these powers. That is the object of this amending Bill.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

IN COMMITTEE

THE ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider clause by clause the following Bills: The Shipping (Amendment) Bill; the Pyrethrum (Amendment) Bill.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

COUNCIL IN COMMITTEE

The Bills were considered clause by clause.

The Shipping (Amendment) Bill

THE ATTORNEY GENERAL moved: That clause 3 be amended by the insertion of "in the case of any seaman who is born in or is otherwise a permanent resident of Kenya, Tanganyika or Zanzibar within the meaning of the law in force in any such territory relating to the control of immigration," after the word "shall" in line 14.

THE ATTORNEY GENERAL: The reason for that amendment has been explained by the Mover of the second reading of the Bill and is, indeed, self-explanatory.

The question was put and carried.

The question that clause 3 as amended stand part of the Bill was put and carried.

THE ATTORNEY GENERAL moved: That the Shipping (Amendment) Bill be reported back to Council with amendment, and that the Pyrethrum (Amend-

[The Attorney General] ment) Bill be reported back to Council without amendment.

Council resumed and the Member reported accordingly.

BILLS

THIRD READINGS

THE ATTORNEY GENERAL moved: That the Shipping (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the Pyrethrum (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

MOTIONS

THE PENSIONS (INCREASE) ORDINANCES

Continuation of

THE DIRECTOR OF ESTABLISHMENTS: Mr. President, I beg to move that this Council approves the Pensions (Increase) Ordinances, 1945 and 1948, being continued in force until the 31st day of December, 1951. Sir, these two Ordinances were fully debated in this Council in the latter part of 1949 and there is therefore no need for me to explain the scope and purposes of the legislation. Under section 9 of Ordinance No. 54 of 1949, the legislation will expire at the end of the current year unless it is kept alive by resolution of this Council and a Proclamation by the Governor. It is obviously necessary in the interests of the pensioners that the legislation should be kept alive.

Sir, I beg to move.

THE ACTING LABOUR COMMISSIONER seconded.

The question was put and carried.

DRAFT ESTIMATES OF EXPENDITURE, 1951

Reference to Committee of Supply

THE PRESIDENT: The debate on the Estimates will now be resumed.

DR. RANA (Eastern Area): Sir, it was not my intention this morning—(laughter)—to preface the usual term on

which the hon. Members are laughing but having a high regard for the hon. Member for Rift Valley, who particularly likes this term, I would like to start with those sentences. First of all, Sir, I would like to join hon. Members in congratulating the two hon. Members who spoke yesterday for the first time in this Council, as far as their maiden speeches are concerned.

Coming to the budget side, I would like to join my congratulations to the hon. Member for Finance for the excellent way in which he introduced his speech and expressed very good optimism as far as our financial position is concerned. I intend, Sir, to touch the main point and that is land and my measures which the Government is going to take to develop the land and all the other things necessary for the full utilization of every piece of land in this Colony. I will be only too glad to give my support to every measure that the Government will take. There have been in this Council one or two occasions previously on which I have criticized Government as far as the Asian Settlement Board is concerned. I think I am not wrong; probably it was last year, but I must say and I want to congratulate the hon. Member for Agriculture that really the ball has more or less started to move in the right direction. We have been able to get ten boys to go to one of those agricultural schools at considerable cost to this Colony and I hope that those boys who are going to the agricultural school are going to make good the confidence and money which is going to be spent. My only point in bringing this question was to draw the attention of the hon. Member that when these students qualify they will be given some consideration in being given some suitable pieces of land where they can exercise the knowledge which they have gained by their training.

Further, Sir, there have been some points regarding the racial discrimination and so on. I do not intend to go into the finer points of that, but I must say that, as far as the Coast is concerned, we have made a new start in that area and that is that the Coast Development Committee which consist of the Elected Members who approached His Excellency with a view to appointing a Committee to recommend and to present to

[Dr. Rana] the Land Board all the applications coming from all races for the allocation of land. I would like to take advantage of this position and I want to congratulate the Government; and I must say that the Provincial Commissioner of the Coast and the Agrarian Officer and the whole Provincial Team, that I have the honour to be a member of, the Subcommittee for Allocation, and I want to say that there is no racial discrimination—every application was considered on its merits and everyone, that wants to make use of it is being allocated land. I would like, as it is my duty, and I have the honour to represent the Eastern Area, to say that we have got excellent pieces of land on the Coast, and I would draw the attention of my hon. colleague, Mr. Madan, who I am sure would like to have the sea breezes, that there is plenty of land and, if he applies, I will do my best to see that he gets it as long as he makes good use of it. Not only that, Sir, the Coast has been neglected for a long time and I take this opportunity which has been given to the European, Arab or anybody who wants to make use of the land in the first instance, and I would emphasize this fact in this Council in order to give general publicity that, as far as Government is concerned, they are only anxious to give the land to suitable people. That is all I have to say as far as land is concerned.

Coming to the question of the financial side, and the hon. Member who has made certain suggestions to earn revenue on the African Poll Tax and the Companies Tax, I, not being a financial wizard, and enough has been said on that question, I would say this much, that I have an explicit faith as far as the experience and the knowledge of the hon. Member are concerned, and I will give him support in the measures he is suggesting as far as the Companies Act is concerned, though I perhaps will be one of the victims but one has to pay gladly certain taxes. Regarding African Poll Tax, I must say that, leaving the advisability or not when the Graduated Poll Tax is going to come up for consideration by this Council, I will request the Government to hold it back as far as this measure is concerned.

Regarding the control, Sir, I have said it every year in this Council that

controls in principle are all right, but I am sorry to say that as far as this country is concerned, the controls, instead of doing any good, have on the whole done harm to the general public and, in my opinion the time has come when the Government should not force the controls, except very special ones. And in those special ones, that particular care should be taken that they are really being followed by the public and they are not victims of the black market, which I am sorry has been the usual fate of everybody. The greatest defect in our country as far as food and distribution is concerned, in which particularly my community have suffered a great deal both in rice and ghee, has been that we have no control of the supply and we have been having control on distribution and this point has been emphasized year by year to the hon. Member for Commerce and to the hon. Member for Finance that you cannot possibly control the distribution when you have no control over the supply. I am sorry I was hopeful that the East Africa High Commission would bring certain co-operation and unity, but when that time comes, I will leave those words that I have to say about the High Commission working; but they have been, I am afraid, very narrow minded in not allowing us a free supply of the stuff they have got in their own territories. I am particularly mentioning rice, ghee and certain other portions which could easily be made available, but we had to get it through the black market and these are still coming and we are all being fed very well and you all can see by my size and many others, Sir.

Regarding the Coast, before I sit down, I would like to make a plea which has been done by the Elected Member for the Coast, that, just like sisal, we have got a very big industry called coco-nut and I have been requesting the Member for Agriculture that the time has come when there should be a special Agricultural Officer who is well trained in that industry and should encourage all over the Coast as far as coco-nut plantations are concerned. As you know, Sir, coco-nut not only gives us a good revenue where export is concerned, but it has so many smaller industries with trained people and a lot of people would benefit from that on the Coast. To-day

[Dr. Rana]

Unfortunately most of the coco-nut trees are dying out and some which are left are only being used for *tumbo* manufacture which is a very unfortunate position and I would emphasize and express as forcibly as I can and that is that the time has come when he should have a man fully trained as far as coco-nut, not only the plantation, but as far as the secondary products are concerned. I am sure it would do the greatest good to the Coast and to the country in general.

With these words I will support the motion moved by the hon. Member for Finance and once again congratulate him for the way he has introduced the budget.

MR. OHANGA (African Interests): I rise at this rather late hour in the debate only with the intention of adding a few comments here and there on the points that have already been raised on behalf of the Africans by my hon. colleagues in Council. I think the African viewpoint as regards policy has been very ably put, and it will not be necessary for me to repeat any of the things that have gone forward, but only to put emphasis here and there where, in our opinion, it is necessary.

Generally, Sir, we are convinced that the main key to African development in this country is economic and not social, and that being so you will have noticed that in this debate, in the speeches that have been made by my hon. colleagues before me, a great deal of attention has been paid to those policies that have to do with the economic aspect of African development. While adding comments here and there, it will also be my inescapable duty to deal with some remarks which need dealing with that have been made by various speakers about African affairs generally.

Sir, it seems to me that the main bone of contention in this year's Budget is the African Poll Tax. A great deal has been said not only by the African Members on this side of the Council, but also by a very large number of other Unofficial Members in Council who have in the main registered as strong an opposition to the principle of additional Poll Tax for the Africans, as the Africans themselves have done. Two excuses, and I repeat excuses, have been put forward

for the measure. My hon. friend, the Acting Member for Eastern Area, whom I must congratulate most warmly for a careful and well delivered maiden speech, gave a very thorough dealing to the unscientific way in which the whole thing has been dealt with. I am not going to labour the point by repeating what he said, but I should like to say that regards the two excuses, namely the increased return for African produce and relief in the customs duties which my friend dealt with, there remains to be added, I think, some detailed comment on the question of increased return for African produce. It seems to me that there are only two basic aspects that concern African economy, and they are first and foremost the land, and second the labour of his hand. And I do not think that anybody in this Colony would say that any of these are at the moment yielding high returns that would warrant any flat increase on a Poll Tax of the nature that the Africans are paying. I am quite sure that if you go into detail of the land position you will find that day after day complaints come from all round of the general deterioration of land in the African land units. You will also find that a great deal of talk goes on about the uneconomic subdivisions of land which take place on the African land units. The problem of soil erosion rises higher day after day, and in the face of these problems I am quite sure that nobody in his proper senses would say that there would be an increased agricultural produce in the African land units. Quite apart from the fact that land, or living space, is by policy limited, it is also true that what the African has to play with is deteriorating, and its yield is regularly lessened by soil erosion year after year, and there is no increase. But emphasis is laid on the return for produce which, I think, emphasizes the price paid for what the African gets out of his garden. That point particularly was dealt with by my hon. colleague, Mr. Mathu, in his lucid speech yesterday, and I need not go into it, but we will not, any of us here, ignore the good sense of the people in the Trans Nzoia District, who point out most forcibly that there is no reason for paying a different price for African maize and that of Europeans: but long before that point could be accepted pro-

[Mr. Ohanga]

posals are made that taxes should be increased when prices themselves are still tied down. There is no case, it seems to me, to regard increasing African land returns as an increase to the taxable capacity of the people who live on the land, and the Poll Tax increase is, in the opinion of most people, absolutely unjustifiable.

That then is the view that has been put forward. After we have listened to the speeches which are made in defence of the position taken by the African, I think we shall, most of us, cease from supporting the case for not increasing the African Poll Tax, because we are absolutely sure it is going to do a lot more harm than good.

What is the actual position in the African community as regards tax? Well, it is this. For quite a few years now Poll Tax has been in the trend of going higher and higher, in spite of the very clear statements which were put yesterday by my hon. colleague, Mr. Mathu, that the Plewman Report regarded it as the extreme limit to which Poll Tax could be carried. In 1947 in most African districts Poll Tax was only Sh. 14. In spite of the fact that the Plewman Report was in principle accepted, the following year we had an increase of Sh. 1, to which we were quite publicly opposed, and the attention of the Government was drawn to it, but in spite of that opposition and further statements in that Report, we are again landed here in this budget with a further increase—this time not of Sh. 1 but of Sh. 2—in the main agricultural districts.

Now, how has this increase affected the social position of the individual African on the land? I do not think this side of the question really receives any serious consideration because, if it did, I do not think there would be many who would support the increase. What are the facts? There in the African land units you will find that year after year the Chief devotes practically all his time to tax collection. Practically every administrative officer does nothing, but goes into the question of tax, and if you go into the detention camps you will find that they are full to overflowing, and that more than 50 per cent of the people who serve short sentences in these detention camps are people who are unable to pay

taxes, and I say unable—I do not say tax defaulters because they do not default—they are unable. At this point I should like to refer to a remark made by my hon. friend the Member for the Aberdares when he stated that an African on the land unit would much rather not pay a tax and go to prison, than sell a goat, and I should like to assure him—I am very sorry that he is not here at the moment—and anyone who thinks like he does that the African detests and abhors the inside of any prison as much as anybody else on earth, and he only goes there when it comes to necessity. But never will it be true, at any time, to say that he enjoys being there, and prefers going there than selling goats. That is an absolute fallacy. Now I am questioned on the point of the administrative officers devoting much of their time to tax. I should repeat the truth, as I know it, that that is the case. I live there. I deal with them every day.

A further thing to be taken into account is the present set-up of the native tribunals. More than half their time is occupied with tax cases, and they deal with these day after day throughout the year from January to December without end. What they do when they find that a man cannot bear any amount of fining, they send him to prison. There they serve a sentence of one to three, up to six months. All these things are signs to show that the African taxable capacity in general has already been reached—and any further increase only adds to the number of detention camps and prisons in the Colony. Any little revenue, which you might derive from the proposed additional tax, I am quite sure must go to the feeding of these people and you get nothing out of it, it seems. And already proposals are on foot in this very Budget—you will see on the expenditure side that quite a few messengers have to be added to the office of the Chief. These messengers will have nothing at all to do except find out what Africans have not paid their Poll Tax, and when they have found them, they will lead them, I hope gently, to the tribunal and places where they will be examined. Well, you can see the cost of all this work of shepherding them to the tribunal centres, the cost of all that is going to exceed by very far the amount that will remain in the

[Mr. Ohanga] balance for the general revenue of the Colony. I say, Mr. President, there is no case at all for this increase and I am quite sure that people, my hon. friends on this side, are going to support the turning down of the whole of this measure because there is no case for it. So much about the main bone of contention. A few more remarks remain, Sir, to be made about some of the things that have come up to be dealt with in the speeches of members on this side. First, there are quite a lot of points regarding law and order which I think I will have to deal with together. In his speech my hon. friend, the Member for the Aberdares, made the statements which I think fall into the category of law and order regarding Africans. He stated, Sir, if I am not mistaken, that no public opinion for wrong-doing exists in the African society and, in the other one which I have dealt with, Africans prefer to go to prison than sell goods. Well, now, the statement that no public opinion exists among African society against wrong-doing is a serious one and a difficult one to accept if you are a member of that society. For many years Africans have lived on this land in good society. If there were tribal wars, you have wars in all human societies even outside Africa. But to say that Africans have no feeling at all for wrong-doing as a society, that is, in their laws and customs is not correct. They know every wrong thing done. This will be accepted even in this Council. Quite apart from the fact that there are black sheep in every fold, it can be said that the African society today is as law abiding as any other society. But here I will stand open to correction by the hon. Member for Law and Order, who I am quite sure, is in possession of the details regarding the whole position. Are the Africans the only wrong-doers in this country and would it be really supported from books of history and anthropologists that the African is the only man in this world who loves wrong-doing and lives for it? Charges of this kind are serious and they do not help towards a good society, they only irritate and make wider the gap that exists between the communities of the Colony, and I should be very glad if, before they were made, some due thought is given to the position, because

they are said in order that we may hear them and we are expected, perhaps, to say nothing. But that is hard. It is hard on us as it would be on anybody on earth. Wrong-doers are there in every society and we detest them. We do not want to make sure that wrong-doing does not grow. Recently, the African society in general, and particularly the African Members in this Council, were put into a lot of difficulty by certain remarks that were made in public in the Press—how they are irresponsible, and how they do not have any real public opinion regarding law and order and so on. The position, I think, arose from a particular Bill which we passed in the Council, and where our position was made very clear. Sir, I should like to say that remarks of this kind should not be generalised. When we oppose a law and order measure, we do so for good reasons and our reasons are always available for anybody, but to ignore a reason put forward for a measure and then to carry on enlarging and generalising for the lowering of the whole position of the African integrity, seem to me to be a little unbearable. I should like to make it clear that we do not mind being bound down to facts when we are wrong, but to generalise on a point which has been explained does not always help us very much.

One more point, Sir, regarding African social services. I am very sorry that my hon. friend is not present but he made another statement again, that year after year, African leaders in this Council ask for more and increased financial provision for their social services. I was wondering whether this is not general. Are the Africans the only people in this country who ask for increased social service and why should this be blamed on the Africans alone? I have one or two questions here which I should have liked to have asked the hon. Member who is not present and whether he is here or not, I will ask them in case one of his fellows might give me an answer.

On the question of social services which are given by the Government of this country, would anybody here say that the Africans always get the lion's share of what the Government makes available in social services? I think somebody should answer that. The hon. gentleman is not present but this might perhaps be

[Mr. Ohanga] answered by some of his colleagues. Is it true that in his own constituency, they do as much for themselves socially as the African does for himself in the reserve? How many schools have they built for themselves? How many dispensaries have they built? Have they a local rate? How much is it? And do they pay it regularly? Well, now if he can answer those three questions he can come here and say that we are asking for social services from the Government and doing nothing for ourselves. It is a serious charge. It is not all as easy as that. The African does a great deal more for himself than he actually gets help for from the Government. This might be denied but those who have been in the Beecher Report debate will realise the Government has not yet accepted the principle of doing for the African child as much as is being done for the children of other races in the country. The African has still got to build his own schools for these children and pay for it. When you know what the facts are, you will realize that we do most of it for ourselves, and statements like this one are a little hard.

One further and last point, regarding what he said, is the duties of leadership. I think it has been here accepted voluntarily and generally that the European community are the leaders. We accept it. We are not arguing the point. But leadership has certain duties which must be borne and it has also certain sacrifices which must be made. I do not believe that without sacrifices, you can lead. Why should anybody be envious if Africans get provision in the way of social services, if he himself also claims it for himself? Why should someone always claim the lion's share before the African gets a little from the remnants? To me, sacrifices are involved, and they are necessary for a leader.

Only one last point, Sir, regarding output. In his excellent speech, the Member for Trans Nzozia referred again to the age old question of the African output. I think this is an economic problem—we all regard as such, and should like to do away with it completely. Most non-Africans in this country are the employers of labour and they know whether they are doing well or not. If the African does not do well, his output is low, and he does not do what he is

told, it would be quite right for the employer at any time to chuck him out—I cannot see a better way of doing it, because it is not difficult to find them. Chuck one out now, and you get ten at your door. Why go on with these un-economic people who do so little for you and ask for so much? We do not know, but it is time that somebody went into the whole question of output in a little more scientific way. Is it that amount of digging they do is not sufficient or is it that most of them are unskilled labourers and do not do as much work as they are given? What are we expecting of them? How are we expecting them to dig more than their allotted piece per day? Most of the work done on farms is done on the piece method—it is piece work, it is not done in the employer's time. I think it would be helpful if such people were rigorously brought to book by dealing with them as they deserve, and this question of low output which keeps coming up year after year should be done away with and then we can improve the economic position of the African, that of Kenya generally.

Sir, I beg to support.

THE DIRECTOR OF AGRICULTURE: I have been asked to reply to two specific questions raised by the hon. Member representing African Interests, the hon. Mr. Mathu, in his speech yesterday which, I very much regret, I was unable to listen to. The two points, Sir, are in respect of coffee growing and sisal growing by Africans.

First of all regarding coffee. I do hope that the hon. Member appreciates that Government's object in African coffee growing is only one and that is to promote a prosperous African coffee industry, at the same time assuring that it has no repercussions on our already existing industry which is such a valuable asset to the Colony. Now, I believe, Sir, that the hon. Member suggested that we should remove all restrictions. I wonder really whether he has seriously considered the ramifications involved, and I would refer him first of all to the early days of coffee growing in this Colony by the European and consider for one moment the thousands of pounds which the unfortunate early European threw down the drain through no fault of his own due to the fact that we had

[The Director of Agriculture] not at that time got any knowledge on which to base our coffee industry in this Colony. It is quite true to say that thousands of acres were planted in areas which unfortunately have since proved to be ecologically unsuited and as a result, they have had to be uprooted. Now surely the hon. Member representing African Interests does not want to start a repetition of that in the African areas. I maintain that such action would be absolutely disastrous to our whole programme. Diseases and pests are of very major importance and if we as a Department and as Government allowed African coffee growing to take place in areas where we did not think they were suited, I can assure the hon. Member that it might very well ruin the areas in which we consider they are suited and also the European industry as well and I do hope that he will bear that very important point in mind. We are, as he knows, fostering the African coffee-growing industry to the fullest possible extent. It is developing on very healthy lines and as it develops and as we are satisfied that the progress that we desire is obtained, so shall it go further. We have already gazetted ten areas in the country. Admittedly they are gazetted areas because we want to be, as I have already said, quite sure that we are not leading the African up the garden path. We are shortly, within the next few days, gazetting a further area in the Fort Hall area and so we shall extend as and when we feel that the time is ripe. I do hope, Sir, that the hon. Member will agree with me that it is in the interests of the African producer and of the Colony as a whole that we do adopt a policy of playing safe. (MR. MATIU: Take some risks.) (MR. BLUNDILL: Why?)

The next point is that on sisal. I believe—I am not quite sure, but the hon. Member will correct me if I am wrong—I believe he made reference yesterday to the recent rules which have been promulgated under the Crop Production and Livestock Ordinance in respect of sisal growing in African areas. But perhaps at the same time, he did not mention the amending Bill for the Sisal Industry Ordinance, which is now before this Council and has already received its first reading, in which in European areas, the sisal industry desires to control any

planting of sisal except under licence. It will be noted under that amending Ordinance, it does not apply to the African areas. The African areas have been provided for very much more leniently under the Crop Production and Livestock Ordinance. Now why has that been done? Merely, Sir, because the pest, sisal weevil, is spreading through this Colony and it may well prove a menace to a very valuable industry. The only way one can control it will be to have controlled planting and the indiscriminate planting of sisal here, there and everywhere as fences and such-like, will make it quite impossible for the Department to control, and it is for that reason only that the Sisal Industry Amending Ordinance has been introduced into this Council and also rules for sisal growing in African areas have been promulgated under the Crop Production and Livestock Ordinance. Now it is not true to say that we do not foster, or do not intend to foster, African production of sisal growing. It is one which I believe we have got to foster but it is one we have got to foster, again I submit, on organized lines. Perhaps it is not aware to the hon. Member that to-day the production of sisal fibre in the Wakamba Reserve and its sale is having a serious threat to the sisal industry in regard to exports. The sisal which is being prepared under peasant conditions is unwashed and is already receiving bad reports from England and I do think and I am sure the hon. Member will agree, as I will too, that if we are going to promote sisal growing in African areas, we have got to see that it is up to standard and up to grade or else the African is going to benefit nothing and nor is the industry or the Colony as a whole. I would add that we have this matter very much under consideration at the moment. A meeting is to be held next week in which to discuss ways and means of putting sisal growing on an organized basis in certain areas.

Sir, I beg to support.

MR. USHER (Mombasa): Mr. President, before I indicate my position in regard to the main features of this budget, I should like to congratulate my hon. friends on their maiden speeches of yesterday. (Applause.) While congratulating them, I think I ought also to congratulate my hon. friend, the Member

for the Coast, on a very promising speech—(Hear, hear)—which seems to me to mark him out for early accession to membership on Government benches.

I noticed from the Hansard report that we was not able to hear properly what he said on one occasion. I will refer to that—it is a little difficult for me because the hon. Member when he speaks always presents his stern to me. I can only say, however, that if you will permit a very gross parody, I hope to see my colleague face to face when he has crossed the floor. What he said was the only reason he put on taxes is, of course, to provide services. What I thought he said was to provide surpluses, and that in fact seems to me what this budget is doing. I must oppose the quarter of a million to the pound which is proposed by the hon. Mover. I do not wish to go into the reasons at length, they have already been discussed by other hon. Members but I will say two things. I support entirely what the hon. Member for Rift Valley said, that it seems wrong not to use money now which, owing to the prospect of inflation, is going to lose its value. We should use it now and not put it away. The other reason is the very common one that I prefer my money in my own pocket rather than in that of the hon. Mover. (Laughter.)

I do not perhaps share my hon. friend, Dr. Rana's faith in the omniscience of the hon. Member.

Now the Native Poll Tax proposal I must oppose for reasons which have already been given and because I think, perhaps although what was said by the hon. Member for Aberdare was true enough, that it is easier to sell a chicken or two to get the extra shilling or two—people will not perhaps realize that so many people who do pay their Poll Tax, to many on low wages, have a very great struggle to do it at all and I think we all ought to remember that they are contributing a month's pay—how many of us would like to do that? (MR. COOKE: We do much more sometimes.) And I do agree that there should be a larger contribution from the African for the increased services they are getting, but I think it should be done in the right way, not the wrong way. I, therefore, plead for postponement.

With regard to the Company Tax, I think enough has already been said. The case against it is not so strong and I shall say no more upon that subject.

The cost of living—I do welcome very much the effort that is being made by the Government and I do not think, although we might feel critical in regard to certain items, that it is fair to whittle away little bits here and there from what the hon. Financial Secretary has set before us. I make one exception. I shall oppose the abolition of the excise on tea. I think it is true to say that for most of us, even the most hardened bibbers of tea, it will only make a matter of Sh. 2 difference in a year while for the African, who does not drink tea as strong as we drink it, the benefit will probably only be measurable in cents. On the other hand, £40,000 is a very useful piece of revenue.

I would ask the hon. Mover, or somebody on the Government side, to consider whether it is appropriate for him to reply to a suggestion that I am now going to make, that we should turn over to a system of weekly pay. (Hear, hear.)

I welcome very much what the hon. Mover had to say about *per capita* output. I think we are going on the right way to help the African to increase his own income and the National income; I think that the training we are starting to provide and economic circumstances will all contribute to that. If I might refer again to what my hon. friend, the Member for the Coast, said—I think he said he was sick and tired of hearing that the African wanted to wear a white collar. Well that may be so, but before I came to this Council, I was doing temporary work for the Government and occupying an office where many Africans passed. Every day, I think, one or the other came in to see me and needless to say that they wanted work and I said: "What work". The usual answer came: "Any work", "What work in particular." Then it all came out. They wanted to be an office boy. I then indicated that a few yards down the street there was a labour exchange and I told them so and I can remember the hollow groan which was given in response to the information I gave them. In fact, he did want a job as an office boy because as we all know, he likes his leisure. An office boy, if he works for eight hours a day, does one

(Mr. Usher)

hour's real work and seven hours in contemplating the eternal Verities. Now I do not say that is wrong nor is it confined to Africans. I remember that Dr. Gordon, the noted alienist, told a tale of a certain European. He was really giving an address, I think, to the British Medical Association and he said, as far as I can remember, that there was a state of mind which was not quite insanity but which was characterized by lack of concentration and a real fear of work and that it was associated also with wandering; then he told the tale of a young man who left his home and really was lost to view for a long time and caused considerable anxiety to his parents and relatives and how he did wander and was eventually found in Nairobi safe and sound occupying a stool in the Treasury. (Laughter.)

Mr. President, I beg to support.

MR. PRITAM (Western Area): Mr. President, Sir, I think enough has already been said by the Indian Members on various things with the result that I have very little to say.

First of all, I must congratulate, as other Members have done, on the very able way the hon. Member for Finance has placed the Budget proposals before the Council. I also congratulate the two new Members who have made their maiden speeches.

Referring to one or two matters which are peculiar to my own constituency, Sir, I wish to say a few things. It was said that Indians before they ask for land anywhere else, they must utilize the land that is available in the lowlands. It is quite right, Sir, but my hon. friend the Member for Central Area, has particularly referred to the case of Kibos Settlement which was the first in the country and now the average holding of certain families there are less than 30 to 40 acres—so every one will agree this is a very small acreage on which to support any family, on whatever reduced standard they may try to live.

We have been told by the Member for Eastern Area where sanity and the Coast go hand in hand, that there is any amount of land which, if Indians care to have, they can have and he will be quite prepared to help. I would request him to bear in mind that there is a large

number of Indian farmers at Kibos who do not know what to do, where to go. If he could help them, if the land is quite enough for them too. As for land at the Coast which the hon. Member for Rift Valley told us was owned by an Indian, I think it is not owned by an Indian, it is now Government land. As, Sir, for the highlands I think as no one has been able to define sub-marginal land, similarly one has been able to define where the highlands begin and where they end. In the early stages, we were told that it began at Ulu and ended at Fort Ternu. But now, I think they begin in Kilindini and end at Kisumu.

MR. BLUNDELL: Could not the hon. Member read the Carter Commission Report, Sir?

MR. PRITAM: I talk from private information. Sir, despite the fact that Kibos was the first Indian settlement, I would like some of the hon. Members to see the conditions, they are most appalling in that area ever since they have been situated there. If they had been situated in the White Highlands they would have been improved by this time because they were the first settlement. Now, it is this sort of trouble, Sir, which we experience everywhere simply because the settlement is an Indian one. There is a sugar factory which has invested close on half a million pounds and they find more or less the same trouble. If the same incentive had been given to them as has been given to the cereal growers, I do not think we would have had the necessity of importing sugar from anywhere else. Unfortunately, the same thing happens again over their representation to increase their price. They can get an increase payment for sugar cane if the price of sugar is increased. But so far, sugar price is more or less on the same level as it has been for a few years. Naturally they cannot pay the high price for sugar cane. Our people would rather grow cash crops such as maize than grow sugar cane.

Year after year, I have reminded the Council that some sort of security tenure is absolutely essential for Indians in the highlands and the African reserves. I would like the Member responsible for this—to tell us what has since been done because it was at some time, two or three years past

Mr. Pritam]

only a matter of a short time. Before surveyors will be available and everything will be put right.

Now, Sir, I want to say something about medical facilities. If we ask about medical facilities, we are generally told that unless you take initiative in the matter, you cannot get anything. But unfortunately even when initiative is shown by Indians—still there is a very lukewarm support from the Government. I cite the case of the Kitale Indian Association—they, realizing the hospital accommodation there is really of a very primitive character, they are willing to pay, on the basis that Government will pay pound for pound, so that extensions will be undertaken. Unfortunately, no definite reply has been forthcoming from the Government as yet. The same thing applies to the Kisumu Indian Association who are now very busy in collecting funds. I think the Government must make some sort of pronouncement. They cannot have it both ways. Sometimes when we ask them and are told that the Indian community should show initiative—even when we show initiative, still there is no response. I do not know what we should do to get the long overdue hospital facilities.

Now I come to segregation in townships. We know it was somewhere, in 1923 that segregation in townships in as much as commercial and residential plots was concerned was done away with by a White Paper, but unfortunately in practice it still exists. I would cite the case of Nairobi only. I think it was in 1949, certain plots were advertised for direct alienation. It was, perhaps, in Kileleshwa. Although several Asians applied for plots in that particular area, I am told no one was given any, whereas in the case of High Ridge it is quite different because no Europeans applied. I would like to know, Sir, who is responsible for continuing this practice against the instructions of the Imperial Government.

As for housing shortage, Sir, it is more or less universal, not confined only to big towns, and things are frightfully bad in small places like Kericho, Kakamega, Kisumu and Kisii. The trouble is that year after year we raise the matter in this Council and we manage to extract some sort of promise from the Government that something will be done, but

again the same story—surveyors are not available—but I really wonder if the same sort of treatment is being given to our European friends who come to settle in the country, if they were told that they have to wait a lifetime for their land to be surveyed. (MR. HAVELOCK: We do have to wait.) I do not think this country would offer any inducement to a sane person, if he can occupy the place, surely land will be his or similar treatment be given to us so that we could build houses also.

There is another grouse, Sir, we have been talking about—cost of living—how to lower it—and all those things, but do you know, Sir, that even to-day the Government charge for a residential plot of an acre or so if it happens to be situated in an Indian residential area is something like £7,000. Is it not an inequality? And it is happening, Sir, and I would prove that to anyone's satisfaction. If it was charged for commercial purposes, one would not say a word—but for residential purposes to ask someone to pay £7,000—however rich he may be—is nothing short of a perfect scandal.

Yesterday in his remarks, the Member for Uasin Gishu reminded us that we Indians and Pakistanis were really very lucky in this country because we had Christians to occupy the Bench. If we had been in the very unfortunate position that we are in India we should have suffered injustice at the hands of Muslims and Muslims at the hands of Hindus. I would inform my friend that he is absolutely mistaken in his conception. If he is not aware, I would tell him that he should take the trouble to go to Uganda. They have Indian magistrates and I think even to-day no Indian, whether Muslim or Pakistani, has raised a cry against the appointment of Indian magistrates. Magistrates and Judges—they are a class by themselves. They are above all these petty things. They do not care to what particular sect or party they belong for they are only concerned with the administration of justice—so I can assure my friend that his anxieties are misplaced. (MR. BLUNDELL: Well done.)

I strongly support the plea of my African friend, the hon. Mr. Jeremiah, when he says more Africans should be employed in Government service. I will go a step further Sir—wherever an African can replace an Asian, the Asian

(Mr. Pritam)

must go, and wherever an Asian can replace a European, the European must go. (Laughter.) It is in this way that we can keep the cost of this very costly and unwieldy Civil Service down. Some people seem to think that the taxpayer is for the Civil Service whereas I think the Civil Service is for the taxpayer. We do not mean to work all our lifetime merely to maintain the Civil Service.

Now coming to the budget proper! (Laughter.) I will not take more than a minute or two, Sir. I am opposed as any one else to any increase in the African Poll Tax for the reasons which have been very ably stated by so many speakers.

As for Company tax, things are quite different. No doubt it is a very good tax but it must not be used only to extract money to put it away and to freeze it. If this money was required to balance the budget or for anything of that kind, certainly I would vote in favour of it even if it was Sh. 2 further but since it is only intended to extract the money just for freezing, I am afraid I must go against that.

With these few words, Sir, I support the motion.

DR. RANA: Mr. President, on a point of explanation by the hon. Speaker, have I your permission to say a word or two, Sir?

THE PRESIDENT: Is it a genuine point of explanation?

DR. RANA: Well, Sir, it is up to you to decide after what I am going to say.

THE PRESIDENT: Go ahead.

DR. RANA: Well, Sir, my hon. friend has mentioned my name and what I said regarding the Coast land. First of all, in order to avoid a misunderstanding about the Highlands, I do not want to criticize anybody who is anxious to have the Highlands. My only object in pointing out to the Council, and to the general public, was that the Government and the officers in charge on the Coast, whatever the value of the land is, are ready to deal quite impartially as far as the allocation is concerned, and the people belonging to my hon. friend's constituencies, that is Kiboa, are not excluded and they are quite welcome to apply, whoever want to come.

Sir, that is all I wanted to say.

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

MR. SALIM (Arab Interests): After listening to the speech of the hon. Member Pritam, I feel that I would not be doing my duty if I did not get up and say a few words connected with this Budget.

Sir, when I told the hon. Member for Kiambu that I had not intended to take part in this debate he said, "Well, if you stay behind and take up the name of Sergeant Major and see that the march properly." I accepted that, and I had to report to him that everybody looked very smart and marched with the exception of the hon. Member for Uasin Gishu who slipped a little and lost his step in that he said the Muslims would not like to see a Hindu magistrate in court and a Hindu was not like to see a Muslim magistrate in court. That is not correct.

Sir, I was not present the day when the hon. Member for Finance made an excellent speech but I feel, Sir, after reading the speech on paper, that should fall in line with other speakers complimenting him for his excellent speech. (Applause.) There are only one or two points that have cropped up in the course of the debate. One was that mentioned by my hon. friend Mr. Mathu about the restrictions on the movement of foodstuffs from one district to another. Well Sir, this is one of the very important points and, from the experience that I have gained at the court, I know of several people who have got firms at Mtwapa and Shimo-la-Tewa as they themselves live in Mombasa.

When they want to go and bring their own stuff to Mombasa for their own consumption, they are not allowed to do so. Well that is very unfair Sir. I should like Government to remove these restrictions as early as possible.

Another point Sir, is the question which has been mentioned by my colleague, Mr. Shatry, about the overcrowding in the Arab Primary School in Mombasa. Well, Sir, we have so many boys in that school now—because those Hadhramat Arabs who were not taking much interest in the education, have now realized its importance and these boys are flocking to the Arab Primary School in Mombasa and there is no

Mr. Salim]

space for them at all. I should like Government to deal with this, also, as early as possible.

Sir, a lot has been said on this side of the Council about the Estimates. Every member starting to criticize the Budget, I want that, I do not want that, I do not want the Company tax, I do not want the poll tax" but, at last, Sir, I find that everybody gets down and says that he supports the motion. It reminds me of a passage which says this, "Eli did try to dash for it, but finding that Police Constable Fred Watson had surrounded the place, and single handed, he threw down his walking stick and accepted the summons without a struggle." (Laughter.) I do not like to be put in the same category Sir, and I sit down and say that support the motion.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, before commencing might I state that I may speak for more than half an hour.

THE PRESIDENT: Permission is granted.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The motion, as far as I am aware, that we are discussing is a motion to resolve into Committee of Supply so it is not entirely unnatural that everybody should vote for that motion whether they agree with the Budget or not.

Well, there are a number of points which have been raised in this debate of general nature on which I would like to comment.

On the first day, the hon. Member for Trans Nzoia asked for a Government statement on what is sub-marginal land. Well now, sub-marginal land is not a phrase that I, personally, like using and indeed, although it was used by my hon. friend the Member for Finance in introducing his motion, he qualified that description of land by saying that it was, I think it was something to the effect that it was sometimes correctly, or incorrectly, called sub-marginal land, but if it is necessary to have a definition of it I feel that this is a fairly effective definition.

"Marginal land is land on which the basic problem is one of soil productivity in relation to production costs. The fertility of such land can probably be

raised and maintained under a ley system of farming but the costs of production of the unit of produce sold off such land are generally higher than from the more fertile soils and the certainty and the amount of financial return usually less."

In other words, Sir, marginal land is land on which one can really fix prices provided that land is kept in good heart. If it is not kept in good heart, of course, it becomes the sub-marginal land. He also said, Sir, that mixed farming does not mean that a farmer goes out of cereal production, when, of course, it doesn't. We all know that. He also, Sir, stated that the cereal farmer has been deprived of £1,500,000 profit per annum since the war. Well, Sir, that I think is special pleading to a degree which it is difficult to accept. Surely one cannot possibly imagine that during the four years, either in England or in any country, that the mere fact of having to retain within the country its essential needs, foodstuffs, and not allowing them to be exported at entirely fantastic prices can reasonably be claimed as depriving growers of those cereals or those profits. (MR. BLUNDELL: The war ended in 1945).

The war ended in 1945. The fact remains that it is our duty to feed everyone in East Africa, and everybody in the country (MR. BLUNDELL: At the expense of the maize grower). Not at the expense of the maize grower at all. He also stated that it is going to force farmers to get into debt. Of course nobody is going to force farmers to get into debt, but we must remember that there are a number of farmers who have developed farms to an extent that they have not got the capital. They are now finding that they cannot put in certain things that are necessary on their farms, they cannot develop them as they should do for lack of capital. Realising that in the interests of the future development of this country, we should give them every possible assistance, the idea is that we can lend them money at reasonable interest, to say that is forcing farmers to get into debt is a misrepresentation of Government's intention. (MR. HAVELOCK: Four and a half per cent.). It has not been mentioned. (MR. HAVELOCK: Will you tell us?) It is under consideration.

[The Member for Agriculture and Natural Resources] (Laughter.) Now, Sir, no doubt one will refer to those things again at a later date.

The hon. Member for the Coast mentioned that the absence of silos was very costly and I understand he said that surplus balances should be used for the purpose of constructing silos. Now, Sir, I think we ought to be a little bit clear in our minds as to what the position is in regard to the construction of silos at the present time. The proposal is that the silos should be constructed to hold a total of 325,000 bags of wheat and 200,000 bags of maize. That is a comparatively small proportion of the crop that has to be dealt with and stored for some period each year. In addition to these proposals, the present position is that we have bag storage accommodation, including the Nakuru hangars, for 1,394,000 bags of grain and we are in process of putting into force a new scheme whereby we hope to be able to provide in the producing areas for storage for about fifty per cent of the crops produced in those areas at rail-heads. That is a greatly improved scheme and when that is completed, it will mean that we will have available storage capacity for about 1,750,000 sacks of grain and much more carefully and better placed than it is to-day. Nevertheless, I do, myself, feel very strongly that in addition to that bulk storage which will very much ease the position on farms and in the reserves that we do need the silo stores for which we have planned. Now, unfortunately, it is no good blaming Government for not having had silo storage before, because it was I think in 1943 that we brought into this country two experts to give us advice on silo storage and their reports were duly tendered at a time when we could, I believe, have had considerable assistance from the home Government in the construction of silos. Unfortunately the scheme was turned down at that time and it is now, only now, that people, I think, are beginning to realize the importance of having silos. But now the cost is going to be at least three times what it was then and it looks to be in the neighbourhood of a £1,500,000 for this proposed storage facility.

The suggestion is that the silos should be put up in three places, Nairobi, Nakuru and Eldoret but as far as the Nakuru one is concerned, we are having a Consulting Engineer's Report and I am not at all happy about the possibility of Nakuru as a site, because they had as you know, on the showground drilled quite a long way down to find water and they went through, I believe I am right in saying, eighty-five feet of volcanic ash before they struck anything fit as a foundation for silos and, therefore, we will not know until we get the Consulting Engineer's Report whether these plans can, in fact, be put into effect.

Well, Sir, I sincerely trust that the Consulting Engineer's Report and estimates will be available by the end of the year, or early next year, when we shall know much more accurately what the cost involved will be and about siting of these proposed silos.

Now, Sir, the hon. Mr. Nathoo raised several points. He first of all asked about sugar and I think, to some extent he was answered by my hon. friend on my left, but he did say why import at high prices and not pay a little more locally to increase production. And the subsequent speaker has also suggested that very little was done to help the sugar producers. Well, Sir, I must here and now, pay a tribute to the people who have taken over Miwani Sugar Factory. (Applause.) That factory, unfortunately fell into a bad state and the land was in a shocking state and since it has been taken over under new ownership, a tremendous amount of excellent work has been done and most of their cane lands have been rehabilitated and they replanted most of the area. All I can say is that, as far as it is possible to do so, every encouragement will be given within reason to these people.

The next point Sir, that the hon. Member raised was in connection with Indian settlement, agricultural settlement and more especially in regard to the Kibos area, but I think Sir, that other speakers also mentioned land for agricultural production by Asians. Now Sir, I would like to make a few remarks about this subject. It is a hardy annual and it is one in which I feel again that sometimes there is a little misrepresentation and I am most anxious that the work of the

[The Member for Agriculture and Natural Resources] Indian and Arab Settlement Board should be appreciated and that the public generally, should know that we are trying to do what we can. I will preface my remarks by saying that when I talk about Indian settlement, I mean settlement by owners, or occupiers, who are themselves going to work the land. We do hear a tremendous lot about Government doing nothing to put Indian people on the land and then the next thing we sometimes hear is, "Oh, but we do want to own the land but be absentee landowners." Absentee landowners, that is not my idea of settlement at all and never will be. As regards what is being done at the present moment, we have from time to time specifically considered the position of the Indian farmers in Kibos area, who produce at the moment mainly sugar and, let me add, that those people are agricultural people and always have been, and therefore are deserving of as much help as we can give them.

What we have done, now that Morogoro has opened it that we have arranged to select twelve young men to undergo an Agricultural School course in Morogoro in Tanganyika and a great deal of care has been taken in selecting these young men. They have all been personally interviewed and I believe they are all of the right type. The Government is assisting each student to the extent of £27 for the period of the course. Most of these young men, as I have said, have some active connection with the land and they have all stated that they wish to farm land on the successful completion of their course and a number of them do come from that area. The Indian and Arab Settlement Board has, with the approval of Government, selected a piece of land at Mtwapa comprising about 4,000 acres. In that area we have put down about four boreholes and water has been found at a reasonable depth. The area is now being surveyed and a settlement officer to take charge of the scheme is now being appointed. It is hoped after the survey is finished to accommodate about 200 plot holders, and draft settlement terms have been drawn up and applications from suitable tenants have been invited and it is hoped very much that these young men, in addition to any who may apply in the

meantime, will be able to find land, including those who are now undergoing training and will be able to get land in this area. Now, Sir, I submit that that is a far more basically sound scheme than, for instance, the Muriakani one which we allowed to go forward last year. I believe it is trying to put properly trained young men who are likely to make a success as farmers on the land under reasonable conditions and I think it is a great step forward.

The hon. Member then went on to discuss the merits of applying a cess to those primary producing industries that are doing well with the idea, I think, of helping to rehabilitate land, or to help those in industries which are not in such a fortunate position. Now, Sir, the hon. Member is no doubt aware that a similar recommendation has been made in the Report of the Cost of Living Commission where they recommend, quite definitely, that an export tax should be imposed on sisal, coffee, hides, wattle extract and pyrethrum, and, no doubt, as this recommendation has come up in a concrete form it will be examined by Government with great care, Sir, I am not going to—and I am not in a position to say whether Government is likely to accept such a proposal or to reject it—but I would like to point out, however, that there are a great many disadvantages in my mind to such a proposal although the advantages are, of course, very obvious. To begin with, nearly all these industries are doing a great deal for themselves and, in many cases, are applying some form of cess on their own members, either for research or for a rainy day, and for one purpose or another, and I believe that is a sound way of encouraging these industries to look to the future and improve their methods and so on, and so forth.

I, also, rather hold the view at the moment that English people are always rather terrified of prosperity for some reason, peculiar reason, and that is really too easy the minute you have an industry doing well to say, "Oh, it is doing well, let us lop a bit off and use it for something else." I, personally, think when I see an industry doing well, for heaven's sake, put it up and make it do better and I am sure that in the end you get more for development of a country that way than you do by trying to substi-

[The Member for Agriculture and Natural Resources] dize one industry by preventing another doing quite so well. But that is only my personal view.

Now, Sir, we come to a speech made by the hon. Mr. Mathu yesterday on a whole number of subjects. And firstly I should like to congratulate the hon. Member on having made a political speech, a very fine attack on Government. (Laughter.) Now, I say that in all sincerity, it was a political speech and it was a jolly good one. On the other hand, I think it perhaps over-accentuated alleged grievances as political speeches sometimes do. His first points were that there was a lack of statistics of African production and more could be done to get figures. Well, Sir, I must agree with the hon. Member that it is very difficult indeed to get accurate figures of African production, more especially of what, I think, he termed subsistence production, because an enormous amount is grown which is, of course, used by the grower for food, and so on, and it is very hard to get figures which are accurate. Nevertheless, I do not think we are quite as ignorant as the hon. Member suggests. I have here before the Council now, monthly reports from practically every district in the Colony and, from a study of these reports, we do get an indication of what is being grown and you will also see that in Statistical Department's little booklet which was laid, I think, on every Member's desk yesterday, that that subject is also alluded to and certain figures are given and those figures are not imaginary, they are based on something. In connection, with statistics generally, I do believe that we are beginning to make progress and I do hope that we shall all of us bear in mind that the formation of an accurate Statistical Department is in my opinion absolutely fundamental for making proper progress, certainly in agriculture, and in the services which come within my portfolio, but, I believe, in nearly every progressive movement that we are attempting to encourage in this Colony, without statistics we do not know where we are looking.

Now Sir, the hon. Member then went on to suggest that a great deal has been done for Europeans in the way of financial assistance but that very little has been done for Africans. Well Sir,

that is a sweeping statement which I can not allow to pass unchallenged because that is the sort of statement which is very easy to make, provides very nice headlines in the press and is not true. Now, Sir, the Europeans, I will say, do get assistance by means of a guaranteed minimum return. That assistance is given to them in the form of a loan, a temporary loan for which they have to pay interest—4 per cent I think. It is repayable within the year when their crops are harvested and should it not be repayable there is a lien taken on their property. There are certain other assistances given to Europeans, very natural ones if you want to get the maximum production going but all or most of them are in the nature of repayable assistance. Now, Sir, as far as the African areas are concerned—I am coming to the possibility of loans for African farmers in a minute—as far as African areas are concerned we are spending at the present moment a sum of £3,000,000 in various ways to assist African agriculture and to rehabilitate their land, and I have figures which I go out in a hurry this morning which clearly show that of this £3,000,000 up to September, 1950—and I can show the breakdown of this to the hon. Member if he would care to see it—we have spent a total of £917,000, and that figure, that rate of expenditure will, of course, increase as the remaining part of the Development and Reconstruction Authority period passes, because one makes one's plans before one can begin spending money and our plans are now fairly well made. So, Sir—I am coming to water in a minute which is another thing I would like to touch on—but it is not true to suggest—because that money, of course, is not replaced—that a lot of money is being spent on Europeans and no help is being given to the Africans. Well, Sir, as we are on that subject, I would like to take something out of order on which remarks were made yesterday and discuss the question of water supply. Because the hon. Member was critical of dams and said he thought that boreholes were better and, I think, several Members, spokesmen of the other side of the Council, had suggested that insufficient was being done to supply the African with water supplies. Now Sir, the total estimated expenditure on water development, on water conservation in the native areas from the beginning of the Develop-

[The Member for Agriculture and Natural Resources] ment and Reconstruction Authority period, 31st December, 1949, has been £169,521. In addition to this, there is a commitment for expenditure on the Dixey Scheme in the Northern Province of approximately £480,000. Now this expenditure is in contrast during the same period with expenditure on true water development and this, which I refer to, is all true water development. That is to say, for the conservation and development of water supplies in European areas, excluding township areas because township supplies are applicable to all three races—I cut them out altogether—the figure is £44,500, so we have spent £169,521, but we are committed to another £485,000 as against the true expenditure—and I regret to say a lamentably low one—of £44,500 in the Highland areas. So it will be seen that we are truly conscious of the necessity of providing water for native areas and are doing our level best to meet that crying need.

Now, Sir, as regards the relative merits of dams and boreholes. The hon. Member suggested that dams dry up and, therefore, what the African needed, which was much safer, was boreholes. Well, Sir, that is not really always a very sound argument because surface catchments have been found to be extremely efficient in this country and the great thing about them is that if you have a dam and the water level is gradually decreasing the dam is being used up and you can see what is happening—in due course you will have to move your cattle elsewhere and if you are dependent on one borehole, you have only got to have a breakdown in the pump and you may have a disaster with the cattle which are dependent on that borehole. The result is, of course, that we have in nearly every case, where a borehole is put down, to put it down in duplicate or triplicate and that is an expensive performance.

These figures do not compare with the figures I have given—they are for a different period. The comparative expenditure for 1947 to the middle of 1950 on dams and boreholes in native areas is: dams £8,638, boreholes £54,785, but to make those figures really comparable, as the hon. Member is aware, we have had operating in the Machakos Reserve,

heavy dam making machinery; and I believe although we have not yet met the bill, the work that that machinery has been doing in the Machakos Reserve will probably cost somewhere around £30,000. That, of course—it is a little bit difficult to get these figures because some of them come under the Public Works Department and some of them come under the African Settlement Board, but they will slightly alter the proportion because there is another £30,000 worth of dams being made. That, I think, will bring home to the hon. Member that we are putting down boreholes where we think dams are no good because the rainfall is very small and we are putting down dams where we think dams are the proper method of conserving water.

The hon. Member then raised the question of different prices for maize as between different communities and he drew tears to the eyes of most Members by referring to the blood and sweat and that that should be paid more than for machinery. Well, I think perhaps that was a little theatrical if I may say so, because I think in judging the merits or demerits of what may appear to be incongruous especially if we are responsible, as we are in this Council, for what is the best for all in this country, we want to keep our feet on the ground and try and look at these things with some sense of proportion. Now, Sir, the cost of any commodity can only be compared in the same place, the same quality and at the same moment. For instance say a boot manufactured in Northampton lying in the factory—you cannot say it is worth the same price as a boot in a shop window at the time you want to buy it, anywhere say in Nairobi, and the same thing, of course, applies to grain. What you have got to compare is grain in a bag free on rail at the time you want it. Now, Sir, the basic price of maize is Sh. 21 K.2 to K.7. Sh. 21 per bag of 200 lb. of naked maize, that is without the bag and the price for African producers varies from place to place with transport costs and deductions which are made are as follows. Seventy-five per cent traders commission for buying and subsequent delivery to the maize store or mill. I had an opportunity of discussing this with African Members yesterday; I may add.

[The Member for Agriculture and Natural Resources]

The reason for this is that in the back blocks, we have got to find some means of collecting the maize, which is very often brought in, in debi-loads, buying it and delivering it to the Control as there is a fifteen cents trader's holding and loading charges between the time it is bought and free on rail.

There is a Sh. 1/05 which is the Maize Control's storage, shrinkage, marketing and so on charge. That, of course, is an actuarial charge based on experience. Then there is Sh. 3/40 contribution to the Betterment Fund and the Producer price from which transport is deducted, is Sh. 13/65. That makes a total of Sh. 19 and an additional Sh. 2 for K.2 to K.7 graded maize which is included and divided up. That makes a total of Sh. 21. If the Director of Agriculture certifies that the African producer has delivered maize in 10-ton lots, and conformed with the requirements of good husbandry he may direct the Controller to pay an additional Sh. 4 allowance to the producer. The term "producer" includes a group farmer; that is one of a number who produce in a group together.

The price paid to the non-African farmers is Sh. 21. Sh. 3/20 for the cost of a new bag, which does not appear in the figures I have just mentioned, and the same Sh. 4 allowance for mechanization and bulk delivery.

Now, Sir, I think we have got to remember several things when we are discussing this alleged difference in price. First of all, in the African areas maize is grown rather haphazardly by peasants on small holdings and it has, as I say, to be collected and brought to railhead. We want to encourage farmers to farm better and we want to encourage farmers if possible to group farm, and if farmers treat their land properly and group farm and are in a position to deliver their maize as a European delivers it, when they are told to, properly bagged, they are treated exactly the same. There is no question whatever that this system of Betterment Funds has been of immense value in the African Reserves and I believe that the African District Councils and the Africans themselves fully realize what a lot of good has been done by means of these Betterment Funds. It is not true to say that the costs of pro-

duction are the same for a peasant farmer and for a mechanized farm. On a mechanized farm, as has been clearly proved by figures, the costs are very much higher, we get the maize when we want it, properly bagged and properly graded and for that we think it is worth paying the extra Sh. 4. If Africans choose to deliver maize in the same way, either by grouping together or individually, we pay them the same money precisely.

MR. HAVELOCK: Have they?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: A few have, yes, quite a few.

The other thing which we wish to encourage particularly is the formation of these group farms, because that is going to be in my opinion possibly the salvation of some of these overpopulated African areas. We want to get these people to get together, contour their farms in some form of rotation between the contours and deliver their crops in bulk. There again there is an incentive to them to do that, this system that we have adopted of what you would be pleased to call "differentiation in price". I have absolutely no moral scruples in saying that, I believe that the system we have arrived at is the fairest and the best in the interests of the land and in the interest of the people and in the interest of the majority who inhabit this country—I am quite prepared to defend it absolutely. It is a very easy thing to raise and say that it is unfair, but in fact I do not believe it is unfair in the least.

The hon. Member said that in order to encourage speedy production and development of the country we ought to pay the same price. All I can say is it would not encourage speedy production and it would encourage the complete desiccation of the whole country if we tried to pay the same price in the way he advocated. Incidentally, I do not think it would be feasible. He also raised the question of coffee growers and of sisal growers which has been answered by my hon. friend the Director of Agriculture.

He also raised the point, Sir, about the rehabilitation of land, and he said that land was going back, because there was shortage of land and that all this terracing and we heard about bush clearing and so on was really—I think he rather insinuated that he was not inter-

[The Member for Agriculture and Natural Resources]

ested in hearing that so many miles of terraces had been constructed, he was only interested in hearing how much more was produced from the same land as the result of those terraces. Now, Sir, I would submit that there may be something in the hon. Member's request to know what increased production takes place, but he must realize himself that the basis of any form of rehabilitation must be some method of retaining what soil is left or preventing further deterioration or any deterioration at all of soil in these areas, and therefore the first thing we have got to do is to protect the soil in some way. I can add, Sir, that in our experience in certain areas that we have had an opportunity of dealing with that there is no doubt that the mere fact of holding back moisture by means of terraces has had the effect of increasing production, but quite apart from that I would not claim that this is our only object. It is absolutely essential to have some sort of terracing and some sort of method of protecting the soil, and therefore I sincerely hope that African Members will not throw cold water on the inclination we now have by education created amongst African peoples of terracing their land, because it is going to be their salvation, and I do sincerely hope we can count on the assistance of African Members in that campaign which we have remarkably successfully undertaken during the past few years.

MR. MATHU: On a point of personal explanation; Mr. Speaker, might I assure the hon. Member that my remarks on terraces were not directed to any intention on our part of holding back or discouraging the work that has already been done, that has never been our intention at all. I said—that was over and above that—that we wanted to see whether we could get increased production. I think I had better put that right before he continues.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Now, Sir, the hon. Member also raised a point which concerns me about the Forestry Department, and he suggested the Forestry Department should do more to encourage production by Africans. He complained that pit-sawing was limited to one saw and only dead trees and a number of difficulties were put into the way

of pit-sawyers, and he also suggested that certain Africans had tried to get a concession for erecting mills in the Government forests and that they had not received concessions, and he even went so far as to suggest that although they had not been given concessions some others of a different race had obtained a similar concession shortly afterwards. Now, Sir, as regards pit-sawyers in the forests, I must frankly admit that it is the policy of the Forestry Department to discourage pit-sawing quite considerably. We are doing that not only, as the hon. Member suggested, in respect of Africans, but we are doing it quite drastically at the present moment, as hon. Members opposite are aware, in respect of Europeans who had hitherto been allowed—not as most Africans, to pit-saw and sell the timber—but pit-saw for timber for use on their own farms in the neighbouring forest reserve. Pit-sawing is a most wasteful method of extracting timber, most wasteful, and there is no doubt that the presence of pit-sawyers in any large quantities does mean a considerable destruction to forestry in the neighbourhood. They are very difficult to control, we have a limited number of people and we are quite frankly discouraging it. When it comes to the question of concessions for sawmills I may say that every application for a concession in respect of a concession that is offered is vetted not by the Conservator of Forests and not by myself, it goes before the Forest Advisory Board and their advice is sought and we particularly do that in order to make sure that these applications are as fairly treated as it is possible to treat them.

MR. MATHU: Has it got African members on it?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It has not got African members on it at the moment. I will give you no undertaking, but I am quite willing to consider putting an African member on—I am not giving an undertaking, but I will certainly go into it, because I think the African members would see the same as other members see that if you are going to operate a forest concession properly you have got to have adequate machinery and you have got to have technical people running the mill. Especially is this going to be the case when we come to the con-

[The Member for Agriculture and Natural Resources]

version of our plantations, because to convert the cyprus plantations, which have cost the taxpayer quite a lot of money to establish with the type of machinery that is generally used in this country to-day would be extremely wasteful and we are indeed going to insist before we give concessions for the cutting of the plantations that those who apply are prepared to put in what we consider more up-to-date and adequate machinery for this purpose. Therefore I can at the present stage hardly see the possibility of an African firm or group successfully operating what I would call a proper sawmill in a concession—however, that may be an expression of opinion; the time may come when the position is changed. But, as I say, the applicants have got to satisfy an impartial body that they have got the money and the skill and the machinery necessary before they are given a concession. I am sure hon. Members opposite will agree with me that that is the only commonsense way of dealing with concessions in this country.

Sir, I think I have dealt with most points. There is one more point by the hon. Mr. Shatry. He stated that the Meat Commission—he made some reference to the Meat Commission and said that meat prices had gone up because of the establishment of the Meat Commission. Well, once again I would remind Council that in the Bill that you yourselves passed, the powers of fixing the prices paid to the producers and the prices at which meat is sold to the public do not rest with the Commission, they rest with the Governor in Council, and therefore it is not really a statement of fact to say that the price of meat went up because of the Meat Commission. Had we put the prices of meat up before the Meat Commission had come into being possibly that statement would not be so frequently made.

Well, Sir, I think I have done my best to answer most of the questions. In conclusion I would like to say that I yesterday had a meeting with certain African Members of the Council—with all four of them actually, and they did raise a number of points to which I have tried to allude to to-day, in connexion with the movement of produce—to which I have not alluded—the prices paid to maize pro-

ducers and various points of that nature. I am hoping to have a further meeting with them now I know the points they have raised and with certain officers of the Government which I hope will go some way to allay any suspicions they may have or to meet any reasonable requests which they may put forward.

MR. MATHU: Agricultural loans.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg your pardon, Sir, if I may resume, the hon. Member has asked what is being done about Agricultural Loans. The Agricultural Credit for Africans Report has been before Government for some time, but I would add that it not only contains a report, it contains four model Ordinances and 21 what they call Papers, which are either Minority Reports or Reports by various interested people. We have gone into this, but I am afraid owing to the preparation of the Budget, my hon. friend the Member for Finance having to go to England this year and also the fact that the Agricultural Act has not yet seen the light of day—and we are still discussing the methods of giving Europeans credit too, which has not been settled at all, yet—that no final decision has been come to on this thing, but as I think the hon. Members representing African Affairs know, I myself am, I may say, almost as anxious as the hon. Members to find some method, if it is possible, by which we can assist those Africans who are willing really to endeavour to farm properly and to develop their land on what we consider reasonable methods, to give them financial assistance in the same way as we would give Europeans. This is how we stand—it is not very satisfactory, I am afraid—with the Report.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. President, may I begin, Sir, by congratulating the hon. Member for Eastern Area, Dr. Karve, and the hon. Member for Nairobi North on their maiden speeches. Sir, I have one or two points to deal with. The first, I think, is that of the hon. Member for Western Area, his question of Government's willingness to meet Asian initiative in so far as provision of hospitals is concerned, though he did use the term medical facilities. Now, Sir, quite recently I visited Kitale

[The Member for Education, Health and Local Government]

and Eldoret and I discussed with the Indian Associations and with Asians generally in those two places, the question of hospital provision. I did raise the point as to whether it was wise of them to attempt to build both at Eldoret and Kitale, whether they should not, as I indeed suggested to the Europeans in their case, decide, where you have an all-weather road connecting two points as closely as Eldoret and Kitale can be connected, whether it is wise to waste money by building twice. That I think is being considered by the Associations concerned. They have brought forward, as yet, no firm amount of money that they can contribute. They are in the process of attempting to raise the money. We have, in the case of Fort Hall, in the case of Nakuru, and in the case of Kisumu, in the past contributed where the Asian community has contributed to meet hospital facilities of that kind, and Government will consider with great sympathy any attempt by any community to provide itself with facilities of this kind, subject always to the amount of finance available, because that, Sir, must be recognized as the limiting factor. It is obvious that those people who raise the money first have the greatest chance of getting their share of whatever money is available. In so far as Kisumu is concerned I did meet the Asian community at Kisumu also, and they are as yet not in a position to tell us how much they can raise. Indeed, I had a letter from one of their leading members only three days ago in which he told me that he thought that they would succeed. And again, Sir, if they do come forward with something in the nature of a concrete statement I trust the hon. Member will believe that Government will consider that with great sympathy. More than that, Sir, on that point I do not think it is necessary to say.

The hon. Member for Central Area, Mr. Nathoo, spoke about the amount to be allocated for educational buildings. I can say, Sir, that the Planning Committee has provisionally allocated the sum of £1,250,000 for educational buildings in the five-year period. I suggest, Sir, that any discussion on that in detail should be left to the time when educa-

tional estimates are debated in the Committee of Supply.

Sir, the hon. Members for Arab Interest, both of them, referred to the position of Arab education at the Coast. Now, Sir, I went down to the Coast at the end of September and the beginning of October and went through this position myself. It was correct, Sir, some time ago, to say that there was overcrowding in the Arab Primary School. That was largely due to two factors: one, the secondary classes had had to be accommodated in the Primary school, the group behind the Palm Court Hotel, and in addition the headmaster had admitted a large number of children under the educational age, and, Sir, the money available for education is stretched tightly enough without that being possible of continuation. Since the situation has altered almost completely, the Arab Secondary School for boys is now open in the new buildings near the Mombasa Institute of Muslim Education. That will be adequate for some years to come, and we have no waiting list. The Arab Girls School, which will cost some £34,000 is planned to begin building in December of this year or January of next year, and there is little doubt that that will be adequate also for some years to come. It is correct to say that the Arab Girls School accommodation at the present moment, although it is a stone building, a stone house, is not satisfactory, but even with the present accommodation we have no waiting list.

Now, Sir, with regard to the Arab Primary Boys School, which is the building behind the Palm Court Hotel, there are 15 classrooms at the moment, and only 10 classes. That is because the secondary classes have been moved up. It is correct to say that there is a waiting list of about 100, but that, Sir, has nothing to do with accommodation. It has to do with our complete inability to get qualified staff to teach in Arab schools. This department has tried Egypt; it has tried Palestine, and we are, Sir, at the present moment instituting informal inquiries in Pakistan to see if we can provide qualified staff, but until the community provides its qualified staff it is no good sending pupils to school and deluding ourselves once

[The Member for Education, Health and Local Government]

again that statistics mean good educational results. (Hear, hear.) We hope, however, Sir, that three Arab teachers will complete their training at Dole in Zanzibar by the end of this year and they will be appointed to the Arab Primary School, and when that is done it will enable the waiting list to be absorbed and will ease the position considerably. At out-schools, such as Malindi, which again I can assure the hon. Member I visited personally, there is sufficient accommodation. Difficulties where they exist do not exist because of accommodation, they exist because of the lack of qualified staff. Now, Sir, we have been able, thanks to the courtesy of the Government of Zanzibar, to come to an arrangement whereby four Arab students will be admitted to the teacher training school there each year, and this should greatly ease the position in so far as Arab education is concerned. I trust the hon. gentleman will see that everything that can be done in this respect has been done. It is largely a matter of producing the qualified personnel to produce a qualified and good pupil at the end of the course.

MR. SALIM: On a point of information, may I know if this Government has written to the Government of Egypt for teachers? As far as I can understand they have been writing to the High Commissioner for Egypt, and every time they write to the High Commissioner they say: "No, we cannot provide teachers." Yet, when we write to the Egyptian Government they say: "Yes, we are quite prepared to provide teachers."

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: This Government can only communicate with other governments through the recognized channels.

MR. SALIM: May we have permission for ourselves writing to the Egyptian Government?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I can assure the hon. Member that if he will bring me the names and qualifications of any teachers I will be only too glad to receive them and do what I can.

Dealing with the hon. Member for African Interests on one particular point—that is the question of the rates of African Poll Tax and the proportion of rates in Local Government areas, the hon. Mr. Mathu and indeed the hon. Mr. Ohanga said the Plewman Report has been accepted in principle and read or quoted one sentence from recommendation 33 of the Plewman Committee. With the permission of this Council I would like to read the whole paragraph Recommendation 33:

"Suggested Adjustments in the Burden and in the System of Taxation in so far as the African Community is Concerned."

According to evidence presented to the Committee it would appear that the present rate of taxation, in conjunction with the contribution made to revenue through customs duties, bears heavily on the African community.

The Committee points out that though there has, undeniably, been a considerable expansion in the African's participation in trade, there has been relatively little advancement in his economic position as a wage earner, and only moderate advancement in his capacity as an agricultural producer, and that it is probable that the African taxpayer will be required to pay considerable increased local rates in years to come."

May I interject at this point, Sir, that that was the position in 1947. The position has not been static ever since.

The Committee is of opinion that, generally speaking the present burden of taxation on the African community cannot be increased without causing hardship. In the event, therefore, of the contribution to taxation in the form of a local rate becoming heavier the Committee recommends that there should be a corresponding downward revision in the basic rate of Poll Tax. Further, the Committee recommends the incorporation, with one exception mentioned in the succeeding paragraph, of the African system of Poll Tax in a general system of Personal Tax, which would thus become entirely non-racial and would be graduated below the Income Tax level in the following manner:—

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

[The Member for Education, Health and Local Government]

Incomes between £30 and £60 (say) Sh. 20 p.a.
Incomes between £60 and £120 (say) Sh. 40 p.a.
Incomes above £120 per annum (say) Sh. 60 p.a."

The rest of the paragraph, Sir, I will read, through it does not carry a great deal of weight in this matter.

"The Committee was impressed by a suggestion that, in order to encourage Africans to take up permanent employment in agriculture outside their land units, and so contribute materially to the relief of over-crowding in those areas, a special rate of personal tax below the levels suggested above should be applied to all Africans in registered and approved agricultural employment, and recommends this for consideration."

Now, Sir, it is, of course, very noteworthy that at one particular point, having taken the opinion that they did, they went on to suggest and to visualize an African Poll Tax at about Sh. 40 per annum and Sh. 60 per annum in the case of the wealthier people. I think hon. Members should refer to paragraph 55 on page 18 of the Plewman Committee's Report, in which, Sir, the Committee sets out an admirable brief summary of the functional and financial relationship between central and local government. When you have studied that particular paragraph, Sir, one can see that the Committee slipped into a slight error in not putting into its recommendation 33 the words "proportional contribution". I, Sir, have just finished a Committee which has made a report that has caused some comment and I shall regard myself as extremely fortunate if they have not made a number of "slight errors" that could have been, well, shall we say, a little more detailed in their recommendations. It is impossible, Sir, that an expenditure on social service, for instance, can be regarded as static. The expansion of services and of expenditure thereto by local authorities often leads to an expansion of expenditure by central government. Let me, Sir, give an example. If a service administered 100% by the central government costs £100,

and then local impetus drives that service to a higher standard through local government effort and the service cost £400, a local government through local rates may contribute £200, and central revenue on a percentage grant basis £200, and the amount to be provided by central revenue has risen. The amount provided by local rates has risen but the proportion borne by the centre has lessened and a far higher standard of service is available. Now, Sir, that I think is what the Committee was trying to convey—that in fact with an expanding expenditure on service, particularly with the impulse of local government, the central government proportion on that expenditure would lessen even though the actual amount expended had risen, because it is obvious, Sir, that with the local government through African District Councils or through municipalities driving all the time for services of particular local benefit to reach a higher level, there can be no such thing as an actual reduction. The proportion of payment by central government can be lowered from say 100% to 25% or 50%, but the amount to be collected from both sides, the central and local, taxpayer and ratepayer, rises, in so far as cash is concerned, as the service is expanded. I am sure, Sir, the hon. Members for African Interests have no desire to see the social services remain static in any degree.

Now, Sir, this is the sixth budget session that I have taken part in. In this Council, hon. Members will appreciate what I mean when I say that, perhaps, this time I have viewed it from a slightly different angle. The position, Sir, that I have found myself in, listening to the speeches of hon. Members opposite as the Member responsible for most of the social service expenditure—though sometimes, Sir, I do wish that education and public health could be referred to more as the "development of the natural human resources than social services"—has been, Sir, that of a young man who has made certain proposals, thoroughly honourable, to a young lady, and who sits anxiously waiting as she plucks petal after petal off the flower, on the basis of "He loves me, he loves me not". I hope, Sir, at the end of this debate to find that despite all the misgivings of the young lady opposite she does in fact love me. To change the metaphor, Sir, if I

[The Member for Education, Health and Local Government]

might slightly, I would say this: social services in so far as this Council and certain Members of this Council are concerned, Sir, are something which this Council has given birth to. It is the will of the people that social services shall exist. According to some hon. Members opposite, Sir, this is a puny, puling infant, to others it is a strong and lusty infant taking far more than its share of the family table, but let us at any rate recognize this particular fact, Sir, that the child has been born, that the child is growing, that the people responsible for the financial maintenance and physical growth of the child are the Members of this hon. Council, and they cannot evade their parental and financial responsibility.

Sir, I beg to support.

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, in the first instance I have been asked to reply to some of the points which were made by the hon. Member for African Interests, Mr. Chemallan, regarding the improvement of stock. In the first instance I should say that there are now animal breeding and improvement centres in African areas at Baroton and Maseno, at Sangalla and Ngong. There is a school of animal husbandry at Narok and it is now proposed to build—in fact, some of them are in the course of building—similar centres in Kisii, in Kabianga, at Murlakani in the Kilifi and Kwale Districts at Meru and a fifth centre it is proposed to build at either Nyeri or Fort Hall. At these centres improvement is carried out of indigenous stock and a good deal of instruction is given in dairy, poultry farming and so on. I think it is also worthy of note that the instruction that has been given in grazing control in the Nandi district is bearing very considerable fruit—if I can call grass "fruit"—and the Nandi are themselves carrying out very considerable and effective grazing control in their district.

On the question, Sir, of the increased rates of poll tax, a good many criticisms have been raised and I must endeavour to answer some of them. One, that I found a little confusing, was a plea was made that because the African paid more excise duty to Government on the increasing amount of beer that he con-

sumed, he was, therefore, making his due contribution to Government revenue and the tax rate therefore should not be altered. I was surprised to hear the same hon. Member complain at the same time that the same Africans were unable to afford a balanced diet. The criticism, Sir, which has been made of the proposed increase by the African Members is, of course, very natural and indeed they would not have been carrying out their duties towards those they represent if they had not protested to some extent against the proposed increase. I believe that that there are rare cases of people who like to pay taxes and who ask to pay more, but I have not noticed my friend the hon. Member for Finance complain at any time of the shoals of cheques which reach him in the form of conscience money. The fact is, that if we want more schools, more and better roads, more hospitals and so on, we have got to pay for them. Above all, if we want to create, decent, orderly living conditions, which are essential if the country is to develop, where men, women and children can live, move and have their being without fear, then if we want these conditions we have got to pay for them and as I have said before in this Council, the African must pay his fair share.

Now the ability to pay this increased rate was mentioned by the hon. Member for Eastern Area, Dr. Karve, and he said that the only justification for an increased rate was an increased real wealth of the Africans who are being asked to pay. At the same time, the hon. Member for African Interests, Mr. Mathu—or perhaps I should refer to him as the hon. self-designated, if somewhat risky, Assistant Director of Education—referred to the need for statistics to show what the African did produce. I should also refer to a statement by the hon. Mr. Ohanga that there was no material increase in the return for their produce. Now, the hon. Member for Agriculture has said that although comprehensive figures are not available of African production and although these figures that we have do not cover African subsistence production, some figures are available and they do give a definite indication, not only of the large range of products which come from the African land units, but also of their relative value year by year. Those figures, of course, only cover the surplus

[The Chief Native Commissioner]

amounts of produce which are exported. For instance, the estimated total value of exports from the Central Province in 1944 (from the African areas) was £566,000. Now in 1949, that figure had risen to £1,189,000. Those figures include the value of about 25 types of produce and I will not bore the Council with a long list of what they cover. Comparable figures for some 25 different products for the Nyanza Province were, in 1944, £417,000 and in 1947 £722,000, and that last figure does not cover a number of exports which in 1948 were worth another £86,000.

Now, a good deal has been said about the increase in the cost of living which has occurred during these last years to Africans and I fully appreciate that, and I also appreciate the fact that this cost of living has hit the urban African as hard as anybody, possibly harder than most. Now, for that reason, it is not proposed to increase the Poll Tax in Nairobi and Mombasa by more than Sh. 1 despite the rise in the minimum monthly wage which was referred to by my hon. friend Mr. Mathu and despite the reliefs which are afforded by reductions in the customs duties. The cost of living has also had repercussions on the rural African, but for the great majority of the rural African I do not think that the cost of the production of his crops has risen very considerably compared with their increased value. This is more applicable even to the production of his cattle, sheep and goats, for which he gets a very much higher price than he used to. I would quote the latest internal prices for stock in the Nyanza Province to show how much those animals are worth now. Work oxen in Nyanza are now fetching between Sh. 160 to Sh. 225; cows between Sh. 180 to Sh. 220; sheep from Sh. 18 to Sh. 30; and goats from Sh. 18 to Sh. 25.

Now, the hon. Mr. Ohanga has said that District Officers and Chiefs do nothing but tax work. I do not propose to go into the various functions of District Officers and chiefs, but I do most emphatically deny that assertion, it is quite incorrect. (Hear, hear.) The hon. Mr. Ohanga also said that Native Tribunals were—I think he said—day in,

day out, busy dealing with tax defaulters. Well, the only reply I could give to that it is that in the few spare moments that they had when they were not dealing with those defaulters they heard on an average in three years from 1946 to 1948, 20,676 civil cases in the Central Province, and 22,760 civil cases in the Nyanza Province, so perhaps they had an odd moment or two! These figures are also some indication of the amount of ready cash available in the African areas, because a man who wants to file a civil case has to put money down, and in 1948 I would quote the figure of 2,282 appeals from the Regional Courts of jurisdiction that were heard, and in Nyanza 2,429.

Reference has also been made, Sir, on the other side of the Council to the numbers of Africans who are sentenced to detention for failing to pay their tax. Now, I have been contemplating the verities about those figures and I hope they are not eternal ones for, I hope, the position will one day will alter. But the fact is that in 1949—I managed to get figures for 1949 of the numbers of Africans who were convicted of failing to pay their tax and the numbers who actually went and did detention. Now, there were 16,500. These figures cover practically all, but not all, the districts of the Colony, but all except one, I think, of the main districts. Now, out of the 16,500 who were convicted in 1949, 11,500—11,800—actually, subsequently paid and did not go to the detention camp. The figures for Nairobi were 2,865 who were convicted, and of those 2,250 paid their tax and did not go to the detention camp. I would submit, Sir, that these figures show that most of the Africans who are tax defaulters and convicted of defaulting in their tax, they have defaulted because they wished to evade tax and not because they could not pay. The hon. Member for Nairobi South evidently agreed with me on this, because he complained that collection was not close enough and a large number of Africans did not in fact pay.

There is an obligation on the part of all citizens to contribute towards the cost of Central Government, and this cost, as we know, has risen very considerably between 1943 and 1950, while there were

[The Chief Native Commissioner] individual increases in the amount of tax, in the rate of tax particularly in the Rift Valley Province.

THE PRESIDENT: I did not intend rudely to interrupt the hon. Member in the middle of the sentence. We have passed the usual time for adjournment—would this be a convenient time to break off—or do you want to finish?

THE CHIEF NATIVE COMMISSIONER: I would be five minutes, perhaps.

The debate was adjourned.

ADJOURNMENT

Council rose at 12.50 p.m. and adjourned until 9.30 a.m. on Friday, 17th November, 1950.

Friday, 17th November, 1950

Council assembled in the Memorial Hall, Nairobi, on Friday, 17th November, 1950.

The President took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of the 16th November, 1950, were confirmed.

BILLS

SECOND READINGS

The Industrial Licensing (Amendment) Bill

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. President, I beg to move. That the Industrial Licensing (Amendment) Bill be read a second time.

Hon. Members will recollect that last December this Council passed a Bill amending the Industrial Licensing Ordinance to give the East African Industrial Council the power to declare at the time of the granting of a licence that no similar licence would be granted for a period not exceeding five years. It gave existing licensees at that time the right to apply for similar protection. At the hon. Member for Commerce and Industry stated when moving the second reading of the original Ordinance, this legislation is complicated and it is necessary to amend in the light of experience of its operation. (Hear, hear.) The items scheduled under the Ordinance are expressed in such general terms as cotton textiles or woollen textiles, etc. So far the Industrial Council has only invoked its powers to declare that no further licences will be issued in respect of cotton textiles for a period which is due to expire towards the end of 1954. Since that declaration was given, representations were made to the Council by a company which desired to manufacture cotton textiles but of a quite different type to the textiles which the original licensees intended to make. The licensee who had applied for a declaration under the amendment to the Ordinance signified that there was no objection to this factory being allowed to commence to manufacture, but as the law stands there is no power under which a licence could

[The Secretary for Commerce and Industry] be granted. This Bill is designed to get over that difficulty by giving the Council the powers to grant a conditional licence where a declaration has been given under sections 10 (2) or 10 (a) of the Ordinance, provided that the consent of the licensee, who has made an application for a declaration of the type already described has been first obtained. Sir, this amendment is essential if industrial development is not to be retarded.

I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

THE ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider clause by clause the following Bill:—The Industrial Licensing (Amendment) Bill.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

COUNCIL IN COMMITTEE

The Bill was considered clause by clause.

THE ATTORNEY GENERAL moved: That the Industrial Licensing (Amendment) Bill be reported back to Council without amendment.

The question was put and carried.

Council resumed and the Member reported accordingly.

BILLS

THIRD READINGS

The Industrial Licensing (Amendment) Bill

THE ATTORNEY GENERAL moved: That the Industrial Licensing (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

MOTIONS

THE INCREASED PRODUCTION OF CROPS ORDINANCE

(Continuation in Force)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. President, I beg to move that it be resolved that the Increased Production of Crops Ordinance

continue in force until the 31st day of March, 1952.

Hon. Members are aware that in section 43 of the Increased Production of Crops Ordinance, 1942, provision is made that the Ordinance should continue in force until a date, which was at that time the specific date of December 31st, 1943, and should then expire, provided that the Governor may by proclamation with the approval of the Legislative Council declare that the Ordinance remain in force until a date to be fixed by such proclamation. Sir, I think hon. Members are also aware that this enactment is absolutely essential for the carrying out of Government's agricultural policy and that at the moment this Bill is only in force until the 31st day of March, 1951. The object, Sir, of this motion is to get the approval of Council that the Bill shall continue in force until the 31st day of March 1952, in other words, for one more year.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

DRAFT ESTIMATES OF EXPENDITURE, 1951

REFERENCE TO COMMITTEE OF SUPPLY

THE PRESIDENT: The debate on the Estimates for 1951 will be resumed. The hon. Member for African Affairs was speaking when Council adjourned.

THE CHIEF NATIVE COMMISSIONER: Sir, Phoenix-like, I rise again to make a few concluding remarks on the subject of the increased rate of Poll Tax for Africans. As I was saying yesterday, there is an obligation on the part of all members of the community to contribute towards the Central Government and the cost of the Central Government, as we all know, has risen very considerably. The fact remains that between 1943 and 1950, that while there were individual cases of increases in the rate of Poll Tax, particularly in the Rift Valley Province, the standard rate did not rise more than Sh. 1 over that period. It is now proposed in 1951 to raise this standard rate by Sh. 2 and a rise of from Sh. 1 to Sh. 2 is also contemplated in some other districts which at present do not pay at the standard rate. The rate in Masai will be raised by Sh. 2 and that in Nairobi and Mombasa, as I think I have already said, will only go up

[The Chief Native Commissioner] by Sh. I am not sure whether hon. Members are fully appreciative of the great variety there is in the incidence of this tax as between districts. For instance, while the proposed rate of tax in Masai will be Sh. 19, that in North Kamasia is only Sh. 12, in Teita Sh. 14, in Turkana Sh. 6, while in the Giliama districts there are three different rates—Sh. 12, Sh. 14 and Sh. 16. Now, Sir, as I have said before in this Council, I do not like this principle of a flat Poll Tax which hits the rich and the poor equally, even if we do vary the incidence as much as we can between districts and even locations within districts, bearing in mind relevant factors such as climate, accessibility and so on. As several hon. Members have already heard, we have set up a Committee to investigate the practicability of introducing a graduated African Poll Tax. In fact several members have suggested that we should wait until that Committee reports before we make any change in the existing rates of the flat Poll Tax. To this, Sir, Government must reply that we do not know anyhow what those recommendations are going to be and in any case they could not possibly be put into action until 1952, and meanwhile we are faced with a bill which we have to meet, and I suggest, Sir, that it is a bill which everybody must pay his share in meeting, and the African community as much as anyone else.

Mr. President, I beg to support.

MR. HAVELOCK (Kiambu): Mr. President, may I seek your permission to speak more than half an hour, Sir.

THE PRESIDENT: Yes. The intention of the rule was no doubt that one Member of each community on the unofficial side should be allowed to claim the privilege of speaking for more than half an hour. Three Members only have claimed that privilege and there is nothing in the rule to indicate the community distribution of the privilege, so I have no hesitation in giving the permission desired for the hon. Member to speak for more than half an hour.

MR. HAVELOCK (Kiambu): Thank you, Sir.

Mr. President, first I should like to join with the other hon. Members in congratulating the hon. Member for

Finance on his excellent speech which I suggest has set the tone for what I believe has been a very wise and noble debate which has taken place in the Council up to now. I must say, when the hon. Member for Finance was congratulated by other Members, I thought that he looked rather like boxer shaking hands with his opponent very quickly awaiting the short, sharp jab in the ribs.

Sir, I would like to ask the hon. Member to give me some information in his reply to this motion. I notice that the Revenue Estimates show very little difference in the revenue from customs duty on the group which include kerosene; I think the group is headed Lubricating Oils, Power Oils, etc., and very little difference is shown between the Estimates for 1950 and 1951, and of course, within that group there is no particular article, kerosene, on which the duty has been removed. I would like an explanation, Sir. Does this mean that we are going to consume very much more petrol in the next year, or why is it that the reduction is not so obvious? It is very obvious a reduction has been estimated for in the other groups of articles, where customs duty has been reduced. The group, for instance, including khaki drill, shows an estimated reduction of some 50 per cent in the return. The group including made-up garments shows a reduction down to one-fifth of the revenue for the 1950 Estimates. Also, Sir, whilst dealing with the customs duty on kerosene, with the abandonment of it, I would like to ask the hon. Member if I am correct when I consider that the rebate shown, under Miscellaneous Services Head on paraffin for agricultural purposes, that rebate was in the past anyway, a rebate of customs duty for paraffin for agricultural purposes, and so, therefore, if he has now taken the customs duty off all paraffin, is that item necessary in the Estimates and if, at a later date I should move its deletion, will there be any opposition from the hon. Member? Sir, there is another item on which I would like some information. It does seem to me that it may indicate a change of policy about which I, at any rate, have heard nothing as yet. In the Revenue Estimates it is shown that we expect to receive some £190,000 from the sale of

[Mr. Havelock] the assets of the East African Industrial Board and I would like, if the hon. Member could tell me a bit more about it, why these assets are being sold, to whom they are being sold and what is Government's policy in this regard?

Coming, Sir, to the items in the Budget which have aroused a certain amount of contradictory comment, I would like to say that I personally support strongly the hon. Member for Trans Nzoia in his criticism of the Reserve Fund. I believe that it would be much wiser, as he did suggest, to create a Reserve Fund, if it is necessary, and I am not sure that I agree that the figure should be as high as £4,000,000, but the Reserve Fund should be created from just and future surplus balances or surpluses. I cannot see that we should, at the moment, at this period accept extra taxation which will go to creating such a Fund.

Now, Sir, on the matter of surpluses, the hon. Member did describe to us what our surplus balances were doing or what he was doing with them. I would like to ask one question. How is the Maize Control financed? Does the Maize Control pay out to maize producers, both African and European, from moneys which are advanced by Government or is this merely a matter of overdraft from private Banks from which they pay, which overdraft is repaid when necessary? If that is the case, presumably Government guarantees the overdraft but who pays the interest? Do the Maize Producers or does the Maize Pool pay the interest or does Government? Again, tied to that, are some of our surplus balances tied up in that particular way? I understand the financing of maize is a heavy item annually but do our surplus balances play any part in that, or not?

Now, Sir, I did say that I did not think that the Reserve Fund was necessary at this time—anyway to be built up out of taxation—and, therefore, I again support the hon. Member for Trans Nzoia as regards Company tax. I cannot see any necessity at the moment for imposing this tax. I realize that I am a signatory to a report which has appealed just lately where the Company tax was mentioned, but it was not specifically recommended. (Laughter.) The matter of psychology is

obvious, I think, and many hon. Members, Sir, have stressed it. The hon. Secretary for Commerce and Industry spoke on this matter yesterday and compared the rates of Company tax in other territories—African territories—with the proposed rate of Sh. 5 in the pound here. But I would submit, Sir, that it is quite ridiculous, and it is really not a fair comparison to take one small item out of the fiscal structure, out of one territory, or each territory, and compare that. We cannot base an argument on that particular item alone. One must know the whole economic set up. One must know what other attractions there are in those countries for capital. One must know what other taxation structures there are in those countries; and, without that knowledge, I believe comparison can carry little weight. With me, at any rate, it has carried little weight!

I do not want to repeat what other hon. Members have said before me, but we have, of course, for many years, or for the last two or three years, cried for more money to build up our wealth potential and taxable capacity, and we have found it very difficult in spite of the great efforts of the hon. Member for Finance, we have found it very difficult to raise what we may consider sufficient loan money for Government capital expenditure, for we must do every possible thing to raise money to develop true private enterprise. I personally have heard not one, but many, complaints, from commercial and industrial people that the raising of this tax will detract from the attractions of this country for private capital. And also, Sir, I would like to stress one point that was made by the hon. Member for Uasin Gishu, which I think is very important indeed. This tax will be a burden on the small investor, the small company and the man who is starting at the bottom; who wishes to build and expand out of his profit, who has no large capital reserve on which to draw, and who is not able to wait for many years for his returns, as heavily capitalized companies are so able. There are also, Sir, to my mind a lot of objections as far as the technical difficulty of collecting the tax and the actual estimation of the revenue concerned, but I will not touch on those details because I believe that the Committee of Ways and Means would be the better place in which to thrash those details out.

[Mr. Havelock.]

The matter of African Poll Tax has also been a contentious subject, and I have listened to this debate with very great interest and to the different points made on each side for and against the raising of this Poll Tax. I have come to my own conclusion in my own mind for two main reasons. My conclusion is that the Poll Tax should not be raised at the present juncture. (Applause.)

My two main reasons are, Sir, the same ones as I have referred to when I was speaking about the Company tax, and that is at the moment, I do not see any necessity for further taxation. The other one is that, if Africans are to be asked to pay more direct taxation, and I think that they must do in the future, in fact the very near future, then we surely must have this graduated Poll Tax which many hon. Members on this side, and indeed the hon. Member for African Affairs himself, have been advocating for some while. And I am afraid that, if we go ahead with the raising of the basic rate of Poll Tax now, it might prejudice the acceptance and the imposition of the graduated Poll Tax in the near future. And I am quite certain that we must move to this much fairer tax as soon as we can and give it the very best chance.

I was rather frightened, Sir, by the remarks of the hon. Member for Local Government yesterday in connexion with this tax, when he pointed out that extra local rating logically leads to extra central taxation.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I must point out to the hon. Member that I said: "If an expansion of services was desirable."

MR. HAVELOCK: Well, Sir, if an expansion of services is desirable, naturally the local authorities will require further local rating; and, if they do that, then that means that Central Government will also have to impose higher taxation. That is how I understood him. Therefore, Sir, that means that Central Government can be forced by the desire within the territories of the local authorities for further services—can almost be forced to give further sums for that particular project.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: On a point of explanation, Sir, the hon. Member must be fully aware that where a Government

percentage grant is concerned, no service could be expanded without the consent of the Government.

MR. HAVELOCK: I am very glad of the explanation, and I hope that he will know what he has said very clearly in his own mind because it is just that point that I want to drive home, that we must not allow irresponsible requests, or extravagant services, to force Government hand to further expenditure on such services.

I would like, Sir, some information on a tricky subject—the National Income. The national income, which was touched upon by the hon. Member when he was making his speech, and by the hon. Member for the Coast. The national income, I presume, the use of it is to give an indication of the development of the country, and is it not also to give some indication of the taxable capacity of the country? If that is so, Sir, the latter point, that is, to give an indication of the taxable capacity, is it then—for the reason alone—is it then right that subsistence income should be included in the figure? My hon. friend on my left says otherwise it is, but I suggest that it may not be so. If we consider, Sir, the percentages, I think it is roughly £71,000,000 we were told, and as far as I could work it out, some £16,000,000 may represent subsistence agriculture. Now if I am right and subsistence agriculture should not be included to indicate the taxable capacity, and if we take that £16,000,000 off, then I think we will find that our taxation revenue is something in the region of 25 per cent of the national income less subsistence agriculture. I also should like to ask the Member for Finance, what is a fair percentage for a young developing Colony—what is the figure one should take as the total taxation that we can bear on a national income of some £54,000,000?

Sir, if I may refer again to the matter of capital, I agree and I think it is very right that the hon. Member should use the surplus balances as he has done—make them work in fact in the way of advances for capital works—for the Development and Reconstruction Authority budget. But we must, I submit, and we have seen in this Council many a time that our capital development must be financed from loan so that presently can help to pay as well as the present tax

[Mr. Havelock.]

On that particular subject may I ask the hon. Member to explain the item of £270,000 for loan charges for 1951. I presume that is the charge on the £6,000,000 loan which we visualize raising in the fairly near future. If that is so, is this money really debited to the 1951 Estimates?

Now, Sir, on this matter of loan money, I do not know if the hon. Member is satisfied with the amount of money which we are allowed to borrow in the next four years. I remember last year hon. Members of this side of the Council said that they thought that we were not being allowed enough. I believe that if the loan money that we do receive is properly and wisely invested, that we could afford to borrow further moneys if we were so allowed, and I would stress what I said before, if it is properly and wisely invested. Now, Sir, I asked a question of the hon. Member some time ago for a written reply. I asked "where is the money which was held by the Post Office Savings Bank invested by Kenya investors—where that was reinvested?" The sum is some £6,000,000 which Kenya investors in the Post Office Savings Bank have invested and I received a reply—a very detailed reply—of exactly where all this money was invested and in that detailed list I think there was only £2,000 invested in Kenya. The remainder was invested in Brighton, Salisbury, Malaya, Hong Kong, Fiji—all over the world. In fact, Sir, I submit that the money of our people is being used to develop not our Colony but other Colonies.

May I suggest, Sir, that there, in that £6,000,000 there is some reserve and is it not possible to go to London and say that we wish to raise a loan of £12,000,000, and of that £12,000,000 the Post Office Savings Bank would invest £6,000,000 in it. It would be trust stock, surely. Surely there could be no objection? I am told that other territories in Africa do this. That they use their Post Office Savings Money for development in their own lands. I would like the hon. Member to give me his comments on that suggestion.

As far as the spending of the capital moneys is concerned, I have been worried as to the allocation of those moneys and I am sure that other hon. Members are too. The hon. Member for

Development himself I think has had his doubts as to whether our system of allocation is absolutely correct, and I believe that he at one time did suggest that there should be a developmental capital budget and that that should be separate from what might be called consequential capital requirements—that is capital works—which are necessary because of the increase of population consequential on the development of the country. And, of course, the difficulty of trying to divide the one from the other is that they overlap in so many places that it is very difficult indeed, to say exactly in which category one project should fall and which category the other. But I believe, Sir, that we might be very wise to try to make out a list of what we consider, or for what the Planning Committee or Government considers, are the urgent developmental works required for the next four years; and there are some which I think can be said to be entirely developmental and which we can foresee bringing in a return in the fairly near future. That is, opening up new areas of land, providing water in the places where it is necessary, the opening up of industrial areas, etc. That sort of thing. And then concentrate on those and let the consequential capital development be taken over by the Colony's budget. Now, Sir, naturally the Colony's budget would need some working capital and that could be supplied from wherever the hon. Member thinks best—loan money, probably a part of the loan money which, of course, you would have to cut. You could not put the whole £15,000,000 which we are thinking of spending into developmental projects. Some of that money could be used as consequential capital expenditure but now, Sir, consequential capital expenditure is another aspect. There are many I believe, many investments which we could make in that sort of expenditure which would provide immediate cash return to the Colony's revenue only because of the most extraordinary Government system of finance, in that if you sell a capital asset, the money comes back into revenue. It does not come back into any capital fund, I suggest, Sir, that if we plan our consequential capital expenditure we could go ahead without a very great burden on the taxpayer of the

[Mr. Havelock] country for a considerable time. All these matters have been discussed in Committees and Boards and I have no doubt I am boring hon. Members in bringing them up but I think I should thus give one or two examples to show what I mean. For instance, if we built a Secretariat and housed the Government officers there, and vacated those queer contraptions in which my hon. friend, the hon. Member for Health and Local Government has his headquarters, then that site where the hon. Member is, Lugard Avenue, I believe it is called, is of great value. It could be sold and provide more money for further consequential construction.

The same thing applies to building a new Prison, vacating the present one, etc. (Government applause.) There are other ways, Sir, in which we should, I believe, invest what capital we have for this consequential capital expenditure as economically as we can and I suggest again that we should think more on the lines of the pound for pound basis for capital expenditure for buildings, etc., required for social services. That in itself is a very economical way of obtaining capital assets as cheaply as possible for Government, but the whole reason, Sir, why I suggest that we should keep this developmental expenditure in its own Department is that I have a great fear that if we do not do that, the consequential expenditure and the great pressure behind it for more consequential expenditure will nibble away the money we may have available for capital developmental expenditure. I want to safeguard that because that is vital. We must build up this country, we must develop its wealth as soon as we possibly can.

Now, Sir, I just want to touch on the Rehabilitation Fund. I do not think anyone mentioned the point—but I have been told there is a certain amount of worry in some people's minds as to what the difference between the Rehabilitation Fund and the Land Bank will be. The Land Bank rate is 4½ per cent I understand. Now, is the Rehabilitation Fund—the money from that Fund going to be loaned to farmers at that 4½ per cent rate, because, if so, I suggest it is very, very heavy, and it will be loaned to farmers who are in a bad way, because

that is the whole idea of the Fund I understand. It is, of course, going to be difficult to make a different interest rate for Land Bank money and Rehabilitation Fund money, but, on the other hand, I think that there should be a difference there should be a cheaper rate for the Rehabilitation Fund because on the cheaper rate, the farmer who borrows will probably have to accept a certain amount of direction as to how he is going to spend the money, whereas with money from the Land Bank—he is comparatively free to invest it as he wishes.

The hon. Mover, Sir, touched on the matter of our unfavourable balance, the balance of trade, and I am afraid that cannot see the picture at all. In fact, I wonder if the hon. Mover himself can. Have we got records of capital transfer through private banks, because surely that must make a very great difference to our balance. I believe that some years ago we used to be able to get those figures and these were published. I believe they were—I stand to be corrected—but they certainly have not been available for some years past and is it not possible to get those figures so that we have got the last details necessary to paint the whole picture for us.

Sir, just touching the last point on this matter of capital, I want to emphasize once more that it is essential to my mind to build up industry, both agriculture and others in order to provide the opportunity, on the one hand, for the African in order to build up the taxable wealth which we hope it will bring later, and I believe that in order to do that, we have not only got to attract capital, but we have also got to attract skill and enterprise and initiative and that ties up with a proper immigration policy.

Now, Sir, if I may deal with one or two points raised by hon. Members in this debate. The hon. Member for African Affairs, Mr. Mathu, made, I think, one of the best speeches I have heard from him in this Council, and he touched on a subject which is dear to my heart, of course, and that is coffee. The hon. Director for Agriculture, I think, answered the hon. Mr. Mathu as well as he possibly could and as well as anybody else could, but all I wish to say there is that I am sure that the Coffee Board of Kenya is very much aware of the potential of African-grown coffee and I think

[Mr. Havelock]—I am right in saying that they are prepared to co-operate and help Government in every way to increase and expand the industry in that direction. (Applause.)

The hon. Member, Mr. Mathu, also mentioned a matter which he has mentioned before in this Council and that is opportunities for the employment of African peoples, and I do not know if he specifically mentioned Government employment—I think he did—but I would like to ask Government if they are completely satisfied that there are sufficient opportunities in Government service for those Africans who either have been helped to go to Europe, or have gone by themselves and have obtained in Europe British qualifications. Is the door sufficiently open for them? Because nothing could be worse than for us to send these men home to give them the training and then let them come back to disappointing opportunities. (Hear, hear.) That of course, Sir, brings me to the remark passed by the hon. Mr. Pritam on the matter of Africans replacing Asians, Asians replacing Europeans, and the question was asked yesterday after the debate "What happens then?" and I believe the answer was that the Europeans would become angels. But, Sir, there is a fallacy I suggest—we have heard, very often, from hon. Asian Members in this Council a demand for equal pay. On the other hand, we now hear a demand from the hon. Mr. Pritam that Africans should replace Asians and Asians should replace Europeans on the grounds, Sir, of economy. You cannot have it both ways. I will leave it at that.

The hon. Mr. Ohanga seemed to be rather irritated at the suggestion by the hon. Member for the Aberdares that the African community were demanding further services. Surely, that is nothing to be irritated about. All communities certainly are demanding further social services and, indeed, I suggest that it is the responsibility of Members in our position here to tell our constituents that they cannot have all the social services they require; that we have not got the money for them and that is the responsibility that is shouldered by many Members on this side of the Council and I suggest that possibly that would be a line which the hon. Mr. Ohanga might follow. We have not got the money. He

then went on to accuse the Europeans of not paying for their social services and that the Local Government authorities in the European areas were not pulling their weight financially. I admit as far as the rural areas are concerned, there is only one District Council that, at the moment, has accepted rating; but I am certain that many more will. That does not alter the fact that, as far as education is concerned, the Europeans are paying very much more than many. They are paying their full whack. A very large percentage of cost of European education is paid by Europeans themselves, not from central taxation, and also their hospitals—through their different hospital authority schemes, voluntary schemes which they have set up—the Europeans are not a charge on Government as far as hospital services are concerned.

Also, of course, they contribute to general revenue. I suggest, very generously compared with other people.

There is one other point Mr. Ohanga made, Sir, and I would like to stress it. He referred to the matter of African output and I am not quite sure what his suggestions were to increase that output, but I do think he said that, to some extent, it was the employer's responsibility and I agree with him to a great extent that it is the employer's responsibility. It is very difficult, and I know well enough how difficult it is to increase the African output, but it is possible, and I believe that, apart from all other ways, the employers should devote more of their time in trying to do that, than they do at present. It can be done and it is a very difficult task, but it is one that has got to be faced.

Now, Sir, I do not think there were any other comments which I wish to make on hon. Members' speeches, but I do wish to say this, that the unofficial side of the Council are trying their best to co-operate this year to save time in this debate to cut down the length of time that we have taken in past years. Now, Sir, we are co-operating and one way in which we have done so—and Government have helped—we have submitted a list of the heads which we wish to take later and Government have kindly agreed to take those heads in the order in which we have asked for them—but there is one point I would like to make. That is, if we have left out, as we have naturally,

(Mr. Havelock) heads, in this budget, it is not because we necessarily agree to every item in those heads. We have left them out because we want to save time. Some of the departments concerned are subject to inquiries, other departments have legislation affecting them coming forward in the near future and in those ways we do not want to repeat our points time and time again and it is mostly for those reasons that we have left out those heads. Also I would like to say this, that on this side of the Council, this debate has taken a shorter time than we thought—a shorter time than it has in the past—this particular debate on going into Committee of Supply, and the reason is that many Members have saved themselves for the heads debates. (Laughter.) The policy, Sir, some Members have mentioned certain policies, which are specific to certain departments; in this debate, but the majority have not, because they are saving themselves for that particular time. I hope, Sir, Government realizes there is still more to come.

Sir, I beg to support. (Applause.)

THE DEPUTY CHIEF SECRETARY: Mr. President, there have been only a few points raised during this debate that I think it is necessary for me to refer to and I, therefore, propose to play my part with the hon. Member for Kiambu—in making only the briefest intervention. Before I deal with these few points, I would like to join with other members in congratulating the hon. Member for Nairobi South and the hon. Acting Member for Eastern Area on their maiden speeches. (Applause.)

Labour, Sir, has been touched upon in a general way by one or two speakers and I shall have the opportunity of discussing this in greater detail in Committee of Supply. I would only say now, that I noted the remarks of the hon. Member for Trans Nzoia when he talked about the need for rationalization of labour. He mentioned, and indeed it is a fact, that this question is fraught with difficulties, but, nevertheless, it is a matter which we do and are keeping very much before us, although, as Members will agree, we were not very encouraged by our experiences over Karatina.

I would like to say now that the return of labour from the reserves has

generally shown a steady improvement during these last few years. I shall be able to support that statement with details in the Committee of Supply.

As regards output, I am not going to pretend any more than has the hon. Member for African Interests Mr. Mathu that it is, by all means all that can be desired. I think, myself, and I know that employers can do a lot to help in this matter, as has been agreed by the hon. Member for Kiambu, but I think that the way to tackle it is a partnership in which Government employer and employee must all play their part. Government can and does take every opportunity at *barazas* in reserve to explain to Africans that increased output is the one sure way of winning more wages. Employers can do a great deal by providing the best incentives within their means and employees themselves can also contribute by realizing that wages and output must always be closely related together. I cannot let pass while on the subject of labour and wages one remark the hon. Member for African Interests made without comment. Hon. Members will remember that he said, "What was the use of Government pushing up the minimum wage in certain areas by Sh. 2 if they are going to take it away the next day by pushing up the Poll tax by Sh. 2." Well, Sir, I am sure that most hon. Members would not have overlooked that the Sh. 2 in a minimum wage is a monthly rise—(laughter)—but we do not propose to take Sh. 2 extra for every month in the year on the Poll tax.

The hon. Mr. Ohanga also made the remark that surely it would be easy enough for an employer to sack the employee who, as he pointed out, was very often given piece work to do if, in fact, he was lazy and did not complete that piece of work. Well, it is not really quite as easy as that, Sir. At the moment, in many areas, labour is short of requirements and the employer in setting the piece work must have regard to the possibility that even a short day's work is better than no day's work and I think that it is very often through fear of losing such labour as is forthcoming and working for him that the employer quite intentionally sets a task which he feels confident will be completed even by the employee who has not perhaps got all the

[The Deputy Chief Secretary] energy that we would like to see him putting into his work.

Whilst on labour, Sir, I would also just like to refer to the suggestion of the hon. Member for Mombasa that we should go in for weekly wage payments. Well, Sir, I would be glad to discuss that with him and I will only say now that we have experimented with weekly wage payments and they are not popular. Employees look upon the arrangement as indeed a weekly contract and they do not like it. It is also a fact that, within the last few days a negotiated agreement broke down on this very arrangement but, as I said, I will gladly discuss with the hon. Member his views on this matter.

The hon. Member for Trans Nzoia referred to the Military Estimates on page 165 of the Budget. I hope that I shall have an opportunity of dealing with this head in detail in Committee of Supply, but I think it right that I should inform Council at this stage that, as a result of the conference that was held in Nairobi some three weeks ago, this Government agreed to recommend to this Council an increase of £30,000 per annum in the amount of the Kenya contribution to the War Department for which provision is made in Item 1 of the Estimates. The conference, Sir, was, I think, extremely successful, and the only result in so far as the 1951 Estimates are concerned will be the addition of this extra amount of £30,000 in our contribution to the War Department. In future years, there will be additional expenditure to be met under the arrangements which we agreed to recommend to this Council at that conference. I will explain these at the proper time in Committee of Supply, but in 1951 there will be no extra costs to be met above the figure which I have given now.

The hon. Member for the Central Area and the hon. Member for the Western Area both had something to say on matters relating to land. The hon. Mr. Madan said, that restrictions on the possession of land in the townships should be abolished. Sir, these were abolished in 1923. Since 1923, there have been no clauses restricting the user of land on grounds of race in any Crown lease. There still are running some pre-1923 leases in which there was a

clause restricting occupancy, but not ownership, to Europeans. Naturally, Sir, however much we may regret the survival of these leases in these more enlightened times, they do provide a contract which naturally the Government, having entered into, must honour. The hon. Member for the Western Area gave as an illustration of his statement that discrimination still existed in the allocation of plots in the Kileleshwa area. Well, Sir, it is correct that these plots were all allocated to Europeans, but the fact remains that any person occupying one of those plots now, any private person, could perfectly well dispose of it to an Asian should he or she think fit, and I say that the allocation of those plots does not provide an example of continued discrimination in these townships. There were very many applications for plots by Europeans at the time these allocations were made.

There were far fewer from Asians and it was a fact that at that time the Committee that advised the Commissioner for Lands on their allocation did have in mind the fact that plots were shortly to be available in the High Ridge area and also later, in the Nairobi South Estate. Those areas in which provision had been made for Asian schools, quite obviously in the view of the Committee, were more likely to attract Asian applicants than plots in the Kileleshwa area, and I would repeat that it is not the policy of the Government now that there shall be any discrimination on grounds of race in the allocation of plots in townships.

The same hon. Member complained that there was still not sufficient security of tenure for trading plots in the reserves. Well, Sir, I do not wish to repeat what you yourself had to say on this matter in the debate on the Estimates twelve months ago. The views of the Government are still the same as the views which you expressed then. I can only add to that now, that proposals to that end are up before the Native Lands Trust Board and it would be wrong of me now to anticipate what the decisions of the Board will be on those proposals.

The hon. Member also complained that there is still delay in essential surveys up-country. I know, Sir, that that is the position and I am only sorry that it should be so. But at the beginning of this year the whole question of outstand-

[The Deputy Chief Secretary] ing cadastral survey work and the plans necessary for getting rid of the arrears as quickly as possible were discussed with the Secretary of State's Survey Adviser Brigadier Holme and the Director of Surveys, and at the beginning of this year the position was that there were 50 man* days of cadastral work to be overtaken. That is the size of the problem and on the fulfilment of the plans the beginning of which is reflected in these Estimates, we hope and have been advised by Brigadier Holme and our own Director, that these arrears ought, with luck, if also we can get the staff for which we have made provision to be cleared off in, say, four or five years' time. If we had inflated the Estimates very much more greatly than we have, obviously those arrears could have been cleared off even earlier, but we were advised that our present plan was one which we could well accept—the cadastral work going on side by side with geodetic work—and that it would not mean employing a large number of surveyors, who are incidentally unobtainable in large numbers, for a short period and then having to dispense with their services. At the moment, and I know that hon. Members feel strongly about this, of the 22 qualified surveyors available, 20 are being employed on cadastral work.

The hon. Mr. Pritam had one other point relating to the cost of which plots in townships were being disposed of by the Government and he gave us an example of one plot for which, he said, the Government were wishing to charge at the rate of £7,000 per acre. Well, Sir, I know the plot to which he refers. It is a quarter acre plot in a desirable area and it indeed a most desirable plot. Neighbouring plots which have come on to the open market comparatively recently have fetched prices ranging from between £15,000 and £20,000 per acre. I would not like it to be thought that those prices were, in the view of Government, anything but completely fantastic. I think they are, but the fact that such prices can be obtained is, I would say, principally the fault of the hon. Member's own community. If people refuse to pay those fantastic prices for plots, the prices will be lowered. So far as the Govern-

* See personal explanation.

ment is concerned, I do not think it would be at all reasonable for me to request the Commissioner for Lands to dispose of a plot in such an area at, let us say, £500 or £750 per acre only to allow the person to whom it was allocated to dispose of it a short time later at the sort of price on the open market which I have mentioned.

Only one more point before I sit down. A good deal has been said about the proposal to raise the Native Poll tax by Sh. 2. I understand from my hon. friend the Chief Native Commissioner that notwithstanding the knowledge that this tax would be raised this year, the knowledge acquired from the speech by my hon. friend in last year's Budget debate, he tells me some District Councils are, notwithstanding this, putting up their own local rates next year. That, Sir, does not look as if they felt that the combination of central Poll tax and local rates was too great a burden for the community to bear.

Sir, I beg to support.

THE ATTORNEY GENERAL: Mr. President, my intervention also will be very brief.

I should like to join first of all in congratulating the hon. Acting Member for Eastern Area and the hon. Member for Nairobi South on their maiden speeches. The former was obviously very carefully worked out, the latter was lucidly expressed and admirably delivered and, if I may say so, also admirably audible.

I was much struck by the figure of speech employed by the hon. Member for Nairobi South in which he likened hon. Members on this side to the "listening earth" waiting to be impregnated by the seeds of wisdom which fell from hon. Members opposite. Sir, the hon. Member expressed disappointment that signs of germination were not immediate, but surely, Sir, according to the best authority, it was the crop which germinated immediately and sprang up too soon which also withered away too soon. The hon. Member, Sir, must give time for these germinatory processes to take effect. (Hear, hear.) I may confess that I feel—speaking for myself, I do not know whether my hon. friend the Financial Secretary is also in the same condition—I feel some indigestion, or should I say indigestation; at any rate

[The Attorney General] my germinatory processes are confused by the diversity of the seed which has been cast upon me from the other side. (Laughter.)

Sir, I feel that if I were to cultivate the seed which has been cast upon me by some hon. Members side by side with that cast upon me by other hon. Members, I should produce a very mixed harvest indeed. Indeed, Sir, I do not know what I can do unless to declare myself to be sub-sub-marginal land and produce nothing (Loud laughter) or, Sir, to turn over to mixed farming and ask the Financial Secretary for a loan. (Laughter.) Perhaps the hon. Member for Agriculture will tell me—I see he is not here but I must ask him on another occasion whether a crop so artificially induced would entitle me to an allowance for mechanical production. (Laughter.)

At all events, Sir, I should like to assure hon. Members opposite, and particularly the hon. Member for Uasin Gishu, that these happy espousals, these joyful nuptials, this whole process which I hope will produce such fecundity on my part (and on the part of hon. Members on this side) will be conducted according to the best principles as a strictly private enterprise. (Laughter.)

May I also assure the hon. Member for Mombasa (who seems to regard the hon. Member for the Coast as a member of the Stern Gang)—(Laughter.)—that the hon. Member for the Coast is usually, and I am sure will be again, at least as stern a critic of Government as apparently he is of the hon. Member for Mombasa?

Now, Sir, "Coming" in the immortal words of the hon. Member for the Western Area, "to the budget proper," (Laughter.) very little has been said so far in this debate, and I emphasise "so far" on the subject of law and order. (Mr. HAVELOCK: It is coming.) And I propose to curtail my remarks now and to reserve them for when I move the adoption of the Police Estimates, and I can assure hon. Members that I shall not then, when I deal with that very serious subject, deal with it in any spirit of levity. I gather, from what fell just now from the hon. Member for Kiambu, that we should congratulate

ourselves prematurely if we thought we could now step blithely from the rack.

But there is one point I think, perhaps, I ought to refer to and that is the remarks which have been made about the appointment of Asian Magistrates to the Bench. I express no opinion as to whether, or not, that step should be taken, but I feel confident that if and when such a step should come to be taken, and I have no knowledge as to whether it will be taken or not, any gentleman so selected would uphold, and could be relied upon to uphold, the best traditions of his profession and to treat all litigants coming before him with complete impartiality. (Hear, hear.) I did not understand the hon. Member for Uasin Gishu to imply the contrary and I fully appreciate his point that when there are people with a religious bias, there is advantage in appointing a third party who has no such bias; but, at the same time, I think it well that I should categorically make that statement of confidence from this side.

Sir, I beg to support. (Applause.)

THE ACTING SECRETARY TO THE TREASURY: Sir, I rise to try to answer one point raised by the hon. Member for Kiambu and trust I shall not take more than two minutes.

The Member asked how Maize Control was financed and several other questions about it. Maize Control is a self-financing organization. It gets its working capital from cash in the hands of the Government. I emphasize the word "cash", Sir. The Government allows an overdraft, should it be necessary, on maize control account of Sh. 20,000,000 and the Government receives 3 per cent on its money so long as it is in the hands of Maize Control.

MR. HAVELOCK: Thank you, Sir.

THE CHIEF SECRETARY: Mr. President, I expect to be about half an hour. Perhaps it would be as well to adjourn.

Council adjourned at 10.57 a.m. and resumed at 11.22 a.m.

The debate was continued.

THE DEPUTY CHIEF SECRETARY: Mr. President, rising on a point of personal explanation if I may—I was informed during the interval that I referred to the

[The Deputy Chief Secretary]

arrears of cadastral survey work as being fifty man days, in my speech. I intended, of course, to say fifty man-years. I apologize to hon. Members.

THE CHIEF SECRETARY: Mr. President, to my mind two things have stood out in this debate. The first is the many different and conflicting views that have been expressed. The wide diversions of opinion expressed have emphasized the difficulties with which the Government has been faced in framing its budget. It has not pleased everybody. Nobody ever thought it would, but it is, I submit, a constructive and a co-ordinated plan to deal with the difficulties with which we are faced. The second is the absence of any general objection to the budget as a whole. Naturally many Members have criticized individual parts of it, and naturally also, they have criticized the additional taxation measures. It would be surprising if those escape without some criticism, but no one has criticized it as a whole or suggested its rejection and, what is perhaps even more important, no one has been able to suggest an adequate alternative.

It has been called by some, "the mixture as before", but I think we all realize in our hearts that "Dr. Matthews" has made the right diagnosis and has prescribed the right medicine. (Applause.) I am very glad that many hon. Members have congratulated the Member for Finance on this Budget, because I believe that it is really the best thought out and the best presented Budget that has come before this Council. I think also that my hon. friend is to be congratulated on beginning to build up in the Treasury a body of experts which can give our complicated problems in this Colony the study that they really deserve. (Hear, hear.)

Before I go on, I would like to take this opportunity of congratulating the hon. Sheriff Abdulla, and may I couple with him my hon. friend the Member for Law and Order, on the speeches which they have made, because they have two qualities which we all welcome. They were brief and they were witty. We all hope that both members will make many more of the same kind.

Now, Sir, the one thing which has surprised me more than anything else, is that

the additional taxation measures have been criticized on the grounds that they are not necessary. Leaving aside for the moment the purposes to which the proceeds of those taxes may be devoted, I am surprised because, only a short time ago in this Council, many hon. Members expressed the view that more money may be found for development. I am surprised, therefore, to hear anyone now say that additional revenue is unnecessary and I know my hon. friend the Member for Finance will not quarrel with me if I say, at any rate as Member for Development if there are no better purposes to get revenue, then I should like to have it.

It is gratifying, Sir, to hear the approval which has been given by the hon. Member for Trans Nzoia and others to the decision to fix the programme of development expenditure. Strange to say, that makes my task easier rather than the reverse. Admittedly, it is necessary to fix all the schemes that we wish to do into our annual ceiling, but it does at least help us in resisting the almost irresistible demand to do a great deal more and to spend everything immediately, without regard either to an economic rate of spending or to the future.

I need not say how much I welcome the additional allocation which has been given to me for development. I do not think, again, that the Financial Secretary will take any exception if I say that I should like to have a great deal more, but I do appreciate that it is necessary to fix the amount which can be made available for development every year from revenue in relation to the general economic circumstances of the Colony and to what our financial advisers consider can be made available for that purpose.

Now, Sir, it may be that it is because I have been in this Council a little bit longer than the hon. Member for Nairobi South and, therefore, have become a little more cautious, but I would not be presumptuous enough to regard my suggestions as "seeds of wisdom". Nevertheless, it is rather gratifying, indeed surprisingly so, to hear a suggestion, or an idea, which I was considering at one time, put back to me by the hon. Member for Kiambu as a suggestion that the Government ought to adopt. To us on the this side of the Council it is at least encouraging to find

[The Chief Secretary]

that our ideas are "snapped up in a manner like that. (Applause.)

MR. HAVELOCK: I gave you the credit for it.

THE CHIEF SECRETARY: He did. I am making the most of the credit, Sir! (Laughter.) I must admit that I was considering the suggestion, but I eventually rejected it because I did not feel that it was really practicable. I thought that it might have some merit if it was really possible to separate what is called "development" expenditure from what we may call "consequential", or any other word of that kind, and if the hon. Member can suggest to me a definition by which we could do that, I should be glad to consider the matter further. But look at some of the things that we have got in our Development Programme at the present time, such as the additional laboratories for the manufacture of biologicals. Is that development, Sir? I feel that many members would regard it not such much developmental as consequential upon the settlement and development that it is taking place? And I think if hon. Members would examine many of the schemes more critically, they would find the same difficulty that I have found in making a separation.

The developmental programme has often been criticized on the grounds that it is not sufficiently productive. First of all, I would like to remind the Council that the programme is not my programme, it is *your* programme, or perhaps it would be more correct to say it is *our* programme, which has been approved in this Council and that my mandate is to carry it out.

Secondly, when you come down to examining the word "productive", rather like sub-marginal land, you find great difficulty in defining exactly what is meant. Many people have different ideas according to their approach, but again, Sir, I would like hon. Members to examine the programme which is given in the Development and Reconstruction Authority Estimates for 1951, which we hope to carry out next year and see whether they consider it is productive or not. Do they really mean that the Government should go out and produce food or goods for exports? The answer

would be, "No." That is for private enterprise. What the Government ought to do is to provide the facilities, the framework, within which private enterprise can do the production, and that, Sir, is precisely what we are aiming to do. If you will look at the Developmental Programme you will see that it contains provision for things like roads and water supplies, research services, biological products and matters of that kind which are intended to give the producers, the farmers and others the assistance which they require to carry out their production. In fact, the Development Programme is designed precisely to provide the framework which we need for our expansion and our production.

Perhaps the most common fallacy is to regard buildings as unproductive. I have often had it said to me that we ought to provide less in the building programme and more by way of assistance to agriculture. First of all, Sir, I would like to remind hon. Members that the building programme contains many buildings for agriculture. If hon. Members would look at the building programme they will see that it contains things like extensions to the Egerton School, new Public Works Department workshops and yards, which is directly for production, and, what is, perhaps, of greatest importance, very large agricultural buildings which are to provide additional services for farmers.

I agree entirely with the hon. Member for the Coast when he says that by building adequate offices we could make a direct economy on the expenditure side of the Colony Budget. That is quite true. At the present time, the Government spends large sums on renting offices. It is also true that many buildings, such as those mentioned by the hon. Member for Kiambu, occupy land, which could be better used for other purposes, either for better buildings or for sale. Another point which has been made is that the rates which the Government has to pay on many of these buildings are not economic in relation to the building.

The hon. Member for the Coast is wrong, therefore, when he thinks that I am against building new Government offices. I am very much in favour of it.

[The Chief Secretary]

The only reason why we have not done it before is that the scheme has been squeezed out by many other urgent and pressing schemes.

I agree also with hon. Members who have suggested that roads are productive, and hon. Members will see that in the Development and Reconstruction Authority Estimates, we have included a sum of £625,000 for a contribution to the Road Authority. The hon. Mr. Mathu asked about roads in African areas. Well, that £625,000 contains an element for contributions to Local Native Councils. The exact amount to be made available will have to be decided by the Road Authority, but I would remind the hon. Member that the Development Committee's Report contained a recommendation that £75,000 should be given to Local Native Councils to assist in production. The greater part of that has already been given to them. There is a balance of about £16,000, most of which, I hope, will be made available next year. That amount has been used and has resulted in great improvement. I do not suggest for a moment it is enough, because hardly any of the schemes have enough, and I would like to see a great deal more, but it is all we have been able to make available at the present time.

The same hon. Member asked about machinery. Some of that money has been used for machinery, and when I was at the coast a short time ago, I saw some of the plant that had been bought with that money in operation in the Kilili district. For instance, where it was being extremely well operated and had resulted in a considerable improvement in the roads in that area.

The hon. Mr. Shatry asked about the Mombasa-Mackinnon Road and why that had not been completed. We are, of course, still working on it, but, of course, in view of the decision which has recently been announced regarding the future of Mackinnon Road, we will now have to consider whether we ought to spend money completing that road to bitumen standards or whether the money could be better utilized elsewhere. I do not suggest for a moment that we should leave the road uncompleted, it is merely

a question as to what standard we ought to complete it.

The hon. Mr. Mathu, Sir, also referred to the question of water supplies in African areas and said that we were not doing more and also that we were not getting value for our money. On the first point, I would agree with him. I would like to do a great deal more but once again, it is a question of how much we can fit into the programme each year. I would draw his attention to page 24 of the Development and Reconstruction Authority Estimates where he will see that two large block sums are being made available next year, if the Council approves them, for water supplies in African areas. As regards what he said about not getting value for our money, I would take issue with him, because during the last six months that I have been able to go round the country, a great deal and I have seen a great deal of what is being done, mainly the provision of boreholes and dams, and, in my view, we are getting very good value indeed for the money that is being spent. In every district I have visited, I have seen water supplies which are being made available by Development and Reconstruction Authority funds and I think they are excellent and I think other hon. Members who have had an opportunity of seeing them will agree with me. It is true that we could do more, we certainly intend to do more, but something can also be done by self-help. A large number of these dams which are being made very successfully can be done without any expenditure at all beyond that of labour and hand labour too, and I do suggest, Sir, that a great deal of good could be done in that way. I am very glad to know that a great deal is being done and it is my view that Africans are coming to appreciate more and more the value of the dams and are co-operating with the Government and with the local authorities in their provision.

Now, Sir, several reference has been made to the increases in the rate of Poll tax and, in particular, to the constitutional position of this Council is criticizing them. My hon. friend the Chief Native Commissioner has already replied in considerable detail on the question of the ability of the Africans to pay and I will not add to what he has said on that account. It is true that

[The Chief Secretary]

under section 3 of The African Poll Tax Ordinance the Governor has powers to fix the rates within certain limits without reference to this Council. I think it was the hon. Member for Nairobi South who suggested that, as it did not need come before the Council, it was unnecessary to mention it in the Budget speech. I feel that it is only right that my hon. friend should mention it in order to give members the full revenue picture so that they could make a correct appreciation of the financial position of the Colony.

Now, Sir, the powers are given to the Governor to vary the rates for a very good reason—so that he could use them, as he does use them, as far as possible within the limits of the Ordinance, to fix the rates according to ability to pay. I think it would take a great deal of time and would be without profit for the Council to debate every individual rate, but the Governor does fix the rates on the advice of the Provincial Commissioner and the District Commissioner, not only according to district but, in some cases, according to location in accordance with the economic circumstances of the people; and adjustments are made, for instance if there was famine or a serious failure of the rains. But in order to bring the matter within the cognizance of this Council, I will lay the Order when it is made so that any hon. Member who wishes to do so can put down a motion with regard to any individual rate.

A question has been asked as to why the Planning Committee has not already reported and the hon. Mr. Nathoo did say that he found great difficulty in criticizing the provision for education, for example, without knowing what provision was to be made during the next five-year period. The reasons why the Planning Committee has not reported, the reasons are many, but the main one is the fact that it has the very difficult task of trying to meet all demands within very limited finance, and for that reason the plans which have been submitted to it have had to be very seriously curtailed, or compressed, and it has been necessary to send them back to the members and the Heads of Departments concerned for revision. We have now received revised plans and are

considering them, but it may once again be necessary to revise them drastically. I would like to pay a tribute on this occasion to the great amount of work that has been put into them, and I am glad to say that the Planning Committee has now drawn up an Interim Report which I hope to lay on the table of this Council in a few days' time. There will be no delay, Sir, because they have recommended all the schemes which they feel ought to be undertaken or started in 1951, and where necessary, provision for those has been included in the Draft Estimates.

The hon. Mr. Chemallan said that beyond de-stocking—

MR. HAVELOCK: Sir, may I ask the hon. Member if the Planning Committee's recommendations will be laid before we debate the Development and Reconstruction Authority Estimates in this Council? If that could be done it would be very convenient for Members on this side of the Council.

THE CHIEF SECRETARY: Mr. President, that ought to be possible. If there is any delay, I suggest that it would be possible to put the Development and Reconstruction Authority Estimates back slightly in the programme until after the report has been laid.

MR. BLUNDELL: You might miss them altogether then.

THE CHIEF SECRETARY: The hon. Mr. Chemallan suggested that, apart from de-stocking, very little was being done to improve livestock. Well, Sir, I would invite him to page 23 of the Development and Reconstruction Authority Estimates and to page 32 and to all the provisions which are made for the livestock improvement and animal industry centres. Again, Sir, a great deal is being done by way of additions to the veterinary laboratories at Kabete in order to provide biologicals and also under the Tsetse control schemes. Five new livestock centres have been established, or are in process of being established; and, of course, he knows very well what has been done at Baraton in his own area. I suggest that a very great deal is being done beyond de-stocking to improve livestock.

Now, Sir, I am coming to the end of my time. I would like to say that I

[The Chief Secretary] agree entirely with what the hon. Member for the Aberdares has said, that what is needed in order to assist the maintenance of law and order is a healthy public opinion against crime and we all look forward to that developing. I should also like to say that I agree very much with what the hon. Member for the Coast has said, when he said that stability and confidence and, above all, a lack of extravagant demands, or exuberant expressions of opinion, will do more than anything else to attract the capital, which we so badly need, to this Colony and to encourage development. I feel that we are approaching that now and that, above all in this debate all communities have shown that they have a desire to co-operate and I hope that in that spirit of co-operation we will be able to build a happy and prosperous Colony.

Sir, I beg to support.

THE FINANCIAL SECRETARY: Mr. Speaker, in rising to reply to this debate I should first like to congratulate the hon. Member for Nairobi South and the hon. Dr. Karve for their excellent maiden speeches. (Applause.) I congratulate the hon. Dr. Karve rather ruefully, because although the way in which he tore the Budget to pieces may be perhaps very womanly, it was hardly very maidenly! (Laughter.)

Now, Sir, I would also like to thank hon. Members opposite for the kind remarks that have been made about the Budget speech. I will take the liberty, if I may, however, of indicating that any appreciation in this behalf must automatically extend to my colleagues in the Treasury—(applause)—including my hon. friend the Acting Secretary to the Treasury—(applause)—and the Clerk to this Council. (Applause.)

Now, Sir, the debate has had an extremely wide range. There has been a great deal of discussion. A considerable proportion of the discussion was relevant! (Laughter.) My hon. colleagues on this side of the Council have replied to a number of the points raised. I shall confine myself to the residue.

First—Company Tax, I must confess at being somewhat surprised at the opposition which this very mild measure—

use the description given in the Press in its very mild measure of taxation, has raised from hon. Members opposite. The principle objection has been that it will impede development. Now, hon. Members opposite will appreciate that the Members of Government on this side of the Council are, at least as sensitive to the possibility of impeding development, as anybody else, and naturally when the question of Company Tax was first mooted, the most careful consideration was given to this aspect of the matter. It was concluded that commerce and industry could bear this extra charge with no effect worth speaking of, and I repeat it, that, Sir, is my definite opinion. It is very significant in this behalf that no responsible body of commercial opinion has expressed, as a body, any complaint about this matter. I also have had exactly the same experiences as my hon. friend the Secretary for Commerce and Industry. Prominent businessmen have voluntarily told me that they consider this increase a very mild one and quite justified at the present juncture. My hon. friend, the Secretary for Commerce and Industry, has already given figures in the other major colonies, and I think it is true to say that our tax, even at Sh. 5, is well below that of other major territories. It is certainly not repressive in any way. The policy of this Government is and will be to encourage commercial and industrial development. In doing this it has kept Company Tax low and considers it still low at Sh. 5.

Now, in addition to this there are other ways in which this Government is encouraging the development of commerce and industry. They have been referred to by my hon. colleague the Secretary for Commerce and Industry, but I will repeat one or two. There is the question of sites being made available at much below commercial value. That is the policy of the Government and it will continue to be the policy of the Government. There is also the policy of giving, wherever necessary, wherever called for, rebates of customs duty on raw materials. Now, I understand from talking to many prominent businessmen that that type of commercial encouragement is very acceptable to commercial interests, very acceptable indeed, and it is this policy that the Government intends to pursue, but it must be appreciated that Govern-

[The Financial Secretary] ment will find it difficult to pursue this policy if in fact it is not to get a fair return in Company Tax—I say fair return—and I do not say high return, and regard Sh. 5 in the £ as a fair return.

I think the hon. Member for Nairobi South suggested that this increase offset the 1947 concessions. Well, Sir, I find it very difficult to agree with that suggestion. The whole principle is different. But even if it were so, is it to be suggested, that, because certain concessions were given in 1947 by the Government, it is to stop them for ever from raising Company Tax? If that is to be so, I think the Government might in future be extremely hard about giving concessions.

Now, Sir, the hon. Member for Nyanza suggested that our whole structure in the budget, the taxation increases, the relinquishment of the revenue and our general cost of living measures, were perhaps a little hasty; we should have waited for the Cost of Living Commission Report. The budget was framed well before the Cost of Living Commission Report was received, and you will see—those hon. Members who had time to read it—that it is quite remarkable the number of suggestions in that Report which in fact had already found place in the budget. I suppose, Sir, it is a case of great minds think alike!"

Among other things mentioned in the report, in spite of the disclaimer by my hon. friend the Member for Kiambu, is in fact the suggestion of the raising of the Company Tax. So you see that the Government is in extremely good company in this matter.

MR. HAVELOCK: Read the sentence.

THE FINANCIAL SECRETARY: Now, Sir, will say that there is something possibly in the point made by the hon. Member for Trans Nzoia. He is not here, but I will refer to the point he made. He suggests that the increase proposed in the Company Tax penalizes the regularly registered companies, as opposed to what he called unregistered trading partnerships. Well, Sir, this remark, of course, is indeed an argument against Company Tax; as such, it cannot be applied just to an increase. It should be applied to Company Tax as a whole. However, I agree with him

that there might be something in this and I propose to take the opportunity in the coming year to go into the question, the whole question of what the expert would call "tax avoidance" with the Commissioner of Income Tax.

Now, Sir, I do hope that in light of these remarks and of more mature consideration that hon. Members opposite will withdraw their opposition to this very mild measure.

MR. HAVELOCK: No, Sir!

THE FINANCIAL SECRETARY: Now, Sir, Poll Tax. Many things have been said about Poll Tax from the other side, every possible aspect has been raised. The African cannot afford the increase, it is untimely, the constitutional position and so on. All these aspects have in fact been dealt with by my colleagues on this side, so I do not propose to enlarge. But there are one or two points I would just like to make. I was very interested to hear Dr. Karve say that the African cannot possibly afford any further increase. Nevertheless, he went on to point out that the great increase that we have succeeded in collecting in the beer excise was due to the consumption by the African of beer. I would suggest, Sir, that those two statements are hardly in line. It is to be noticed that the increase in Poll Tax on the African means a daily increase in his cost of one-third of a cent, one-third of a cent per day in the case of those who get Sh. 1 increase, and, of course, two-thirds in the case of those who get Sh. 2. Sir, I hardly think that that can be regarded as a repressive imposition.

MR. MATHU (African Interests): That is 60 per cent.

THE FINANCIAL SECRETARY: Sir, I will have to check the arithmetic of the hon. Member's remark later! (Laughter.)

Now, Sir, the hon. Mr. Mathu referred to the Plewman Report, wherein it is suggested, according to the Report, that any increase of direct taxation on the African would mean hardship. Well, of course the Plewman Report was dealing with things as they were in 1947. Things have very much changed since then, and, as the hon. Member himself admitted, the Local Native Councils have very substantially increased the rating on

[The Financial Secretary]

Africans since that time. Well, Sir, it seems to me that if it is a question of hardship, the authorities that should know whether the Africans can pay or not are the Local Native Councils.

Finally, Sir, there is the point that we should have had a graduated Poll Tax. Now, Sir, the Government has no quarrel with that suggestion at all. In fact the Government is now considering this matter. But the question of graduated Poll Tax is a very difficult one. It is one of those things you cannot just jump into. A great deal of consideration has to be given to it. If it proves practicable the Government intends to introduce it, but examination may take some time. In the meantime, extra money is needed and I suggest that there is nothing at all incompatible with raising the Poll Tax immediately with the ultimate intention of the introduction of a graduated Poll Tax. (Hear, hear.)

I think the hon. Member for Nairobi South also made the point that we should make for closer collection. I can assure the hon. Member, Sir, that Government is taking every possible step to increase the collection of the basic rate by closer collection, and if the hon. Member will look at the Revenue Estimates he will see that, even without the £90,000 due to the increase in the Poll Tax the figure is up by £80,000. That figure reflects the Government's policy and intention of closer collection.

The hon. Member for Trans Nzoia also quoting the Plewman Report, pointed out that according to that Report the ratio between indirect and direct taxation should be 1.75 as is to 1. Well, Sir, I must say I find extreme difficulty in understanding precisely the sanctity of that ratio. I read that Report very carefully, and I agree with the idea of spreading taxation fairly over all communities, but as a financial matter I still find difficulty in understanding why the mystic rates should exist. Even if it is right that we should have such a ratio, I would point out to the hon. Member that if he deducted the arrears of the present taxation which we are expected to collect in 1951 the ratio of indirect to direct still remains at 1.66 to 1, which is not very far from the mystic ratio of 1.75 to 1. In any case, supposing we did adopt such a

principle that you must maintain a ratio between direct and indirect. We at the moment are experiencing a fall in indirect returns in our customs duties. The only way to maintain the ratio is, therefore, to decrease deliberately the amount we are going to get from our direct taxation. I say that that is not a very good way of looking at our finances at the economic wellbeing of this country.

I am again sorry that the hon. Member for Trans Nzoia is not here because he was going to answer his challenge to the Revenue figure quoted by me in my Budget speech. The figure that I quoted was in fact the overall gross figure for the reimbursements against War Expenditure Civil and other Governments of joint service expenditure. That figure is the one always quoted in the Budget speech. The net figure which the hon. Member had in mind is the figure we use for showing the relationship between expenditure and taxation. It is only net that purpose and no other. I appreciate that the Member may have had some difficulty in appreciating that distinction and although my figure was in fact correct, no apology is called for from the hon. Member!

He also asked that, since I could not get the arrears of collections expected in 1951 in respect of Income Tax, what were the arrears in 1950. Well, Sir, in my Budget speech I pointed out that the current assessment potential for Income Tax is about £1,250,000. Now, this includes the £1,250,000 which we are expecting to get from the increase in Company Tax. In other words, the potential in 1950 was £2,250,000. As the year's collections are expected to reach the £3,000,000 mark, then, therefore, by a simple arithmetic deduction the arrears are disclosed as of the order of £750,000, or perhaps £800,000.

Now, on the question of development, Sir, I am very pleased to see that the proposal to make the special contributions have been universally supported. The hon. Member for Trans Nzoia hopes for more loans in 1953. I suppose he saw the way the development expenditure was expected to tail off from that year onwards. Well, Sir, I have already on more than one occasion explained the position about loans in this country. I do not think I have anything more to say, certainly cannot promise at this juncture

[The Financial Secretary]

that we can expect any greater loan facilities from the market, though of course we shall not sit back and if things do change we shall certainly take any opportunity that may present itself from that point of view.

I suggest, Sir, that what we have got to make up our minds now is to make every penny that we can wisely spare available for development. That is the policy I propose to recommend to the Government and to this Council.

There was a point made by the hon. Member for the Coast when he suggested that we keep £1,500,000 frozen against our liability of the guaranteed minimum return. He pointed out that this was sound finance, in holding £1,500,000 idle against having to pay up, perhaps, £9,000. I can assure the hon. Member we do no such thing. Our surplus balances are very well used. We have to find every year more than £2,000,000 for crop finance. Over £3,000,000 is being advanced to the Development and Reconstruction Authority. We have to finance the Land Bank. There are also other loans that we let out. The Hospital Authority is an obvious example.

Mr. COOKE (Coast): On a point of explanation, the hon. gentleman is confusing advances with loans. The advances are naturally paid back. These were expenditures guaranteed against the minimum returns which we were holding as a certain sum of money, against the possible expenditure which only amounted to £9,000 in the last year. The advances are a matter of additional capital.

THE FINANCIAL SECRETARY: I can assure the hon. Member we do not hold that money back. It is being used the whole time.

Now, Sir, on the Rehabilitation Fund, I am glad that here again the idea, the proposal, has received general support. I think there is one point, however, that I must answer. It was made by the hon. Member for Rift Valley. He suggested that if we permitted maize prices to rise to any level they could find—I presume he had in mind—world export parity.

Mr. BLUNDELL: On a point of explanation, I clearly said not that, Sir.

More reasonably than they have been held down, was the point I made

THE FINANCIAL SECRETARY: Well, Sir, we will accept the hon. Member's explanation. His suggestion is, I take it, that they should have been allowed to rise significantly above those obtaining to-day. He suggests if that had happened there would have been no need for a Rehabilitation Fund. I would suggest to the hon. Member that precisely the opposite effect may have taken place, because everybody knows that the higher price obtainable for this particular cereal, the greater the temptation to grow the crop and take as much out of the land as possible.

Mr. BLUNDELL: Put it back again.

THE FINANCIAL SECRETARY: This idea of a reserve, the putting of £250,000 to reserve has unfortunately not received universal acclamation. In fact it has projected considerable controversy. May I suggest, Sir, that the idea of a reserve is nothing new in this country. In 1941 £500,000 was voted by this Council for this very purpose. Certain hon. Members have said we have sufficient reserves in our surplus balances. I may say, Sir, surplus balances are very far from being a reserve. They are very susceptible of being whittled down, willily nilly. The hon. Member for the Coast has suggested more than once, I think, that they should be used for development, aided and abetted in this suggestion, if I may say so, by my hon. friend the Member for Development!

The hon. Mr. Mathu has indeed suggested we should use our surplus balances for increased services for the African. It is quite clear, Sir, that surplus balances of this kind do attract the envious eyes of those who would increase expenditure. I would suggest, Sir, concerning this reserve—that there is no need for it to be sacrosanct, frozen for ever. The idea would be that it could be expended only on a resolution of this Council. There is no question, as the hon. Member for Trans Nzoia fears, of such a reserve being so frozen—that nothing could unfreeze it, even this Council. If I were speaking in any other Council I might have suggested that the amount of hot air sometimes generated in debate might unfreeze almost anything!

[The Financial Secretary]

I would also like to refer hon. Members to some passages in the budget speech about this question of reserves. If, as I said, then we find that going from economic strength to economic strength we do not need a reserve of any great proportion, surely we could find very good use for it in a new development plan. After all, it is quite obvious that at the end of this Plan, when our funds are exhausted in 1955, we just cannot clamp down. We have got to do something. The deflationary effect of clamping down like that would be very serious apart from anything else, and I would suggest that we should consider financial provision for at least the nucleus of a new development plan, and I, Sir, from this side, from this point of view, put that point to the Council for mature consideration.

MR. HAVELOCK: Lay it down.

THE FINANCIAL SECRETARY: There has been a suggestion that we have increased taxation—Company Tax, I think, has been quoted—merely for the sake of putting it to the Reserve. I would like to remind hon. Members that the amount going to reserve is £250,000. You may say that equals exactly the return from the Company Tax. I, also, remind hon. Members, however, that when I quoted the figure of £250,000 for Company Tax I said that was the expectation in a full year. In the first year, with all the adjustments necessary, it will be well below that figure. I must, therefore, disabuse Members who have gleefully pointed to this apparent identity: It does not exist, and I can also reassure the hon. Member for Trans Nzoia that there never will be any question of raising taxation merely for the sake of putting that money to the reserve, I can assure the hon. Member and I can assure the Council.

Now the hon. Member for Rift Valley made a very good point here, about taking money at the present juncture, putting it away in reserve and later finding with increased inflation that there is loss in the value of the money. It is a sound point, but on the other hand I must also explain to him that there is also another argument—another point of view. It is only in times of inflation that you find you have enough money to be able to put into reserve. In times of deflation, of

course, there is no money there, and I would suggest that the present is a time to collect the money, put it away and hold it against possible deflation. That is the time to spend money, because such spending offsets the effect of deflation. I would also like to answer another point which has been raised here. The suggestion is that it is wrong to build up our surplus balances parallel with building up reserves. There is no intention of doing that, Sir. I suggested in the budget speech that one of the ways of nourishing this reserve would be to make available to it such moneys as may be in due course repaid by the Development and Reconstruction Authority.

MR. HAVELOCK: What about future surpluses?

THE FINANCIAL SECRETARY: Our budgeting will be so close . . . (Laughter.)

I conclude this dissertation upon the reserve by saying this: it is my advice as financial adviser to this Government that we should build up this reserve at this juncture. It is, I say, my advice, but if it is not the will of the Council that should do so, of course the will of the Council must prevail and I must bow out.

The hon. Member for Trans Nzoia suggested that, let us wait until we see the result of the 1950 working, and our 1950 surplus is big enough then let us vote away by special motion £250,000 or such money as we can spare into reserve. I do not very much like that. I would much prefer to make a regular budgetary provision as I am suggesting in this budget, but if the Council prefer that manner of dealing with the subject I will withdraw my objection, and accept the compromise. (Applause.)

I am glad to see, Sir, that the idea of the maize subsidy has received universal support. I have no doubt that as pleasant as it may be to have to go down these food subsidies, I have no doubt at all that, at the present juncture it is the right policy to pursue.

I think the hon. Mr. Jeremiah asks the specific question: What would be the price of a bag of *posho* without the subsidy? Sh. 32/20.

MR. JEREMIAH: Is the hon. Member aware that is the price now?

MR. MATHU: The price of *posho* bag now at Machakos is Sh. 32/20.

THE FINANCIAL SECRETARY: Sir, I am unaware of the price of *posho* at Machakos. If that is the correct price it would be Sh. 2/20 higher but for the subsidy.

Now on the cost of living measures, these measures have received considerable support from the other side, but there are some hon. Members who feel that the taxation adjustment could possibly have been better used. I can only say this, Sir, that this exercise of producing the maximum reduction in the cost of living with the minimum sacrifice of revenue was most scientifically done, and I am convinced that with the amount of money at our disposal this was in fact the optimum solution. Hon. Members must also realize that in any tariff adjustments we have the other Territories to think about. We have a joint tariff. Not only is there the question of getting agreement from the other Territories, but we must also keep in step in any adjustments we make.

MR. HAVELOCK: Does the same apply to Company Tax?

THE FINANCIAL SECRETARY: I was talking, Sir, only of the customs tariff. Of course we gain the greatest possible advantages from this unity of tariff, but sometimes it does react in a very adverse way. You have three territories whose economies are not only different. They are diverging, and whether we shall be able to maintain this unity is a matter for the future. The whole concept will certainly require the most careful consideration. Now I am convinced, Sir, that the cost of living measures proposed in the budget, coupled with the intensification of control and the other measures which we intend to make, will indeed have a significant effect. I admit that it would be folly to suggest that we can take measures which would offset the effect of world inflation, but I utterly refuse to accept a counsel of despair which says, "since you can't do a great deal, do nothing at all. It is the Government's determination to do everything in its power, everything that it can possibly and properly do, to alleviate the position. Even though the cost of living may rise, we can at least comfort ourselves by saying it is less than it might otherwise have been.

I could not possibly subscribe to a policy which has been advocated by one or two hon. Members opposite that there should be no control, and inflation should be given its head and things allowed to find their own level. I can only say this: it is entirely foreign to my upbringing and foreign to the policy invariably followed in highly organized economies like that of the United Kingdom. The result of any policy of that kind, as far as I can see, could only be serious dislocation and misery. It might be a golden age for those who have something to sell, and particularly if they have something to sell which other people *must* buy, but for the rest I should say it would be a period of awful uncertainty with wages and salaries trying desperately to overtake prices and never succeeding. It has also been suggested that the imposition of price control leads to the black market. This, Sir, may be so, but may I point out that a black market transaction demands a purchaser as well as a seller. I have already indicated in my budget speech that without the fullest public co-operation we can hardly succeed in our endeavours to alleviate the position. In my view inasmuch as a black market seller cannot exist without a black market purchaser, the purchaser deserves the condemnation of society far more than even the seller. I was horrified, Sir, to see reports in the press recently that in spite of all that has been said by the East African Women's League, by other publicity and in the budget speech, that immediately potatoes were put under control, housewives were said to be buying them in the black market because they would not do without them. I have no means of checking whether that report was true, but if it were true I can only say those housewives deserve the utter condemnation of all their fellow citizens. I appeal to housewives. I appeal to them that they must give, truly in their behalf, their fullest support to the Government in this campaign to keep down prices.

I was asked, Sir, to keep the control within reasonable limits. I can assure the hon. Mr. Nathoo we will not have control just for the sake of having control. It will be kept to its essential limits. I will say this, Sir, that such control as we have we are determined to

[The Financial Secretary] enforce, and I now utter a word of warning to those people who think they can flout the control that they had better reconsider their attitude, because we certainly mean business. (Applause.) I believe, Sir, it was questioned whether the cash and credit idea which Government hopes to introduce, is in fact, practicable in our present economy, I will confirm to the hon. Member who asked that question that we have the fullest support of the trade in this and the trade itself takes the view that this system, in fact, can be worked. Work it we shall—just as we shall leave no stone unturned to investigate ways and means of making some contribution to the solution of this problem. My hon. friend the Deputy Chief Secretary dealt with the question of weekly wages. It is not popular apparently among the labourers and I can only say this much: we have naturally thought about it but the complications are very great and the extra cost to Government would be of the order of £50,000 a year. Approval for this I think we should find somewhat difficult to extract from this Council.

Now, Sir, the hon. Member for Kiambu made his speech this morning and he has made some very important points. I should like to have had the opportunity of giving him a considered reply because many of the points raised deserve a considerable degree of thought. However, I will do my best to answer as well as I can at this short notice. The first point he made was, why is it the head "Lubricating Oils" and so forth shows such a small reduction notwithstanding the sacrifice we are making on kerosene? It is true that the decrease is small. The answer is that on advice from the Commissioner of Customs, we are expecting considerable increase in the consumption of the other items under this head and, therefore, the Customs Duty will be that much higher. Increased consumption will, in other words, offset the decrease, or, rather, loss of kerosene duty. If hon. Members will look at the revenue expected from Petrol Consumption Tax, they will see that it is considerably higher than it was in 1950; that is an illustration of what I am saying.

Now, Paraffin Rebate—I must congratulate the hon. Member on his obviously, very careful scrutiny of the Estimates. He is quite correct, Sir. The Paraffin Rebate should not be in the Estimates, having regard to the fact that we are relinquishing the duty of kerosene. I hope I do not detract from the merit of his point when I say this was, of course, appreciated at the time the Estimates were framed. The decision about which articles experience and enjoy relinquishment of customs revenue was for one reason or another delayed right until the last moment and naturally we had to leave this item in. All the same, the point raised does indicate the fact that the hon. Member had no mere cursory glance at the Estimates.

MR. HAVELock: Again, it is the saying which is much more important.

THE FINANCIAL SECRETARY: Yes, Sir, it is a saving. Now this question of £190,000 from the assets of the East African Industrial Board. The position here is—I forget precisely which year it was—but in order to enable this Board to function, the Government (I think it was this Council) voted £350,000 free Revenue to enable the Board to function. Now the Board was functioning for some time and from time to time it disposed of assets, and the proceeds of those assets, or the price received, was paid into Revenue in the ordinary way. However, the bulk of the money remained with the Board but I think it was either last year or the year before—I think last year—the Colonial Development Corporation bought up the assets of the East African Industrial Board for a price of £190,000 cash plus 150,000 £ shares in the industrial activities of the Corporation. Now the £190,000 cash, being a liquidation of this asset, comes back to Revenue. We still retain 150,000 £ shares in the Corporation's activities, and the Board remains in being as a holding Board for those assets. The policy with regard to the East African Industrial Management Board is a matter for my hon. friend, the Member for Commerce and Industry, and it has not yet been decided what the future of that Board will be. That is the position, Sir.

MR. HAVELock: Thank you, Sir.

THE FINANCIAL SECRETARY: I have already dealt with the hon. Member's point on the Reserve Fund and the question of extra taxation. Maize Control has been answered by my hon. colleague the Secretary for the Treasury. I have already dealt with Company Tax, Sir, and Poll Tax.

National Income. This is a difficult one in a way. He wanted to know, I think, Sir, whether the level of National Income indicates the taxable capacity and if so, should subsistence agriculture be included. The answer is, Sir, not necessarily. Your National Income can indicate your taxable capacity provided the income itself is in groups of income. To give an obvious example, let us quote one person with an income of £20,000,000. This level would obviously involve a very high taxable capacity. But the National Income could be the same with 20,000,000 £ incomes with no taxable capacity at all. We have not yet got to the stage where we can divide up the National Income into categories of salary—personal income, but we are making our way towards that objective and when that position has been achieved, I shall be able to give, perhaps, a more satisfactory answer to the hon. Member. I think he suggested that 25 per cent might be the proportion of National Income to which the taxation level can go. As I have already explained to him, you cannot do it that way. Even if you could so do with existing figures and even if you subtract figures for African subsistence agriculture, which I do not agree you should, you will find the net National Income is £53.8-million, and our net taxation figure, which the hon. Member for Trans Nzoia quoted as taxation, is £10.2-million which is about 20 per cent of £53.8-million, and not 25 per cent. I cannot, I am afraid, suggest an optimum what percentage which the taxation should bear to the National Income. If hon. Members are interested I will read out one or two which exist in the world to-day. Denmark and the United States, 20 per cent; Australia and Canada, 25 and 29 per cent; the Netherlands and New Zealand, 30 and 34 per cent, and the United Kingdom is 35 per cent.

Now, Sir, the hon. Member has asked whether it was right that the £270,000 in respect of the loan, projected loan,

should rightly find place in the 1951 Estimates. The answer is this: Sir, that we hope to raise our loan sometime between now and early next year and, quite obviously, since we cannot predict exactly when it is going to be raised because this depends upon the state of the market, we have got to make that provision. Perhaps if the hon. Member raises this point when discussing the Heads of the Estimates I shall be in a position to give him a little more information.

The hon. Member also again questioned the loan ceiling, or rather our public indebtedness ceiling, and suggested that we could borrow much more if we were only allowed to. I would like to know what the hon. Member bases those remarks upon. The figure given by me across the floor of this Council is not my own humble assessment, it is that produced in London by experts, experts who assessed the position. I do not think that anybody here is in a position to question those experts.

MR. HAVELock: Question! What about the Post Office Savings Bank?

MR. COOKE: What about the Crown Lands?

THE FINANCIAL SECRETARY: About the Post Office Savings Bank, I would suggest, Sir, it is rather a dangerous thing if you have a liability of that kind, to invest in your own particular development plans. If things go wrong, there is a run on the bank, not only has your development gone wrong but you still have the liability to meet. Many banks—I shall not mention any names, but one name will occur, at once, to minds of hon. Members—have found to their cost the danger of investing their clients' deposits and funds in their own particular activities. In fact, such is the case, that the Secretary of State in the Savings Bank Ordinance—I have not got it here, but I am sure I am right—has put a specific limitation on what proportion of any such Savings Bank Funds can, in fact, be invested in the Colony where they are collected.

MR. HAVELock: Is the limitation £2,000 out of £6,000,000?

THE FINANCIAL SECRETARY: I shall answer the hon. Member when I look it up, but in any case I am for the principle

[The Financial Secretary]—myself, quite apart from the Secretary of State! (Laughter.)

Now, Sir, on the Rehabilitation Fund, the hon. Member said "What rate of interest are we going to charge?" He suggests it should be lower than charged by the Land Bank because there will be an element of compulsion. Well, I will say to the hon. Member that this whole matter is under consideration as I indicated in the budget speech. What the rates of interest are going to be we do not know, but I do here undertake that any scheme that is proposed will, with all the details be placed before this Council and there will be full opportunity to express views and debate the matter. Of course, even from the Land Bank it is not possible to borrow money just for anything. The objects on which you spend the borrowed money have to be very carefully stated, and the Land Bank has Inspectors to investigate how you do, in fact, spend your money.

The Balance of Trade. The figures that I gave of visible imports and exports do not include capital transfers between banks. Those figures, unfortunately, are not available. I am very conscious, indeed Sir, of the shortcomings of our statistical information, and one of the things we are trying to do in the light that knowledge is power, is to try and improve our statistical information, because it does help us so much in assessing our exact economic position.

MR. HAVLOCK: Mr. President, is it a matter of merely stalling the Statistical Department or are there other snags which prevent you from getting the figures for which I ask? If there are other snags, can he overcome them?

THE FINANCIAL SECRETARY: Sir, both the question of staff and the question of other difficulties—I think the hon. Member called them snags. We shall certainly go into this matter and if, in fact, fundamental information is being withheld from us because of difficulties of staff, or difficulties from any other point of view, we shall take steps to remove those difficulties.

MR. HAVLOCK: Thank you Sir.

THE FINANCIAL SECRETARY: Now Sir, in conclusion, I would like to say how

I was to hear the remarks made by the hon. Mr. Mathu when he said that the budget was a step forward towards the happiness, prosperity and good relations in the country. In truth, Sir, this budget has been framed without reference to cast or creed and without fear or favour. (Applause.) It has reference only to the good of the country as a whole. I hope, Sir, that it will be debated in this spirit.

With these words, I commend the Council to the untroubled calm of the Committee of Supply.

The question was put and carried.

ADJOURNMENT

Council rose at 12.44 a.m. and adjourned till 10 a.m. on Tuesday, the 21st November, 1950.

Tuesday, 21st November, 1950

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 21st November, 1950.

The President took the Chair at 10 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 17th November, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By THE CHIEF SECRETARY:

Development and Reconstruction Authority Quarterly Report for the period 1st July, to 30th September, 1950.

By THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:

White Paper No. 1 of 1950—Land Utilization and Settlement.

BILLS

FIRST READING

The Entertainments Tax Bill

THE ATTORNEY GENERAL moved: That the Entertainments Tax Bill be read a first time.

THE SOLICITOR GENERAL seconded.

THE PRESIDENT: The Wages and General Conditions of Employment Bill.

THE ATTORNEY GENERAL: Before you pass to that may I give notice that the Bill that has just been read a first time be taken through all its subsequent stages at this session of the Council.

SECOND READINGS

The Regulation of Wages and Conditions of Employment Bill

THE ACTING LABOUR COMMISSIONER: Mr. President, I beg to move: That a Bill entitled The Wages and General Conditions of Employment Bill be read a second time. I understand, Sir, that it is the wish of the Members of this Council that this Bill should go to a Select Committee and at the appropriate stage my hon. friend the Attorney General will take appropriate action.

I would like to place on record, Sir, that with the very helpful assistance of hon. Members on the other side, I have been given the opportunity to address meetings all over the country on the subject of this Bill. Meetings were held at Thika, Naivasha, Nakuru, Kitale, Machakos, Kiambu and Kericho, while a special meeting was held with the representatives of Trade Unions and also the African and Asian Press. It was my impression, Sir, and I hope hon. Members on the other side will bear me out that the Bill was received well in principle. There were indications that, on certain matters of detail in the Ordinance, there was some divergence of opinion, matters which I am sure could be dealt with by the Select Committee; on this basis I propose only to deal with the Bill on broad lines. I do, however, consider it necessary briefly to outline certain aspects of Government's labour policy and explain how this Bill provides an essential ingredient of that policy. I would like, Sir, to take the early opportunity of reminding Members of the fact that my predecessor, Mr. Hyde-Clarke, was very much responsible for the conception of this Bill, and to him should go the credit. (Applause.) The task of putting it over today is mine. We both had the assistance of the Labour Commissioners both of Tanganyika and Uganda and also of the Assistant Labour Adviser to the Secretary of State for the Colonies and last, Sir, but not least, the help of my hon. friend the Attorney General.

It has been emphasized, particularly during this last week, that the Colony has enjoyed a very rapid expansion of industry in the past few years. The need, therefore, to complete the pattern of our labour policy has thus become a matter of some urgency. I think that we can be satisfied with the conciliation and arbitration systems in force in the Colony. It has been devised with particular regard to the fact that parties to disputes in the Colony are inadequately organized and that collective regulation of labour conditions is virtually impracticable.

The Employment Ordinance caters in a very comprehensive way for the conditions under which the vast majority of workers of the Colony operate. Except for Minimum Wages Legislation, there is nothing in our legislation at the moment

[The Acting Labour Commissioner] which attempts to reflect a definite wages policy. A wages policy has become an essential feature of any country's economic policy, especially must this be so where industrial organization is in its infancy. Provision, therefore, must be made for a measure of state intervention in establishing reasonable working conditions. Such intervention may take the form of legislation regulating working conditions of employment as between workers and employers and providing machinery whereby workers and employers can agree together on their conditions of employment.

Whatever particular method is adopted the regulation of wages and conditions of employment means that where a dispute arises it is usually possible to relate it to one or other of the conditions involved and the scope of the dispute is thereby narrowed and there is a more reasonable chance of reaching a settlement.

In the United Kingdom, where employers and workers are highly organized there are two main systems. Where industry is highly organized a Joint Industrial Council is established upon which sit representatives of employers who belong to the federation of employers of the industries concerned and also representatives of the employees who may be organized as a Trade Union. Such Joint Industrial Councils regulate their own conditions of employment and report to the Minister. Where industry is not so highly organized, provision is made for a system of Wages Councils, and these can either be set up by the Minister of his own volition—presumably on the advice of the appropriate officers or at the instigation of a Joint Industrial Council which has come to the conclusion that it is itself no longer able to regulate wages because there has come between the workers and itself some conflict of interests and because it is considered desirable that some independent party should be included in the negotiating machinery.

Here I think I had better explain very briefly the principal difference between a Joint Industrial Council and a Wages Council.

In a Joint Industrial Council there is direct negotiation between employers and employees. In a Wages Council there is

that third element, comprising independent umpires, so to speak, which sits on the Council. It may be of interest to Members to know that there are upwards of 55 Wages Councils in the United Kingdom today and that they cover nearly every aspect of industry.

We, Sir, cannot expect to rely on the collective bargaining functions of Trade Unions to assist materially in providing wage regulation machinery for some time to come, particularly regarding the vast majority of the workers in the Colony. It is all the more imperative, therefore, that this Council should consider the introduction without delay of a complementary system capable of catering for all workers.

The history of wages regulations in this Colony is very briefly as follows: In 1932, an Ordinance relating to the creation of minimum wage fixing machinery was enacted but it was not until 1944, and then only under Defence Regulations, that any order was applied to any town or city in this country—and that was to Nairobi. In 1946, the Minimum Wage Ordinance was enacted but this Ordinance was too late to cope with the general strike which occurred in Mombasa. The Minimum Wages Order made in respect of that town related to wages only, and not to conditions of employment, and it was chiefly on the conditions of employment angle that the strike took place. The Minimum Wage Orders made in respect of other urban districts in the Colony were calculated to form the platform upon which the wage economy, in urban areas particularly, was to be based.

The next step, Sir, was to consider wage regulations of a more general nature. My predecessor put forward a Bill entitled—the same title as this one—"The Wages and General Conditions of Employment," and this was published in 1948 for criticism, and actually reached this Council, but was withdrawn for redrafting. Another attempt was made and another draft Bill was circulated under confidential cover, and received a great measure of criticism. This time, because it contained powers to impose an over-comprehensive and too rigid a code of conditions of employment. This particular aspect gave anxiety to industry generally, and to the Agricultural Indus-

[The Acting Labour Commissioner] try in particular because contracts of employment in agriculture of necessity varied greatly with the various phases of agriculture, and particularly since contracts often contain in kind benefits which often outweigh the value of the cash element.

The Bill also contained no provision for the publication of criticism and notification of wage orders, and, therein, it departed from one of the accepted principles of the United Kingdom Act.

With the assistance of the Assistant Labour Adviser to the Secretary of State for the Colonies we have now drafted the present Bill, and it is based on the United Kingdom Wages Council Act. Similar legislation has been enacted elsewhere in the Colonies. I would like to cite the case of Sierra Leone, where early in the war this legislation was brought into being, and where there has been no major dispute in industry since it was passed; and I would like to say that Sierra Leone is no different from any other Colonies in West Africa where there have been very considerable disturbances from time to time.

In the meantime, Sir, every effort was made by the Labour Department to build up confidence of the employer in the worker, and vice versa, on a personal basis. This was by encouraging the employer not only to form staff associations, workmen's associations and the like, but also to formulate written agreements setting out specific terms and conditions of employment under which their employees worked. These were endorsed by the Labour Commissioner and unofficially registered by him. This last approach is, Sir, I think unique in Colonial Labour Policy. Necessity is the mother of invention. The necessity arose to safeguard in Mombasa those employees covered by the "Mombasa Tribunal Award"—when that award lapsed under the Defence Regulations, under which it was made. Written terms of service of equal or better standards than the award were therefore devised to cover this class of worker. In some cases the workers themselves signed a particular agreement concerned, but in most cases they were suspicious and refused to sign. The Labour Department got out of this quandary by endorsing the document, and this was the unique type of agreement

born, provision for which has now been made in this Bill.

To-day, Sir, we have already over 12,000 employees, and not necessarily unskilled, who are covered by such written agreements in the Colony. It is significant that during the Nairobi strike those employees, in whose firms were provided agreements of this nature, did not come out on strike. Broadly speaking, Sir, this Bill provides machinery for wage fixing, firstly from the rather personal approach of the agreement, secondly through the more formal channel of the Joint Industrial Council, thirdly through the Wages Councils in relation to specified industries, and finally through the more general offices of the Wages Advisory Board.

Part II of the Bill provides for the setting up of a Wages Advisory Board which may be required by the Governor in Council to inquire into wages paid and other conditions of employment. This may be specifically in regard to a minimum wage or into rates of wages generally and other conditions of employment. This part also empowers this Board to recommend the establishment of a Wages Council or even to make Wages Regulation Proposals. In the case of any recommendations affecting wages or conditions of employment made by the Board, these are subject to the provisions of Part IV of the Bill. Under Part IV, the recommendations and proposals must be published in the Gazette and in at least one paper having suitable circulation. The Member in his turn must give notice of making such an order to the Wages Council or the Wages Advisory Board, of his intention. The chairman of such a body, be it the Wages Council or the Wages Advisory Board, must, for the purposes of information, inform all those persons who would be affected thereby.

Part III of the Bill provides for the Member, either of his own motion, or on the recommendation of the Wages Advisory Board, to establish a Wages Council. He again must publish his intention and consider any criticism which may be offered. The Wages Council generally will hold a watching brief over the industry over which it has been set

[The Acting Labour Commissioner] up, a watching brief particularly of the wages structure. The Wages Council will also consider, as occasion arises, any matter which the Labour Commissioner may put up to it in regard to any aspect of employment. It may also, of its own motion, make a recommendation to the Labour Commissioner on any such matters. The Labour Commissioner must forward those recommendations to the Member, who in his turn must take note of it.

Part IV, as I have said before, concerns Wages Regulation Proposals by the Wages Advisory Board, or the Wages Council, and I have already described the procedure with regard to publication and notification. It also provides for a penalty being imposed when such Wage Regulation Order has been infringed. Clause 18, Sir, in the course of my discussion with various members of the public, gave rise to a certain amount of doubt as to whether the principal employer was sufficiently protected where his agent disobeyed an order made under this Ordinance. I would like to assure Members that sub-section 4 particularly, makes it clear that no injustice will be done. This clause is necessary in order that principals shall not shelter behind the skirts of men of straw that they happen to employ. Another point which came in for a little doubt was that in relation to the powers of officers under the Ordinance. Now, Sir, these powers are on all fours with the powers given to Labour Officers under the Employment Ordinance. I do not know that the public have had any cause to complain about the attitude or conduct of Labour Officers acting under that Ordinance. I do not believe that the same officers probably, acting under this Ordinance, will behave any differently.

Part V of the Bill provides for those Joint Industrial Councils to which I alluded earlier. It may well be that an industry is served by an organized federation of employers and a trade union, where their conditions and conditions of work are arrived at without the assistance of an independent element such as is contained in a Wages Council. It will be noted that the proposals to set up a Joint Industrial Council can only be agreed to if both parties, the employers

and the employees, agree. I would like to underline this, as the basis of the working of Joint Industrial Councils, must be co-operation on both sides. Now, Sir, at this stage I would like to draw the attention of hon. Members to an omission in this part of the Bill. The Bill does not contain any reference to a "Works Council," and at the Select Committee, Sir, with the permission of its Chairman, I hope to introduce a definition and make provision for a "Works Council" in this Bill. That is a lesser body than the Joint Industrial Council, it is a Works Council which is set up in one concern as opposed to the Joint Industrial Council embracing a number of concerns. Already there are a number of employers in this country who have set up on a formal basis a small Works Council in which their managers and representatives of the employees meet and discuss the business of the concern.

In the latter half, Sir, of Part V, provision is made for the registration of terms of an agreement which have been entered into between an employer or association of employers and employees or organization of employees, in regard to wages and conditions of employment. It also provides for that other type of instrument to which I have already referred, the memorandum of employment. I would remind you this is the written record which, for one reason or another, the employees themselves are not willing to sign; provision is made for the Labour Commissioner to endorse such a memorandum and register it. I would like to draw your attention to the clause restricting the alteration of such terms for a period of at least six months, except in exceptional circumstances, provision for which is made; in any case no alteration can be made in these memoranda without the approval of the Labour Commissioner. That is in order to try and stabilise the conditions of labour as far as possible. Incidentally, Sir, where there is a Wages Council no agreement or memorandum of terms of employment in that particular undertaking can be registered without prior reference to such Wages Council. In one particular meeting which I had, I think it was at Kitale, they asked if the word "reference" could not be "approval" and I can see no objection to it. It is a matter

[The Acting Labour Commissioner] of principle and that is why I bring it up at this stage.

Clause 35 in Part VI repeals the Minimum Wage Ordinance, 1946, and this work is now undertaken by the Wages Advisory Board.

Finally, the first schedule provides for the constitution and the setting up of the Wages Advisory Board. It will be noted that this Board is to have not more than three independent members, two of whom shall be the Chairman and Deputy Chairman, not more than two persons representative of employers and not more than two persons representative of employees. The Wages Council will again have three independent members and in the second schedule such equal numbers of persons as the Member thinks fit to represent the employer and employees respectively. Here I would like to make it quite clear that there is no intention of members of these two Boards being elected by anybody. It is in the discretion of the Member; no doubt there will be consultation while acceptability by parties will no doubt be a factor influencing the Member's choice.

You will notice too, Sir, in the Bill that the terms of reference of the Board and the Council must be published by notice in the Gazette.

Now, Sir, finally Members will wish to be given an idea of how the Bill is intended to operate. To give an indication as regards the Wages Advisory Board, it will function much in the same way as the present Minimum Wages Advisory Board. For instance it might well be asked to consider the findings of an inquiry which is now being undertaken by the Director of Statistics of the East African High Commission into the spending pattern of the low-paid worker in Nairobi. So far as urban areas are concerned, it is likely, therefore, that in the first instance the Board would confine itself to minimum wage aspects relating to the lower standard of workers. Then it might well be asked to make a general survey of the wages structure of industry in the Colony generally and advise Government whether it thought that wages regulation machinery was either weak or lacking and was needed in any particular industry and whether in its

opinion a particular industry would benefit by such a study. Such a study could only be made by a Wages Council which, when formed, would make the wage conditions of employment proposals. There is no question but that any such proposals would have regard to the ability of that particular industry to pay. I have no doubt, Sir, that consultation between the Wages Council and its elder brother, the Wages Advisory Board, will certainly take place.

I would like to end up on this note, Sir, that this Bill can only be successful if industry has the co-operation of all parties concerned, particularly of the employers and of the employees.

Sir, I beg to move. (Applause.)

THE CHIEF NATIVE COMMISSIONER
seconded.

MR. BLUNDELL (Rift Valley Province): Mr. President, Hon. Members of the European Organization on this side of the Council welcome this Bill and support it. We do so, Sir, because, as with the development of the Colony, we are bound to proceed along the road of industrial relations, it is just as well in advance to have the road well sign-posted with suitable resthouses, signposts and possibly even Police traps. However, there is, Sir, a feeling on this side that much of our labour legislation in this country has proceeded in advance of the social development of the persons who largely use it, especially on the employees side. That being so, Sir, I have to ask that this Bill will be rather in the nature of an umbrella over an industry in that when the stormy weather arises, both employer and employee will, if they so wish, be able to gather under the umbrella. The point I wish to make is this, that we have here the apparatus for industrial relations and we hope that the use of it will not be arbitrarily enforced on industries but will be allowed to grow as a natural request from the industries themselves.

A further point, Sir, is this; on page 4 it is suggested that where an order has been made it should be published in the Gazette and the hon. Member mentioned it in his speech. We should like, on this side of the Council, to have such an order also laid before this Council and will move an amendment to that effect if it does not appear—perhaps I should not say that, Sir, because it sounds rather like a threat—but we hope, Sir, that the

[Mr. Blundell]
Select Committee will give this its attention.

Again, Sir, on page 12, line 2, hon. Members here will definitely prefer that wording to be "Shall be registered without prior approval" rather than "reference." We feel that the Council is there and that the matter should not be a matter of reference but should be definitely a matter of approval.

Lastly, Sir, there is one matter which I have not referred to my colleagues here, upon which I feel very strongly. I, Sir, am an average Englishman, and I do not have the misfortune or good fortune to carry in my blood any Scots, Welsh, Irish or French infusion. The language of this Bill, Sir, is my own language in which I have more than a right to, more proprietary than that of a Scot, an Irishman or a Welshman, and I wish to draw the attention of the hon. and learned Member opposite to the terrible synthetic bastardization to which my language has sunk in the preparation of this Bill. I am not joking. I feel very strongly—I fail to see why Members should be asked to pass Bills in which—this is a matter of detail, Sir, but I will draw the hon. Member's attention to it now so that he will know the type of amendment I hope to move in the Committee stage. On page 5, clause 6, line 25, appears this marvellous piling of a *Fellon* on *oza* of nouns, "wages regulation proposals" and "wages regulation order." Now I fail to see why, for instance, in the latter one can not have an order for the regulation of wages. Because, Sir, if hon. Members will turn to page 11, line 15, clause 27 (1) they will see these words: "a memorandum of terms of employment." Now if the correct English is a "wages regulation order" why do we not call it "employment memorandum terms?" Alternatively if the memorandum of terms of employment is correct, why does the Bill not refer to order of regulations of wages? Well, I thought I would draw the hon. Member's attention to what frankly I believe is obviously a calculated mincing arrangement of the language to which I am heir, and I must say when the Committee stage arises—there are many others, there are others so bad that I shuddered when I read them—when the Committee stage arises I will feel it my duty to move the necessary amendments.

With these words I beg to support the motion.

MR. HOPKINS (Aberdare): I just want to say a few words to support what has already been said by the hon. Member for Rift Valley. Experience in the past has shown that the fixing of a minimum wage in pursuance of the advice of the Central Minimum Wages Board has at times, given rise to repercussions which have extended far beyond the area to which the order applied. I realize, of course, that this proposed measure is nothing like so arbitrary in that it makes provision for the publication and the hearing of objections to any order. Nevertheless, Sir, I do believe that the Bill would be more acceptable if further safeguard were provided by providing that the order made in pursuance of the Wages Advisory Board, all orders in pursuance of recommendations of the Wages Advisory Board were laid on the table of the Council; that is, orders under section 4 for the fixing of a minimum wage as for the establishment of a Wage Council. In like manner, I believe a proposal emanating from the Member himself for the appointment of a Wage Council should also be laid on the table of this Council. If these proposals are agreed to, then I believe that the provisions in the Bill in regard to orders emanating from a Wages Council would be quite sufficient because if this Council had agreed to the establishment of a Wages Council, that in itself postulates that they agree to the probability that the Wages Council would make orders in regard to minimum wages or general conditions of employment.

Sir, I commend those suggestions to the Select Committee, that is that all orders made in pursuance of recommendations by the Wages Advisory Board and recommendations made by the Member under section 6 should be laid on the table of this Council.

Sir, I beg to support.

MR. MATHU (African Interests): Mr. President, I have very few remarks to make on this measure because I think it is generally welcome.

My remarks are, that I do hope that this measure is not intended to only solve the problems that were created during

[Mr. Mathu]
the last few years by unfortunate strikes that we have had under the Trade Union Act and that, perhaps, there will be a tendency of discouraging the proper functions of trade unions in this country. Because if that were the unconscious intention in the introduction of this measure I should be very unhappy indeed, as I do feel, and I think the hon. Member will agree with me, that even with these provisions, it is necessary to encourage the proper development of trade union movement among the workers of this Colony. He did say, Sir, that this is only a complementary measure, and that means that his Department will continue to foster proper development of trade union movement in this country, because if we do not do that, Sir, I feel we shall be missing a very important link in the economic development of many other countries of the world. He said, Sir, that these provisions of Wages Councils and Wages Advisory Boards and Joint Industrial Councils are necessary in countries where there are not sufficiently highly-organised workers and employers, and I take it, therefore, this is an interim measure pending the time when workers and employers will be so well organised, they can get ahead with trade union movement which, I think, must be ultimately the final goal in our industrial relations here. Now, if that could be clarified by the hon. Member, I would go to the next point which I think is extremely important.

I refer to this factor, that if we get this law through, it will be extremely important that the Labour Department, either on its own or through the Information Office, that the African workers be made absolutely conversant with the provisions of this law. Most of them, Sir, as you know, are illiterate. They do not understand these things and I think it is most important that adequate propaganda should be given to these people so that they do know exactly what the provisions of these measures are, and then you will be bound to have the co-operation from them because I do not think co-operation is possible among people who do not understand what is intended by measures of this kind.

Finally, I should like to say that I do hope that the implementation of this law

will not only give better relations between the employers and the employers in this country, but that it will enable the workers' conditions to be improved; that they will feel that they are a very important factor in the economic life of this country; that they are contributing to the national income of this country and they will not be people who feel they are only used as tools and not as human beings. And the closer the contact that this measure provides between the employer and the employee, will foster, I hope, the sentiment I am putting forward this morning.

Sir, I beg to support.

THE ACTING LABOUR COMMISSIONER: Mr. President, the hon. Member for Rift Valley will no doubt have the opportunity to correct the English, in which this Bill is drafted, more to his liking—(MR. BLUNDELL: I hope so)—at the Select Committee stage provided the intention of the Bill is not thereby jeopardized.

The Member for Aberdare suggested that the Wages Advisory Boards order should be laid on the table. Well, the Wages Advisory Board cannot make an order; it makes a proposal and that proposal is considered by the Member. Now, Sir, the Wages Advisory Board considers the conditions of employment and may make a proposal on it, such a proposal may indeed be a very small one—it may amount to a few cents, or it may be in connexion with hours of work—for some such small matter which, I would suggest, would not be appropriate to be considered by this Council. Also on the other hand, it might well be a matter of considerable urgency that the wage order be carried out at once, therefore to wait for this wage order to receive the blessing of this Council would be inappropriate. Even supposing the wage order were, in fact already carried out, it would create considerable alarm and despondency if this Council were to revise such an order. I think, therefore, the position of wage orders following wages proposals, should be left as it is.

As far as the other point is concerned, I am quite certain the Select Committee will consider such a proposal to lay the order setting up of a Wages Council order on the table favourably.

[The Acting Labour Commissioner]

The hon. Member for African Interests, Mr. Mathu, raised two points. I am very glad he did so because it gives me the opportunity again of underlining that word "complementary"; but I must join issue with him that this is not an interim measure at all. I think I mentioned in the course of introducing the Bill, the fact that there are fifty-five Wages Councils in England covering almost the whole of industry and if you study *The Times* to-day and in past days, you will see that Trade Unions have constant recourse to the assistance of Wages Councils. In this Bill too, when the Joint Industrial Council is set up, it may well be that on one side you have a "Trade Union". Therefore the encouragement of an orderly trade union system is the policy of this Government and will continue to be so. There is no question of this particular form of negotiating machinery being substituted for the Trade Union.

As regards the need for propaganda, I can assure the hon. Member that every effort will be made to bring home to all and sundry, the African in particular, what is behind this Bill.

Sir, I beg to move.

The question was put and carried.

THE ATTORNEY GENERAL: Sir, I beg to move: That this Bill be referred to a Select Committee and, in doing so, may I point out the expression "wages regulation order" is a cumbersome phrase, to avoid tedious repetition of a longer expression, which is especially defined in clause 2 of the Bill. To the best of my recollection, that phrase is taken from a product of the United Kingdom Parliament, which is well known to be an assembly of very mixed blood. (Laughter.) Coming as I do, Sir, from a country where, as is well known, the best English is always spoken, I will commend the remarks of the hon. Member for Rift Valley to the Select Committee, reference to which I am now moving.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

THE PRESIDENT: Shall we take the Traffic (Amendment) Bill before the recess?

The Traffic (Amendment) Bill

THE ATTORNEY GENERAL: If you please, Sir, I would ask that with the

leave of the Council, the second reading of the Traffic (Amendment) Bill be postponed. Hon. Members on the other side have made certain suggestions which have entailed inquiries which are not yet completed and I am not yet ready to go on.

THE PRESIDENT: If no hon. Member raises objection, permission is granted for the Traffic (Amendment) Bill, second reading to be deferred.

The Sisal (Amendment) Bill

THE DIRECTOR OF AGRICULTURE: Mr. President, I beg to move a Bill entitled an Ordinance to amend the Sisal Industry Ordinance be read a second time

This amending Bill contains a very normal request but at the same time, it has certain implications which I feel should bring to the notice of this Council. Sisal is a peculiar crop because, in addition to being one of Kenya's most important agricultural industries, it is also, owing to its natural habits and rate of growth under many conditions, used for many other purposes. I refer, of course, specifically to things such as hedge plants and purposes of that nature.

This amending Bill will, it is true prohibit the future planting of sisal for hedge plants unless a licence is obtained from the Sisal Board in the first instance so to plant, and I must say I think it is unlikely that the Sisal Board would be inclined to issue a licence merely for that purpose. I should, however, like to state here that I am authorized, by the Sisal Board, to say that, it is not the intention of the Board to interfere in any way with sisal hedges, etc. which have already been planted, it is merely to endeavour, as a long range policy, to control future plantings and bring the industry on a proper basis.

The fact that hedge planting, etc. may be stopped is indeed a hardship with which I must agree but I do submit that there are other plants which could be substituted for sisal for the purpose of hedge planting if such plantings are considered advisable and adequate, and I do also submit that the future welfare of this most important agricultural industry must be given first priority. It is true that in this Council, other Crop Boards, I refer to tea, coffee, pyrethrum, passion fruit have been given powers to license the growers and I do maintain that it is equally important that the Sisal Board

Sisal (Amendment) Bill

[The Director of Agriculture] should be given similar powers. It is, in my opinion, of the utmost importance that the Sisal Board, representing the sisal industry, should have some knowledge of exactly where, throughout the Colony, sisal is planted and it must stop indiscriminate planting, planting of small areas of sisal which are left completely neglected and insanitary, of which they have no knowledge. In this respect, I would refer specifically to the risk of the spread of pests and diseases. Last week, in replying to a remark made by the hon. Member for African Interests, Mr. Mathu, I refer to-day to our concern over the spread of sisal weevil. Tomorrow, possibly some much more serious threat may fall upon the industry and I do therefore most earnestly suggest that, as a long range policy the Board must have control of the further planting of sisal and that the indiscriminate planting of sisal should be stopped. Again, I must stress the very great economic importance of this industry to the Colony.

In the amending Bill, it will be noted that there is no intention that the regulations should apply to the growing of sisal or the production of sisal fibre in the African Land Units. This is done because the control of such plantings in the African Land Units is now adequately covered by Rules recently promulgated under the Crop Production and Livestock Ordinance. I would, however, like to make it clear, at this juncture, that there is nothing in the principal Ordinance or in this amending Bill to prevent an African or a co-operative of African farmers to make representations to the Board for the granting of a licence for the growing of sisal on an organized basis, and I personally am quite confident that such applications would always be favourably received by the Board.

Sir, I do not think there is anything in the amending Bill which calls for a specific remark. It merely lays down the licensing of growing of sisal and those producing sisal fibre, a fee to be paid for such licence, the Board's discretion to refuse such a licence and the right of appeal to the grower and penalty in default of an offence against the amending Bill.

Mr. President, I beg to move.

THE SOLICITOR GENERAL seconded.

LADY SHAW (Ukamba): Mr. President, there has been a considerable amount of alarm and despondency in the districts which I represent. I admit this alarm and despondency was some time ago and it may have been dispelled in the meantime. However, there was such alarm and despondency in consequence of an idea which had arisen that there would be considerable discouragement of the smaller grower of sisal as soon as this licensing was brought in and that the Sisal Board would be very unlikely to grant licences to growers up to 30, 40, 50 acres of sisal because they would be inclined to protect the large acreages and prevent the smaller ones partaking in the benefits of the industry at the moment. Now, the Sisal Board may have worked this whole thing out before this Bill came up but I would like an assurance from the Mover that there will be no discouragement of smaller growers, given that the licences are properly taken out and proper care is taken to maintain the plantation in a healthy and decent condition.

I beg to support.

Council adjourned at 11.05 a.m. and resumed at 11.22 a.m.

MR. NATHOO (Central Area): Mr. President, whilst it is appreciated that the sisal industry, like all other industries, must be put on an organized basis, there are a few points in this Bill, Sir, on which I should like to make some comments.

The one particular clause in the Bill, clause No. 4, in my opinion, gives much too wide a power both to the Board and to the Member in refusing permission to growers to grow sisal. In my opinion, Sir, it is essential that, when such permission is refused, the growers or the prospective growers must be informed on the grounds on which this permission is refused and the whole thing must not be left to the whim or the discretion of any body of men, or man.

Sir, it is quite well known that, at the moment, with the scattered sisal all over the country, a large industry has been built up and the growers in these areas have received almost the manna from heaven in the way of taking out this fibre and selling it to the nearest factory. This opens up the question of spread of disease and I appreciate the concern the

[Mr. Nathoo] hon. Director of Agriculture has shown on the thing, but, Sir, I suggest—before we can possibly agree to this Bill, a fuller discussion should—take place and the fears that we have in our minds should be allayed. I was very glad to hear the hon. and gracious Lady Member for Ukamba putting forward the point which we had in our minds and I was also glad to hear some of the assurances of the hon. Mover, but, Sir, in order that a full discussion should take place, I do consider something should be done before we give support to this Bill.

MR. MATHU: Sir, I feel very much like the previous speaker that on the whole we do agree with the Mover that the sisal industry should be protected so that we can have a very high standard of the sisal products for our export trade. On the other hand, Sir, I also feel like the hon. Lady for Ukamba that that feeling of alarm and despondency is not only shared in her constituency. There is also some alarm in other parts of the country and in order, therefore, Sir, that we should give this measure our whole-hearted support it is requested that an opportunity be given for further consultation with the Member who has moved the Bill so that we may not say some distasteful things in the second reading of this Bill. So I reserve my right to vote one way or the other when these consultations are over.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. President, I have listened to the points made in this debate and would like to add that, again and again in this Council, one hears lip service paid to putting an industry on a sound footing and, in the same breath also, of excuses made for not doing so. However, every hon. Member who has spoken has admitted that they are most anxious to see that this very important industry of ours, the sisal industry, is not put in jeopardy, in any shape or form, or from any direction from which, at the moment, we can say we are seeing signs of danger.

As far as the African growing of sisal is concerned, this question is not provided for in this Bill at all.

As far as the point made by the hon. and gracious Member for Ukamba is

concerned, as of course has been mentioned, there is an appeal against the decisions of the Board.

In view of the remarks which have been made, I would like, Sir, with the leave of Council, to propose that the debate be adjourned. I do not feel, Sir, that this Bill should necessarily go to a Select Committee. Everybody is very busy, I am going to take a great deal of time, I am not quite sure it is going to achieve any useful purpose, but I do think a useful purpose might be achieved if an opportunity was given for myself and the Director of Agriculture to meet various Members opposite for a frank discussion about this Bill and then, possibly, we might reach some unanimity about supporting it at some future date.

Therefore, Sir, if the Council felt so inclined, I would, Sir, move that the debate be adjourned for the time being.

THE ATTORNEY GENERAL seconded.

THE PRESIDENT: The question is the debate on the Sisal (Amendment) Bill second reading be adjourned. If a hon. Member wishes to address the Council on this proposal I will put the question.

The question was put and carried.

THE PRESIDENT: The debate is adjourned.

MOTIONS

THE VOLUNTARILY UNEMPLOYED PERSONS (PROVISION OF EMPLOYMENT) ORDINANCE, 1949

Continuation of

THE DEPUTY CHIEF SECRETARY: Mr. President, I beg to move the motion following the Resolution standing in my name: "Be it resolved that the Voluntarily Unemployed Persons (Provision of Employment) Ordinance, 1949, be continued in force until 31st December 1951."

This Ordinance, Sir, was passed by this Council last year and it came into operation, by notice in the Official Gazette, on the 1st January this year. It was applied to the Nairobi area on the 15th January and the Labour Exchange Committees were set up in February and the operation of the Ordinance may be said to have got under way in March

The Deputy Chief Secretary]—has, therefore, now been in operation for a period of eight months in the Nairobi area. In Mombasa, the Ordinance was only applied to the Mombasa Administrative District as recently as the 1st July.

Dealing first, Sir, with the operation of the Ordinance in the Nairobi area, I would like to give to hon. Members, if they will bear with me for a short time, a few statistics to show the use which has been made of it during this period since the beginning of March.

The statistics which I have are in respect of the period ended on 30th September and I have also received this morning some further very brief statistics of its operation during October. But the figures which I will now give to Council are the statistics for the period March to the end of September.

During that period, Sir, 754 persons have been registered as voluntarily unemployed persons and instructed to report to the Committee. Two hundred and eighty more were arrested by the police under section 9 of the Ordinance and brought before the Committee. These persons were dealt with by the Committee as follows: 23 of them were issued with certificates of exemption under the Ordinance; 264 were permitted to engage in employment; 148 were repatriated; 62 elected to return home by themselves; seven were directed into artisan contracts; 367 failed to report and their names were sent to the police. In 87 cases the Reporting Order was withdrawn and 10 persons absconded from the Reception Centre and in case by hon. Members should add up those figures to see if they tally with the total of 1,034 that came up before the Committee. I would add that the balance is accounted for by cases that were pending at the end of the period under review. During the same period 369 persons were admitted to the Reception Centre in Nairobi. I would only add to those figures that I learned this morning that during October, 118 new voluntarily unemployed persons came up before the Committee and that during this whole period some 1,200 odd persons a month, on the average, have attended at the Labour Exchange. A great many of these were accommodated in employ-

ment by the Labour Exchange, and only the remainder, who had to be declared voluntarily unemployed persons came up before the Committee.

The District Commissioner has informed me that, during the whole of that period in Nairobi, there has not been one single complaint, either to himself or to a magistrate from any person who has been dealt with under this Ordinance. He has reported to me also that visiting Chiefs from the neighbouring reserves, who have, at his invitation, attended sittings of the Committee have expressed themselves as extremely impressed with the work which was being done by the Committee and, indeed, with the need for the work which was being done. He has also told me that his impression from presiding over meetings of the Committee is quite definitely that those persons who have come before it have seemed to appreciate that efforts were being made by the Committee to help them and that there has, in fact, been no sign whatever of any resentment by any of those persons at the manner in which the Ordinance was being operated as it effected them.

In Mombasa, where, as I mentioned the Ordinance has only been in operation since the beginning of July, the comparable statistics with those that I have just given to the Council in regard to Nairobi, are as follows. These figures are for the period 1st July up to the end of October:

The total number of persons registered as voluntarily unemployed and instructed to report to the Committee was 327 Africans, one Asian and nine Arabs. Eighty Africans were arrested by the Police under section 9 and brought before the Committee. Of those persons, 15 Africans and two Arabs were issued with certificates of exemption; 60 Africans and three Arabs were permitted to engage in employment; 62 Africans and one Arab were repatriated; nine Africans and one Arab elected to return home by themselves; 104 Africans and one Arab were directed to work, 42 Africans, one Asian and two Arabs failed to report under the Reporting Order and their names were sent to the Police.

In the case of 285 Africans and seven Arabs, the Reporting Orders were with-

[The Deputy Chief Secretary] drawn and again in Mombasa, 10 Africans absconded from the Reception Centre.

A total of 283 Africans and one Arab were admitted to the Reception Centre in Mombasa during this period.

The District Commissioner, Mombasa, has reported that the application of the Ordinance has definitely had a deterrent effect since almost the first day on which it was applied to the district, with the result that a considerable number of unemployed persons have left the island, and either moved on to the mainland or left the coastal area altogether. I am also informed that as in the case of Nairobi, persons who have been dealt with under the Ordinance seemed to have appreciated that whole desire of the Committees was to help them and to provide employment for them.

In the light of these Reports, Sir, I have after consulting with the Administration and the Police come to the definite conclusion that it is desirable and, indeed, in the interests of the unemployed persons in particular, that this Ordinance should be extended for a period of another year.

The Police are quite definite in that recommendation which they have made to me and the Administrative Officers who have been closely concerned with its administration are no less so.

Sir, I believe that it is in the interests of the country and in the interests of Africans in particular in these areas, that this Resolution should be adopted by Council, and I formally commend it to hon. Members for adoption.

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

MR. MATHU: Mr. President, I should like to say that I shall oppose this motion as a matter of principle.

Members will recollect the big fight we had when this Bill was going through the second reading in this Council and I still feel that I must be consistent and continue to oppose the extension of this measure.

I know, Sir, that I shall be accused straight away of not representing African interests, particularly in view of what the hon. Mover has said, that it is for

African interests that this law should continue.

Further, that there has been jubilation by visiting Chiefs and Africans who have been dealt with, there has been no resentment and indeed it has been a very smooth running affair.

Now that, I am sure, will be what will be told, but I do know the other side of the picture and I do not propose to labour any of these points or to put them down in the official record of this Council.

All I would like to say is that there is one very important aspect of this in which the hon. Mover has admitted, particularly in Mombasa as a result of the operation of it the spivs leave the island and go to the mainland. Also in Nairobi, they go to the African Land Units, neighbouring Nairobi or farther afield. Now my question Sir, is this if we clean the towns, as it were, of these undesirables and land them back to the African Land Units, what does that imply? Does it imply that Kenya is not a unit, that we have not got a Kump community, and if one part of the body is hurt, surely the rest of the body is hurt. If I compare our own country with the body? If we move them from Nairobi and they go into the African Land Units and they are bad people, surely they are going to do havoc and damage in these areas. Now surely, we are not absolutely free from danger and I contend Sir, always, that we should deal with all the people wherever they are. Put them in jail, Sir, if you like. I do not object to dealing with these people and putting them in jail, all I object to is removing them from one part of Kenya and moving them to another part of Kenya. Who are going to suffer? European farmers. It is the spivs who come from Nairobi and Mombasa to the farms out at Limuru and to the rest of the country. It may be myself or Africans in the Native Land Units. Why should we allow these people to suffer? Surely there is a point there that we are not solving the problem and I suggest that these people should be dealt with wherever they are and that is one of my objections to it because I regard Kenya as a unit and we should not remove bad things from one place and put them in another place.

The final remark, Sir, is that I should like to hear from the hon. Mover what

[Mr. Mathu] with there is in the rumour that the Reception Centre in Mombasa has been very extravagantly built and there is some apprehension by some of the residents in Mombasa that there has been some waste of money in building up that Reception Centre. As I say, it is a rumour—I cannot give facts—but I think it is important by these rumours should be dispelled or otherwise in this Council, and Sir, I have regretfully to oppose the Motion.

MR. COOKE: Mr. President, while I think the hon. Member who has just spoken has taken a reasonable view of this Bill, although he is opposing it, I am surprised at the solicitude shown by a number of Africans in this country about the Bill.

Now, Sir, the only thing I dislike about the Bill is its title; and I feel that if my hon. friend, the Member for Rift Valley, were here, after the lecture which he has given us on the King's English, he might have been heard to say that "in the tongue which Shakespeare spoke and Milton wrote", this might have been more the "Rogues and Vagabonds" Bill, or in more common parlance the "Spivs" Bill.

Now, Sir, I think it is well known and will be admitted by my hon. friend, Mr. Mathu, that the Africans themselves are the biggest sufferers from these gangs of unemployed who loaf about the towns and cannot keep their hands from picking and stealing; Sir, they are I know, a menace to the decent African.

Now, as an example, my own driver, he is only one of many, who happens to be a Nandi and an ex-policeman, and presumably a pretty tough customer, does not dare, or is very reluctant, to return to the Native Location by night lest he should be beaten up by these blackguards.

Now, Sir, I think we are apt to forget that the African in these days is living, I mean the mass of Africans—there are exceptions like my hon. friends on this side of the Council—who are living rather the life that was lived by the mass of people in England two hundred years ago when the sanctions then were very much severer than they are to-day. For instance as everyone knows, there were such punishments as the stocks for

idle rogues and vagabonds and people were tied to cart tails and whipped through the streets. So that we are really dealing rather mildly with these spivs in our towns to-day, and I feel, Sir, and I have said this more than once, that if we tolerate this situation, we will get in this country gangs of juveniles as they do in Europe, who will start beating up decent people and using coshes and all sorts of things. Now is the time to nip such a potential menace in the bud.

Now, I know a lot about interfering with the liberty of the subject has been said, and I dislike that as much as anybody else, but in dangerous times you require desperate remedies to deal with dangerous diseases, and although this is not entirely a desperate remedy, it is a remedy which will, I hope, be severe.

Now, Sir, there is one suggestion I have to make and that is although I was very glad to hear from my hon. friend what has been done during the year, I think we will have to be a little bit more severe than we have been.

My hon. friend Mr. Mathu has, I think, said quite correctly, that you will not solve the problem merely by sending these people back to the reserves, though I have at the back of my mind that the chiefs in the old days would have had a pretty effective remedy for dealing with these people.

I was reading yesterday, I think it is a classic, "The Akikuyu" by Father Cagnola, in which he said that for stealing some of the more minor remedies were Sir, crucifixion on an anthill or burning alive! So that we are really dealing with criminals in this country very much more leniently than the Native Authorities dealt with them themselves.

So the suggestion I have is this. With the abandoning of Mackinnon Road by the military and with the possibility, indeed the probability that the new Mombasa Water Supply will come through that township, I think we should make use of at least some of those buildings there to establish a camp for these rogues and vagabonds. They could do very useful work clearing the dense bush that exists in that area and that would be not only deterrent work but would be constructive work. As my hon. friend, Dr. Rana, knows, there have been several applications for land for ranching in that

[Mr. Cooke]

area and all that deters people from going there now is the tsetse infestation. Of course, it also could be used more than it is by the Duruma tribe who border that area.

Therefore, I suggest that it might be possible to acquire some of the buildings there, and, as my hon. friend, Mr. Mathu, suggests, not only to take the "Spivs" away from Nairobi but to isolate them and put them in a position where they can do good constructive work.

Sir, I beg to support the Motion.

MR. MATHU: On a point of order, I did not want to interrupt the hon. Member for the Coast but the book he has read is either written very badly or he misrepresented the case. The position is not thieves who were crucified or burnt alive, every other course of prevention was undertaken first. They were only the very bad ones, the habitual ones, when the clans and the tribes tried to the uttermost to correct them and they failed. Not only a thief, if I may correct him.

MR. COOKE: Sir, I stand corrected. The hon. gentleman was perfectly right. There were certain warnings given before these measures were taken.

MR. USHER (Mombasa): I certainly should not have intervened in this debate if my hon. friend, Mr. Mathu, had not mentioned Mombasa. The suggestion is, I think, that these "lilies of the field" are being transplanted from the island to the mainland. Well, there is a lot to be said for that. These people with whom this Ordinance deals are people, who put, shall we say, an excessive value upon leisure! But they must eat and if they are in Mombasa, they have got to get food somehow and they tend to do it by theft and by indulging in dubious professions. If they go on to the mainland they can indulge their love of leisure, they have only to lie under a tree and a mango will drop into their mouths. I think they are much better there. I just want to end by saying that while I was in Mombasa at the weekend, I took the trouble to inquire whether there had been any complaints from the residents of the mainland as a result of this exodus. Sir, I gather, and on good authority, that there had been none.

Sir, I beg to support.

THE ATTORNEY GENERAL: Mr. President, I think the hon. Members will have listened with great interest to the account given by the hon. Mover of the administration of this Bill so far. It will be within the recollection of hon. Members in this Council what apprehension was expressed when this Bill was being enacted and what apprehension, unfortunately, was whipped up in quarters outside, at the alleged provisions of this Bill. I would like, if I may, to take this opportunity of refuting once again a suggestion which was made in certain quarters and, in particular, in certain sections of the vernacular Press and was given a very wide circulation, that the object of enacting this Bill was to provide forced labour for private employers. May I once again point out, Sir, that the Ordinance applies only to Voluntarily Unemployed Persons, that is, those who are not genuinely seeking work and that the only type of work to which persons who are voluntarily unemployed persons—or rogues and vagabonds, as the hon. Member for the Coast would prefer to term them—the only type of work to which they may be directed is "paid national employment" that is defined "as any employment which a Committee considers to be of national importance in any civilian capacity with His Majesty's Forces, in the service of the Government of the Colony, of the East Africa High Commission or of any Local Government".

It is not within the powers given by the Bill to direct anybody to private employment. In point of fact, as we have heard from the hon. Mover, the number of persons who have been directed in Nairobi is, I think he said, seven, and the number of persons in Mombasa, if I remember rightly, 107 Africans and one Arab. I should like to mention that, because never was so much misguided apprehension whipped up at the enactment of a Bill in my recollection.

We have heard, Sir, from the hon. Mover the way in which this Bill has been administered and we have heard that it is welcomed by the Chiefs and that it is considered by the persons who have passed through the machine which it set up as being a genuine attempt to foster employment. It is also, of course, an attempt to rid the towns of spivs

[Attorney-General]

and rogues and vagabonds, and that I think is an object which should be considered a laudable object by all sections of this Council.

Sir, I beg to support.

MR. HAVELOCK (Kiambu): Mr. President, following on the remarks by the hon. Member for Law and Order, he did emphasize that only seven voluntary unemployed persons have been directed to national work in Nairobi and 107 in Mombasa. I suggest that ties up entirely with the remarks by the hon. Member, Mr. Mathu. I believe that not sufficient of these voluntarily unemployed people have been directed to national work and that too much use is being made of the provision for repatriating "spivs"—unemployed in towns—to the African areas. That, as the hon. Member, Mr. Mathu, has pointed out, merely creates a problem in the African areas, and may I suggest to hon. Members opposite first of all that the provisions of this Ordinance might be extended to what are now becoming townships in African areas—I have suggested that before—especially of course, the townships on the perimeter of the main towns. As examples I would quote Limuru township, Kiambu township and there are other villages such as Kalula, etc., where these people who have been repatriated congregate, slip out during the night, wreak their wrong doings and return again in the day time, and it is quite impracticable—it just does not help the problem at all to have these places uncontrolled. I suggest that the provision may be extended to these places and that national employment should be found for these people; that this method of repatriation should be used in the very few cases where the man has somewhere to go in the reserve and some responsibility and some job to go to. I am quite certain that—all other Members, or a great majority of Members on this side of the Council, will support—that these matters must be given work to do. It is no use pushing them around the countryside and watching for them to come back, as they almost always do.

Sir, I would also ask the hon. Mover to consider what I think is a most valuable suggestion by the hon. Member for the Coast for the use of Mackinnon

Road. I am certain it is a practical suggestion that might be of great value.

Sir, I beg to support.

THE ATTORNEY GENERAL: Sir, on a point of explanation may I explain what I should have said, that there is a difficulty in finding paid national employment for these persons, but I have no doubt that the words of the hon. Member for Kiambu will be very carefully kept in mind, and every effort will be made, but there is that difficulty.

MR. HAVELOCK: The suggestion of the hon. Member for the Coast in that particular regard might be studied.

THE DEPUTY CHIEF SECRETARY: Mr. President, I am sorry that my hon. friend, Mr. Mathu, proposes to oppose this resolution, notwithstanding the explanation which I have given of its working. I was more sorry that he should have hinted darkly, without giving us any reasons for so thinking, that there was another side to the picture which I have given. I cannot be sure, as he did not give us the reasons behind that statement, but I think it is conceivable that he may have in mind certain police action which was taken some months ago in the locations in Nairobi. If he has got that idea at the back of his mind, I should like to make it perfectly clear to hon. Members that that police action was designed to round up criminals and to search for stolen property, and had nothing whatever to do with the administration of this Ordinance. I make that point, because it is on the record that he believes there is a darker side to this picture and I for my part would very much have preferred to have heard what that darker side was so that I could have had an opportunity of replying to it. He makes the point, and it is a perfectly fair one, that when these persons are repatriated to the native land units they are no better off than they were here in Nairobi. Well, Sir, I believe that, where resort is had to repatriation under the Ordinance, the persons concerned are very much better off in the land units than at the corners of these big towns; and I hope that the elders and chiefs in their own areas will do their best to turn them into rather more useful citizens than they were while they were hanging about the street corners in Nairobi and Mombasa. I am afraid that

(The Deputy Chief Secretary) I do not agree with him that it is just as useful to collect these people, prosecute them as vagabonds, or whatever they are under the appropriate municipal by-law, and for a magistrate to send them to prison, only to have to go through the whole motion all over again a few days after they are released. That seems to me to be a quite useless procedure. It is one which does not give the voluntarily unemployed person the opportunities of the assistance which these labour exchange committees can give them. I cannot see that action of that kind could possibly be in the interests of these people. He said that he had heard rumours of waste of public money over the management of the reception centre in Mombasa. Well, it is the first time that I have heard rumours of this kind. I have, as I undertook when discussing this matter with the United Members Organization, been in consultation with the authorities in Mombasa in regard to the cost of operating the Ordinance during 1951, and I will deal with his remarks on this question. I think more appropriately, in the Committee of Supply, which will be considering the details of the estimates very shortly.

I welcome, Sir, the remarks of the hon. Member for the Coast, and I will most certainly consider with other Members of Government concerned, the suggestion which he has made regarding Mackinnon Road. As hon. Members know, it is only very recently that the decision has been taken to close down the stores holding project there, and the whole question of what is to be done now will be under consideration by Government with the military authorities very shortly, and I will certainly bear in mind the suggestion which he has made, supported, as he has been, by the hon. Member for Kiambu.

As regards the hon. Member for Kiambu's remark that he would like to see far more of these voluntarily unemployed persons directed into useful national employment, I agree with him. I should too, but it has to be borne in mind that it is not always easy to find employers for these extremely workshy individuals, and the District Commissioner, Nairobi, has told me that in fact, try as his committee will, it is very difficult indeed to find employers who like having this particular type of chap on

their payrolls, and before one can direct them into contracts of service there has to be an employer to sign his side of the contract. But I would assure him and other hon. Members that I will see that instructions are again given that, wherever there is any useful national employment in which these people can be usefully and profitably used, that they should be directed into it. (Hear, hear.)

It was made clear, I think, when the Ordinance was introduced into the Council, that in the first instance Government desired to see how it worked out in practice in the municipalities of Nairobi and Mombasa, and we now have in the case of Nairobi some eight months experience of its working, and in Mombasa some four months experience of how it is working there, and in the light of information which we now have I will certainly consider the suggestion that it might usefully be applied in other areas also, and particularly in those which he mentioned.

There is, of course, the fact that it is not an inexpensive Ordinance to operate, and I think that before applying it to very small areas of the country it would certainly be necessary—and, indeed, I think my hon. friend, the Member for Finance, would insist—that the financial angle should be examined. There is, however, as hon. Members will have seen, a token sum of £2,000 in the Estimates which can be called upon if it should be decided to apply the Ordinance to any additional areas to which it has not so far been applied. (Hear, hear.)

I do not think there are any other remarks which I will make but I would again commend the resolution to the Council.

MR. MATHU: As a point of personal explanation, I would like to say in regard to the rumours about Mombasa Reception Centre, I did not refer to the management of the centre, Sir, but to the construction. The rumour is that the Reception Centre was very expensively constructed, and it could have been done more cheaply with the same results and to achieve the same purpose. I did not refer to the management, Sir.

The question was put and carried.

THE INCREASE OF RENT (RESTRICTION) ORDINANCE, 1949

Continuation of

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. President, I beg to move the motion standing in my name: Be it resolved that the Increase of Rent (Restriction) Ordinance, 1949, be continued in force until 31st December, 1951.

Sir, I think it is desirable to refer briefly to the events leading up to the enactment of this legislation. As the result of representations made in this Council a Committee was appointed in May, 1948, to examine the working of the Increase of Rent and the Mortgage Interest (Restrictions) Ordinance, 1940, and to make any recommendations for amendments which appeared desirable. All the members of that Committee, Sir, except one, are at present members of this Council. It took a great deal of evidence and gave most detailed consideration to the complicated problems with which it was confronted. It was enormously aided in its task by the skill and legal knowledge of my hon. and learned friend, the Solicitor General, as its Chairman, and had the benefit of the wide legal experience of Mr. Nazareth to aid it. The other Members, Sir, were: my friend the present hon. Member for Health and Local Government, who was then the Member for Nairobi North, the hon. Member for the Coast, the hon. Dr. Rias and last and by far the least, myself. It was, Sir, I suggest with the exception of the last-named member, a strong and highly-qualified committee. To my personal knowledge, it gave the most detailed consideration to the task which it had been set. The Committee reported in November, 1948, and its Report was considered by this Council later that year. The Council adopted the Report in entirety with the exception of one recommendation concerning the operation of building control in regard to a certain type of premises which had by that time become obsolete. As a result of that consideration, a Bill was introduced into this Council in May, 1949, which on its first reading was referred to a Select Committee. That Bill was subsequently enacted by the Legislative Council and was brought into operation in September

of last year about 14 months ago. I submit, Sir, that that legislation and the matters leading up to it were given most careful and detailed consideration by this Council.

In its Report, the 1948 Committee expressed the view that the time had not arrived for a complete de-control of rentals, and that such a step would not be justified until the supply of houses was well in excess of the demand. That, Sir, is the Government's view today, and it is further considered that it would be premature to make any major change in the type of premises controlled under the Ordinance. The Government is, however, in the closest consultation with the various Rent Control Boards in regard to this aspect of the problem.

The type of legislation is complicated, and one has only to study the law which has been enacted in the United Kingdom on this subject, to realize this very clearly. Minor amendments have already been made to the 1949 Ordinance and it has been suggested that others are desirable. The Colony was exceedingly fortunate in obtaining the services of a person with the ability and judicial experience, of Sir Charles Belcher, as Chairman of the Central and Coast Boards and it is very much to be regretted, Sir, that he was obliged to give up his work in order to attend to his personal affairs. Before he did so, however, he was requested by the Government to submit recommendations concerning points in the present law which in his view require amendment and he has made a number of recommendations which are designed mainly to simplify procedure and to remove certain anomalies. These recommendations have been forwarded to the members of the various Rent Control Boards in order that they might be considered by them as they are the people who have the daily experience of operating the law and it is the Government's intention, when these recommendations are received to introduce amending legislation into this Council at an early date. It is hoped, Sir, if possible to introduce that amending legislation during the next February Session.

Sir, I should like to take this opportunity of paying a tribute to, and

[The Secretary for Commerce and Industry] expressing the Government's appreciation of the work done by, the Chairman and members and staff of those Rent Control Boards. It is in many instances a somewhat thankless task and makes a great call on the time of a number of very public-spirited people.

It has been suggested to me that it would be a proper course to appoint another Committee, similar to the 1948 Committee, at this stage. I do not, Sir, agree with that view. I am very mindful of the enormous amount of work undertaken by that Committee which only made its report two years ago, and I believe that a new Committee would be confronted with the need of covering exactly the same sort of ground and studying the same amount, and a very great amount it would be, of conflicting evidence, before it was in a position to report to this Council. I believe, Sir, that the programme which I have outlined is the best. Once the Government has obtained the considered recommendations of those people, most used in the operation of the present law, it will introduce specific proposals for amending the legislation into this Council. A Select Committee can then be appointed, if desired, and it will, Sir, have something definite to consider.

Sir, I beg to move.

THE SOLICITOR GENERAL: I beg to second and with your leave, Sir, reserve my right to speak if necessary.

DR. RANA (Eastern Area): Mr. Speaker, Sir, I rise to support the motion moved by the hon. Member for Commerce and Industry. He has made the position very clear as far as the amendments are concerned of accepting a Select Committee if it is necessary. I would like to impress upon him and on the other Members of this Council that though the Committee which met two years ago under the Chairmanship of the hon. Solicitor General went into details and did their best to draft certain regulations, I know, Sir, because I happened to be a member of that Committee, the tremendous amount of work and conflicting views which we had to deal with. The questions of controls, in particular the landlord and tenant business, is so difficult and so complex that I think very few people can ever make both

parties happy. The tenants are in a hasty position to get hold of the houses which they do not want to leave, and the landlords, who have made a mistake in investing money in this country before the war, have grievances. Under the circumstances I can only say, Sir, that there are a lot of anomalies and there are a lot of defects in the previous rules which were enacted by that Committee and I am very glad that the Government intends to take this matter up at the earliest opportunity.

With these few words, I support the motion standing in the name of the hon. Member for Commerce and Industry.

MR. SALTER (Nairobi South): Mr. President, it was with relief that I heard the hon. Member for Commerce and Industry express his intention to introduce new legislation on this subject early in the coming year. It would in fact be only upon that assurance that I should feel able to support this motion. (Hear, hear.) The hon. Member has told us of the Committee which sat in May of 1948 and of the great talent which was comprised in that Committee. It is therefore, a pity—I should say perhaps all the more a pity—that, in fact, this Ordinance has not worked in practice. It may well be that the talent was of such a high order that those, who in their public-spirited manner have administered this Ordinance, found difficulty in comprehending how it should be applied. (Laughter.) It is, I think, Sir, undoubted that the Ordinance is often difficult of interpretation in its present form and certainly unsatisfactory in its administration. Anybody, Sir, who has read the memorandum to which the hon. Member has referred cannot fail to be impressed with the many legal and practical shortcomings of the Ordinance in its present form. It is, as he has said, a type of legislation which is complicated, indeed a very able and learned Lord Justice in England, who is now dead, always expressed his inability to understand this type of legislation and never concealed his dislike of it.

Sir, it is therefore with this reservation, namely that there should be an assurance of a Select Committee, if necessary, appointed and the introduction of fresh legislation at the earliest possible moment, that I would support.

MR. NATHOO: Mr. President, I would like to reiterate a few remarks I have made in the main budget debate, and that is that it is time that the Government make a specific statement as to the intentions regarding this Rent Control Bill. Sir, I mentioned before, Sir, and I mention it again, that the continuation of this measure from year to year is acting to the detriment of development inasmuch as people will not invest money in new buildings and things if they know that this Bill may be repealed during any one year. While, Sir, I appreciate that it is necessary that a measure of this sort be reviewed from year to year, a specific statement as to the intentions of the Government could be given at this stage to allay the fears some of these people have in their minds. At the same time, Sir, this year to year measure is acting to the detriment of the smaller tenants inasmuch as it acts as a lever in the hands of some of the unscrupulous landlords, who threaten the small tenants that in case the thing is removed—and they generally make quite a definite statement that it will be removed very soon—they will get their own back from these people.

Regarding the working of the Act, Sir, I have been on one of the Rent Control Boards, Sir, and it also surprised me that with the talent that was on the Committee which went into the question so many facts were left unattended to and so many definitions were very vague and I do hope, Sir, that when the new Bill is introduced that all these loose ends will be tied up and we will have before us some Act which will be easily understood by the layman.

Sir, I beg to support

THE SOLICITOR GENERAL: Mr. President, I should like to begin by refuting the allegation which my hon. friend the Member for Commerce and Industry made, that the part which he played in our Committee was a negligible one. That, Sir, was not the case, because my hon. friend had had a good deal of experience with regard to the working of the very complicated English legislation and that was of the very greatest value to the other Members of the Committee.

Now, Sir, I would like to deal at this stage with the point made by my hon.

friend Mr. Nathoo, that people are afraid to invest their money in building premises because of the fear that this Rent Control Law will continue. Well, Sir, so far as business premises are concerned, I would remind my hon. friend that the Ordinance does contain a provision that any business premises, the building of which commenced after the 1st January, 1949, are no longer subject to control and I suggest that that is the reason why one does see a good deal of building up of such premises all over Nairobi.

Now, Sir, to come to the question of whether any portion of this control should be relaxed. When we reported we made it very plain that until there were an adequate number of houses in those portions of the Colony which are subject to the control we did not think that the control should be relaxed. Well, Sir, I see not the slightest sign that there are an adequate number of premises in the Colony. From every side and from persons in every walk of life all I hear are complaints of the difficulty of obtaining accommodation and of the way in which landlords are squeezing people by demanding outrageous rents and by asking for the most crippling sums by way of "key money" and using every kind of device to try to prevent the law from working and to squeeze the tenant. It is said, I know, on some sides that the very fact that the control exists is what makes these abuses possible, and that if the control is raised a number of these abuses will disappear. Well, Sir, I am very sorry, but I do not believe it, quite frankly, I believe that if this control is removed that some landlords—I do not say all of them, but a great many of them—would seize upon the opportunity with the greatest delight to inflict even further tortures upon their tenants and to squeeze more out of them than they are already. In my view, a most terrible situation would arise in this Colony. As it is, Sir, a large number of people find great difficulty in living on what they do earn. Things are quite tight enough as it is, Sir, if I may use that expression, and to add to that situation in any way would in my submission be a very grave mistake. One may do without a number of small luxuries which make life more agreeable, and one may have to cut down upon one's food and other living expenses, but a man has to keep a

[The Solicitor General] roof over his head to accommodate his wife and his children.

Now, Sir, I am the first person to say that there is undoubted room for amendment of that Ordinance. I said so when I moved the second reading in this Council some time ago that it was more than likely that, as the Ordinance was administered, it would be very apparent that amendments would be necessary, and I think that the time has come to make those amendments. (Hear, hear.) I am the first person to agree with that. But I do say this, that, no matter how carefully you make a law, it is almost impossible to carry out the provisions of that law unless the general public are law-abiding and endeavour to assist the authorities to carry the law out and I would commend that course to the public. If this Law can be made to work, I am certain, Sir, it will benefit the large majority of the public of this country and I do appeal to those people to assist the Government in carrying the law out.

Sir, I beg to support. (Applause.)

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, I think most of the points raised have been very effectively dealt with by my hon. and learned friend. There were one or two, however, to which I should like to refer.

The hon. Member for Nairobi South, Sir, stated that the Ordinance did not work in practice. Now I am aware, Sir, that there are matters in the Ordinance which require amendment, and I said so when moving the motion. But I would refer, Sir, the hon. Member to a remark made by Sir Charles Belcher in the Report to which he refers. I speak from memory, Sir, but I believe that Sir Charles said: "The legislation can be made to work and has been made to work," and in fairness to the Members of the Rent Control Boards and the Chairmen who have operated the legislation, I should wish that view to be recorded. I would reassure the hon. Member that Government will introduce amending legislation at the earliest possible opportunity and that the Government certainly will not oppose any suggestion that that legislation should go to a Select Committee.

The hon. Mr. Nathoo, Member for Central Area, stated that, as he had mentioned in the debate on the motion to move into Committee of Supply, he felt that the Government should give some more definite undertaking with regard to its intention. Well, Sir, the hon. Member might, had he felt it desirable, have moved an amendment to increase the period for which the law should stay in operation, but he did not do so. As I stated also during that debate, it is my belief that this Council prefers to keep the laws of this type, which are retained in operation by resolution of the Council, under fairly frequent review. I would, however, repeat, Sir, that it is the Government's policy to retain this legislation in operation until it is definitely shown that the availability of residential and business premises exceeds the supply. It may be that we are moving in that direction in regard to certain types of premises, it may be that in the not too distant future we may have reached that stage in regard to business premises in some of the main centres, and it may also, perhaps, apply to the better type and more expensive residential property; but, Sir, I do not believe that that stage has yet been reached, and I do not believe it will be reached in regard to cheaper types of accommodation in the main centres for a considerable time to come. Beyond that I do not feel I can commit the Government, but I think that it is a fair statement of our view in this matter.

Sir, I think there is nothing further that remains for me to say.

I beg to move.

The question was put and carried.

THE PRESIDENT: A few minutes only remain until the normal hour for adjournment; I take it it will be the wish of the Council to adjourn now and not enter into Committee of Supply.

ADJOURNMENT

Council rose at 12.40 p.m. and adjourned until 9.30 a.m. on Wednesday, 22nd November, 1950

Wednesday 22nd November, 1950

Council assembled in the Memorial Hall, on Wednesday, 22nd November, 1950.

The President took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 21st November, 1950, were confirmed.

SESSIONAL COMMITTEE REPORT

THE CHIEF SECRETARY: Mr. President, before we proceed to the business on the Order Paper, I would like to take the opportunity of reporting that the Sessional Committee has appointed the following Select Committees:—

The Select Committee on the Cost of Living Allowance for Civil Servants

The hon. C. H. Hartwell (Chairman), the Acting Secretary to the Treasury, and the following hon. Members: Messrs. C. G. Usher, M.C., T. R. L. Preston, A. Pritam, S. M. Shatry and E. W. Mathu.

The Select Committee on the Wages and Conditions of Employment Bill

The Deputy Chief Secretary (Chairman), the Chief Native Commissioner, the Solicitor General, the Labour Commissioner, the Secretary for Commerce and Industry, and the following hon. Members: Messrs. M. Blundell, C. G. Usher, M.C., J. G. H. Hopkins, O.B.E., A. Pritam, S. M. Shatry, J. Jeremiah and J. J. Karap Chemallan.

COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951

Council went into Committee of Supply on the Draft Estimates of Expenditure for 1951.

Group 3—Head 3

THE CHAIRMAN: Council will now resolve itself into Committee of Supply. I would remind hon. Members of the time limitations imposed by the revised rules governing the debates in Council and in Committee of Supply.

The Mover of any motion will be allowed unlimited time both in moving

and in replying. Other hon. Members will be limited to speeches of ten minutes except that four Members on the Unofficial side and one hon. Member on the Official side may claim the right, if they do so on rising, to speak for thirty minutes.

In accordance with the expressed wishes of hon. Members the various expenditure Heads will be dealt with in the order indicated on the paper that has been circulated and the first item appearing on that list is Group No. 3, Head 4, dealing with the Police vote.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move: That Head 3, Sub-head 4, Police, which is at page 90 of the Estimates, be now considered.

That Head, Sir, shows a net recurrent expenditure of £816,425 and an apparent increase over last year of £91,460; of that £91,460 normal salary increments account for £15,495, the taking over by the Kenya Police of the policing of the Embu, Meru and Kitui districts accounts for £8,225 and setting up of a new division at Kapenguria will cost £4,055, a total of £27,775. Now these are all consequences of previously determined policy, and deducting those the significant new increase is of the order of £63,000.

Now, Sir, the debate on this Motion is a debate on principle, and with a Vote of so important an amount as £816,000 the Council may like to hear from me first of all something of the conditions and background which make the maintenance of a Police Force of this size necessary and something of the policy which has been and is being pursued to secure and maintain law and order, and something perhaps of our successes, and failures, during the last year, the year that has passed, and something of future policy with regard to the Police. In thinking of the Police and in saying that the Police cost over £800,000, people sometimes forget that the Police in Kenya have four roles. In the first place they have to guard the Northern Frontier, in fact they there somewhat resemble a Frontier Constabulary and those duties which, of course have to be paid for by this Vote—take up over 1,100 officers and men of the establishment—quite a high proportion of the total force. Then there are the

[The Attorney General]

Railway Police which cost over £771,000, reimbursable, I am happy to say, and there are the Port Police costing nearly £13,000. Then we come to what I might term, for want of a better expression, the Police proper, that is the Police who carry out normal Police duties. Now those are all included in this figure of £816,000, though people sometimes talk and write as if that was expendable on the Police proper only, forgetting the other roles which the Police carry out.

Sir, I made an error in the amount of the Railway Police which I will check and correct later if I may.

I will now attempt, Sir, to give the Council a brief review of the law and order position, and in approaching the subject of law and order, I should like to divide it into two categories. First of all Internal Security; secondly, Crime and Punishment, and to deal with those topics in that order. I would further like to subdivide the category, Internal Security into Subversive Movements in Industry and Subversive Movements outside Industry and to deal first with Subversive Movements in Industry.

At the beginning of this year it was, and for some time previously had been, obvious that a subversive movement in industry was in progress, which would have to be checked. That was unfolding itself in the now familiar pattern. An admitted Communist was the moving spirit, and the plan was to promote so-called Trade Unions, many of which would be under his influence or the influence of his henchmen and then to amalgamate them into a so-called Congress of Trade Unions which would also be under his domination. That plan had met with considerable success. Several of those Trade Unions were not spontaneous associations of workmen for their own economic and trade advantage: those so-called Trade Unions were not really genuine movements of the workers and the so-called Congress or federation of Trade Unions was not a spontaneous federation to promote trade and economic interests. That organization was imposed from the top and the real object was not the advantage of the workers but to secure control of organized labour, trade and commerce and industry, so as to be able to promote general strikes,

disorders and disturbances and to hold the community to ransom.

This was in no sense a democratic movement, nor was it a genuine trade union movement. The mover of it approached and subscribed to the aims of the Workers Federation of Trade Unions, a Communist-dominated Organization. He had in use at all for the British Trade Union Congress and spoke of it in most unflattering terms. He did not think anything of democracy as practised in England and he challenged this Government to take action and called upon his followers to come out on a general strike if he was arrested.

Now, hon. Members know the sequel. As soon as it was quite apparent that he had over-stepped our very liberal law on this subject, he was arrested. (Applause.) At the same time, this bogus organization called a Congress was prosecuted and certain other action was taken. A general strike followed as expected. Essential services had been protected at the time; the strike was firmly but sympathetically dealt with by the Police; the public gave good support and, as a result in a matter of days the strike collapsed without serious casualties or significant damage to property.

After a prolonged hearing in Court a Restriction Order was made by the Governor in Council and the leader of that movement is now exercising his undoubted talents in a restricted sphere.

The strike having collapsed, Sir, and the leader and some of his fellow-travellers having been removed, the genuine Trade Union movement was given a chance to develop along genuine Trade Union lines, free from Communist doctrine. It then became possible to improve the lot of the most poorly-paid workers otherwise than under the present Basic minimum wages were increased. Certain other classes of workers have since been able to achieve benefits unfortunately counterbalanced, to a greater or lesser extent, by a rise in the cost of living. This is a matter of economics and of labour policy and, as such, not for me, but personally, I should welcome an increase in the real wages of poorly-paid workers—(Hear, hear)—because I am convinced that the feeling of frustration and sometimes

of the Attorney General] despair which a bare subsistence wage engenders is a strong motive to commit crime, especially against property. It is a spur to men from the seeming superfluity of their means and a discouragement to honest men. I realize, Sir, the difficulties. I think that higher wages may merely increase higher costs and produce no real benefit. I also realize that the ability of an employer to pay higher wages depends upon the output of the enterprise and that is a very important factor but, nevertheless, I am convinced that if real wages are too low, that must have a profound effect upon the crime rate and in particular upon those crimes relating to property.

To return, Sir, to the subject of internal security, in my view the firm belief of that Communist-induced movement that last May produced a profound effect for the better in the internal security of industry. (Hear, hear.) The movement in industry during the latter part of the year, and think the hon. Labour Commissioner would agree with me, was incomparably better and I hope that the interests of workmen settling their disputes and their differences with their employers by negotiation and without violence will continue, helped no doubt by the Wages and Conditions of Labour Bill which is now before this hon. Council.

I do not wish to suggest, Sir, that there is any cause for complacency or for relaxed vigilance, but I do regard the law and order picture on the industrial side as very much improved and, at the present time, reasonably satisfactory.

I turn now, Sir, in my review of internal security to subversive movements outside industry and I should mention, in particular, the movements known, respectively as Dini Ya Mamba and Mau Mau. Each presents a serious problem, though not necessarily as alarming a problem. As to the case of Mamba, the affair at Kolloa is still under justice and I intend to say something about it except this, that the men whose death we so much deplore, did not die in vain. That action at Kolloa killed the leader, shattered his followers and at one blow scattered his ranks of that particular movement.

There are lessons to be learnt from that affair and I hope they have been learnt, they have certainly been very seriously studied, but the occurrence of those four casualties should not blind us to a very important aspect of the matter which is that the security machine did work. Force was called for and force arrived. Adequate force was available, in an area not ordinarily policed by Kenya Police, in a very short time and was deployed without hesitation or delay. An overwhelming force was on its way within three-quarters of an hour of its being summoned. Thereafter, Police and troops were poured into the area. I am not saying that communications could not be improved, that the types of vehicles could not be improved, that there could not be other improvements, but I do say that the machine worked, and that that is a good augury for the future need.

Now, as to Mau Mau. That, as I have said, is a serious problem. The spread of that movement must be checked and it must be stamped out. It has elements of danger, and elements of terror for the law-abiding African population of this Colony, which I am convinced is the vast majority of the African population of this Colony (Applause). I have some experience myself of secret societies and the damage which they can cause, and of the measures which should be taken to deal with them. I do not propose to bore the Council with personal reminiscences, but it is to be hoped—that when the ringleaders are exposed they will be very sternly dealt with. (Hear, hear.) This is a movement which must be eliminated. Legislation, which will shortly be introduced, has just been published to make it a felony punishable with seven years' imprisonment for anyone by force or threats to compel another person to take any kind of an oath, and steps will be taken to ask this Council to strengthen the law also in other respects to deal with this menace. Persons who remain in the background, but counsel or procure others to commit these offences, will also be liable to the same penalties: and I should like that fact noted. (Applause.) I know that I can rely entirely on the African Members of this Council to help in combating this movement.

Now, to conclude this part of my review, I would suggest that the Police

[The Attorney General]

have met, and have met well, the security calls made upon them during the year, and that the citizens of this country may be thankful for the Police and for the foresight of this Council which, by strengthening their forces and by enacting the necessary legislation in time, helped the Police so greatly to answer these calls.

But, Sir, this I suggest is certainly not the time—in these days of the deliberate fomenting of grievances, of the encouragement of anything which may lead to disorders, in these days of increasing lawlessness—this, Sir, is not the time to take our hand from the plough or to deny in any respect whatever the increasing support which this Council has lately given to the Police Force.

Now, Sir, I should like to turn to the second part of my subject—Crime and Punishment. As the hon. Members know, it is Government's policy that the Kenya Police should progressively take over policing of the African reserves. As they do so more crimes are reported to them, and come into the Kenya Police crime figures. I mention that because some of the apparent increase in crime figures does not denote a real increase in crime, but is due to the fact that, whereas previously crimes were committed and not reported, they now are reported and are included in the crime statistics. So, too, when a new Police Station is opened, it is a curious phenomenon that immediately the crime statistics for that area go up—not because there is more crime, but because more crime is reported. Now that is not a phenomenon peculiar to Kenya. It happens elsewhere in the world. If I may quote, Sir, from a very interesting book published in 1948 entitled "The Modern Approach to Criminal Law" by a variety of distinguished authorities on penal law and penal problems, at page 175:—

"The fact that a crime has been committed does not necessarily mean that this crime figures in the statistics. In order to do so it must be reported to the competent authorities. And here we touch on an important gap in criminal statistics, for it is a well-known fact that not all crimes come to the authorities. As a result, the available numerical data do not by any

means give a complete picture of actual criminality."

I mention that because crime statistics can be misleading, and increased crime statistics do not always denote less, but sometimes denote more, Police activity.

To comment on the crime figures for the first ten months of 1950, that is the end of October—we have not yet naturally—got the full figures for November. The first half of this year held several unusual events affecting Police work: the first place the Royal visit entailed concentrations of Police in certain parts and consequent reductions in other areas. But the most important factor affecting Police work, which was abnormal, was the general strike which immensely increased the crime figures in May. If hon. Members would care to see the graph I can show it to them. The peak for May is "way up." In the result, the first half of 1950 cannot be considered as wholly typical or representative. Generally speaking, the crime pattern for 1950 is a considerable increase in the first half of the year, and a considerable downward trend in the second half of the year—the end of October. The downward trend in the latter half of the year is encouraging but the figures are still too high. It is encouraging that the figure of too offences against property in the settler areas for September 1950, was the lowest since April 1949, and that that trend was maintained in October which was the lowest on record for 18 months. We have not, as I said, got the complete November figures, but I understand that the Nairobi figures for breakings are again high. But the overall total for the year exceeds that for 1949, and a proportion of this increase is due to the opening of a new division whose statistics were not included in the 1949 figure, and a further proportion is due to the May strike. Yet, as I have said, the figures are too high.

Once again it is Nairobi which is the main problem. To an astonishing degree the Colony graph follows the shape of the Nairobi graph, and it is largely the number of Nairobi burglaries and breakings which put up these figures.

Now, what is the cause of this? I suggest, Sir, that we have conditions in Nairobi which are peculiarly conducive to offences against property, such as burglary, house-breaking, robbery and theft. First of all we have a mass of

[The Attorney General]

dehabilitated Africans which has drifted to the towns. We have that crowd of people which has lost its tribal sanctions and, in the main, has acquired no other sanction, except fear of the physical consequences of detection: people who frequently have no employment or no other efficient means of subsistence; insufficient housing and at too high a rent; and people who are continually presented with a strong temptation to steal, and sometimes too easy opportunities of doing so.

Second, Sir, we have reserves which are so close to the town that people can get in, commit a crime in a night and get back again.

And, third, we have a system of comparatively short sentences, no sentences of corrective training, insufficient facilities for teaching convicts a trade so that they can become self-supporting and cease to prey on the community and insufficient after-care, so that, in many cases, there is nothing for the man released from gaol to do but to steal again. And the succession of sentences shows that that is exactly what they do. Experience also has shown, in so far as it goes, that when they are taught a trade they do not come back to jail.

Now, Sir, apart from the awful sum of preventable human misery which this means, it is not even an economically

sound proposition to have these people coming back again and again to our overcrowded prisons where they have to be supported. And it is, to my mind, quite plain that we shall not make any real impression on Nairobi crime figures until we get a corrective training centre where these people can be put for long periods, taught a trade and taught to be useful and self-supporting citizens when they come out. (Hear, hear.) I am thankful to say, Sir, that financial provision has now been sanctioned by the Planning Committee and the making of preliminary sketch plans of a building at Kamiti Downs has been authorized. To my mind that is of the greatest possible importance for the prevention of crime in Nairobi.

I will give hon. Members, Sir, with your permission, some figures which I think you will find impressive. Here are the figures of the recidivists, or if hon. Members do not like that term—some do not—shall I call them persistent offenders or, still more acceptable perhaps, "old lags", who were released in the Colony? These are supervisees only released during the first four months of 1950. That means criminals who have been sentenced to imprisonment on more than one occasion for serious crime; and all, I am informed, have been convicted at one time or another of offences against property.

Now, here are the figures:—

Month	No. of convicts released	Previous convictions	No. of convicts
January	44	1-5	20
		6-10	13
		11-15	6
		16-20	1
		21 (and over)	4
			44
February	42	1-5	17
		6-10	18
		11-15	4
		16-20	2
		21 (and over)	1
			42

[The Attorney General]

Month	No. of convicts released	Previous convictions	No. of convicts
March	42	1-5	27
		6-10	4
		11-15	6
		16-20	2
		21 (and over)	3
		(and that includes 2 with over 30 previous convictions)	4
April	50	1-5	31
		6-10	10
		11-15	4
		16-20	3
		21 (and over)	1
		(and one with over 30 previous convictions)	1

That includes a high proportion of burglars and thieves—in fact, I believe all of them have convictions for offences against property, and a number were released in Nairobi, or in areas which would affect Nairobi crime.

Now one gang of burglars can, of course, cause a great deal of loss, and put up the crime figures very considerably, until they are once again caught and put inside yet once more.

Now, it is quite impossible for the Development and Reconstruction Authority to provide these facilities if it has not got the money, and the Development and Reconstruction Authority can, of course, do no more than spend the money which is allotted to it by this Council. But as I have reported I am thankful to say that money for this scheme has now been sanctioned; money for the sketch plans has been sanctioned, and I understand that the scheme has been approved, although money is not available for it yet.

Now, with the conditions in Nairobi which I have outlined, I do not find it surprising that crime figures are high. I am convinced that one practical approach to the problem of crime in Nairobi is to deal with the "old lag" by long sentences of corrective training and more effective after-care and supervision. And that another practical approach to the problem is to try to organize more

continuity of service among the Nairobi Police, and more specialization in urban police methods, and that is now a question which is being actively explored. Also, we must strengthen the C.I.D. Those are three practical suggestions which at least give grounds for hope.

But the problem of progressive criminality is not peculiar to Kenya. We should not imagine that we are the only place in the world where crime figures have increased. According to figures supplied to me: in Kenya crime has increased since 1946 by about 33 per cent, which, when the policy of policing new areas is taken into consideration, reduces the figure to about 28 per cent. In another East African territory reported crime between 1946 and 1949 rose by 37 per cent. The figures for 1949 are not available, but it is understood that the upward trend continued. In one Central African territory between 1946 and 1949 crime rose by 74 per cent. In another between 1946 and 1948 crime rose by 55 per cent; in another by 37 per cent between 1946 and 1949. In England and Wales the number of persons tried at Assizes and Quarter Sessions for offences against property rose between 1946 and 1948 by 34 per cent. Moreover, Kenya shows a figure of 43 crimes per 100,000 of population, as against 70 and 34 respectively for two Central African territories, an average of 52 per cent. It

[The Attorney General] appears, therefore, a legitimate inference from these figures that the population of Kenya is not unduly criminally-minded, and that progressive criminality in Kenya has not increased more than it has in other comparable territories.

What I have said, Sir, I hope gives some review of the position and of the peculiar difficulties as regards Nairobi and I have ventured to indicate what I think are the practical approaches to the problem.

I come now, Sir, to the figures. The cost of the Police Vote as a whole, as I have said, is £816,425 net. Sir, I made a mistake, an obvious mistake, in the account which I attributed to the Railway Police, which should have been £77,445 and not (quite obviously) £71,000, and Port Police £13,310. There is also, of course, an item for Supplementary Police for the Northern Province, at page 165 of the Estimates.

If I may take the figures as they stand, the categories appear on page 90A of the Estimates and I would like to refer to them under those paragraphs. In the first place, paragraph (a)—a considerable expansion of the C.I.D. The Inspector General of Colonial Police and the Commissioner of Police regard this as of great importance, and I entirely agree. The Colony has outgrown its existing C.I.D. Hon. Members may remember that I said something about this in moving these Estimates last year. I said:

"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 interruption 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 might mention that we have had in this year other types of crime which throw a heavy strain on the C.I.D., such as currency frauds and some commercial fraud. The present establishment and facilities are not adequate to deal with that type of crime or even to deal with the day to day investigation which that Department has to carry out and there is needed an increased staff of investigators, proper training facilities for Central and Divisional investigators, more knowledge of scientific crime investigation and a reorganized crime records office. Details of the increases are indicated in the Estimates and I can give hon. Members further particulars. The extra recurrent cost is fairly heavy and I will indicate that when we come to the items, but if we had had that staff in this year, we could have recovered a fairly substantial sum in fines, particularly for currency offences and commercial frauds which we had to leave largely uninvestigated for the reason that we had not sufficient staff to investigate them. C.I.D. officers must be properly trained and a scheme is being arranged to send some to England for C.I.D. Courses, and gradually provincial C.I.D.'s must be built up. The Records Office is seriously understaffed. The number of finger-prints is now well over double that for ten years ago and only the ten digit system is now relied upon. The single digit system which is accurate, I am informed, in about 60 per cent of the cases, should also be available. Fifteen of the Asian clerks which are budgeted for will be accounted for by the Records Department of the C.I.D. and it is hoped to be able to employ some women in that capacity.

The second heading, Sir, is Provincial Police, and that reads—"An increase of ten Assistant Superintendents and 17 Asian Clerks in the Provincial Police.

[The Attorney General]

This increase is to some extent offset by a reduction of seven Assistant Inspectors. At present, scarcely any office assistance is provided at Provincial District and Divisional Headquarters. Accordingly Senior Superintendents and Superintendents of Police are much too tied to their desks. They have far too great a volume of paper work and cannot get out sufficiently to supervise their commands. The importance of their being able to do so can hardly be exaggerated and, accordingly, it is hoped to provide each officer in charge of a province or district or division with a deputy or staff officer or office assistant, as the case may be, in order to enable him to get about more and supervise his command.

Item 3, Sir, is "Boots"—that was recommended by the Law and Order Committee. It is an expensive item. It would cost for the whole force in the neighbourhood, I believe, of about £17,000 Extraordinary and £14,000 Recurrent, but a start is being made this year with much lesser sums for providing boots for the Mombasa and Nairobi police forces.

Then item (d)—paragraph (d)—"An increase in Asian Police of one Chief Inspector, four Assistant Inspectors, six Sergeants and three Constables". The force is, at present, unbalanced. There are insufficient Asians to deal with Asian crime and it is thought to have more Asians.

Paragraph (e)—"A re-arrangement of ranks in the African police to provide an adequate proportion of N.C.O.s. to Constables". That is a re-organization to relate rank to responsibility and improve the chain of command. I can give hon. Members figures of the existing proportions between the ranks if they wish to know them, but I will not take up time by giving them now.

Then paragraph (f) is "The appointment of two additional European officers at the Police Training School". The Police Training School is a most important part of the police organization. At first, as hon. Members know, we had, owing to the large increase in the police force, to concentrate upon recruit training, but latterly it has been possible to do more in the way of refresher courses. I was inspected that school recently and I was much struck by the amount which the

junior police officer has to know how hard he was kept at it at school.

Paragraph (g) is "The assumption of the Kenya Police of responsibility for the policing of Meru-Embu and Kitui". This is in accordance with pre-determined policy; and (h) is "The creation of a new Division at Kapenguria"—the policing of that area is necessary.

Hon. Members will have observed that there is a considerable increase in the number of Asian clerks and, as I have said, of those 34, 15 are required for the C.I.D., 17 are required in connexion with additional help for provinces, to try to allow executive officers to get about more and one is for Meru-Embu and another for Kapenguria.

As regards vehicles, the orders placed some years ago have now all been received. Provision of £26,000 for vehicles relates in the main to replacement of vehicles which are over five years old, but to some new vehicles for the C.I.D. hon. Members will have noticed an interesting provision in the Estimates of "Auto Motor Mechanics." The repair bill for police vehicles is very expensive and it is hoped to reduce it considerably by the employment of more Police Asian mechanics.

I turn now briefly to the Traffic Branch on page 92. The Traffic Branch, as hon. Members know, has been very active during the year, a great number of police service vehicles have been found to be not road-worthy and have been put off the roads and a very substantial sum has been collected in fines. I am informed that, during the first nine months of the year, 221 prosecutions have been instituted for speeding, and there is now a special court in Nairobi which deals largely with traffic offences.

The Kenya Police Reserve has continued, as heretofore, to give valuable help, co-operation and service, which is particularly valuable at the time of the May strike. We are a little under establishment and could, particularly, do with more Africans.

Sir, I suggest that during the year, the Police have some notable achievements in their credit in the realm of swift and successful detection of crime. (Hear, hear.) I do not wish to take up time, but might perhaps refer to the recent

[The Attorney General]
robbery case when £25,000 were recovered within a matter of hours, and pistols and watches were unearthed. The story of that case reveals a tale which might almost do for detective fiction.

I might add that the unremitting war against crime continues in Nairobi and the watch and ward is continually kept upon the frontier. I do not claim the Kenya Police are perfect. No Force is perfect. Police are perfect. No Force is perfect. Sixty-three per cent of the officers of the Kenya Police have under three years' service, 17 per cent of Police Stations are commanded by officers with under three years' service. No Force, as I have said, is perfect, but I do assure the Council that in the Kenya Police Force, they have a Force of which any Colony may well be proud—(applause)—and a Force with which I myself am very proud to be associated.

Sir, I have almost come to the end of what I have to say and I know that I have kept the Council a considerable time, but if the Council is to be asked for a vote of this magnitude, I think they are entitled to know something of what is being done with it and something of the policy for the future.

Sir, it is almost a trite saying that law and order are essential. They are indeed. For, if you once lose law and order, neither agriculture nor commerce nor industry can flourish, education cannot be properly imparted, nor medical nor veterinary services maintained, the freedom of safety of property and safety of person are lost, and the way is opened for the rule of terror and violence. Possibly, no one who has not experienced that can know what that may mean to the common man. Sir, in the prayer with which this Council daily opens its proceedings, we ask for guidance upon all of us in this Council assembled who are called to the performance of important trusts in this land. Sir, I can think of no more important trust than the maintenance of law and order and none to which may more properly be devoted our time, labour and every vestige of energy which we possess. This is a matter, Sir, in which we all in this Council are concerned, for it is a matter which most nearly affects every one of the inhabitants of this country. I, therefore, come

before hon. Members, on these Police Estimates, not as presenting something which concerns only the Police, not as presenting a concern only of Government, not as a Member of Government to the Opposition; but I approach hon. Members, as partners, entitled to have a balance sheet and a profit and loss account and to know what is being done. I approach hon. Members as co-workers in a vital and continuing undertaking, endeavouring, Sir, on my side to give full information and such guidance as I can, and confidently expecting from hon. Members that help and understanding and informed and constructive criticism which it has always been my good fortune to encounter from hon. Members on this Vote. I ask hon. Members again for co-operation and for any information which they can give. If I might quote the words of King Polixenes in "The Winter's Tale"—"I do beseech you, if you know aught, which doth behove my knowledge thereof to be informed, imprison not in ignorant concealment." Or, in the exquisite language which we use in this more modern world—"Give me the dope." (Laughter.)

Sir, we are indeed engaged in the performance of important trusts. We are making the laws and directing the finances of this adolescent Colony at a most important and formative time in its development. The patterns which we trace must be followed, to some extent at least, by those who come after us and it falls to us in no small degree to mould and form the shape of things to come. What we do now cannot but be of importance. I would humbly hope, Sir, that though our time in this Council may be short, it might be said of us—"Small time, but in that small, most greatly lived the star of Kenya."

Sir, I beg to move. (Applause.)

THE CHAIRMAN: Debating on this motion, matters of principle only with regard to the Vote or head under discussion may be brought forward, but no matters of detail in regard to particular items.

The red light on the Clerk's table will give one minute's warning of the termination of the time limit which is laid down in the Standing Rules and Orders.

The motion is now open for debate.

Mr. PRESTON: Mr. Chairman, as it is probable that I shall require more than ten minutes, I hope I have your permission to exercise my right of speaking up to half an hour.

THE CHAIRMAN: Yes.

Mr. PRESTON: Sir, before proceeding to what I hope will only be constructive suggestions or even criticism, I feel I would be voicing the feelings of hon. Members on this side of the Council if I expressed my appreciation of the review that has just been given to us by the hon. and learned Member. (Hear, hear.)

Now in the first place, Sir, I would like to pay a very sincere tribute to the Kenya Police who, in spite of being greatly handicapped during the last three years by the lack of trained officers, they have made very very considerable progress in better detection of crime during this last year. Their conduct and bearing during the Nairobi strike earlier this year was of the very highest order and the calmness and firmness with which all ranks handled a very difficult situation most, I think, give great satisfaction to all those who are responsible for the maintenance of law and order throughout this Colony. The officers controlling the operations during this strike are deserving of the very highest praise of all law-abiding citizens of this Colony. But, nevertheless, in spite of a very large increase in the Police vote last year and the steady improvement of training of our police officers, the prevention of crime has not yet reached that high level which we all so much desire. Crime does continue and presumably must still pay.

Now, I fully realize, Sir, we cannot expect a situation which has been, one might say, steadily worsening for some years until, I hope, the crime figures reached something approaching their climax last year, to be cleared up in a day, or even in a year. But I do think we must all realize again that law and order is not only entirely a police matter and that we are very often apt to be over-critical of the police and not to give due consideration to all the other factors which prevail. We must, I think Sir, have more regard as to what happens to a criminal after he has been apprehended. Therefore, it is necessary for us to examine our laws and see if it is neces-

sary to strengthen the hand of the law of law and order by increasing penalties or varying punishment or by additional legislation. We must also examine the present system and see whether the institution of His Majesty's judges in their punishment is being adequately carried out. It is in fact difficult to make a suggestion for assisting the police without touching upon some of these other factors affecting the issue. Therefore, I think that this Council will be indulgent inasmuch as it seems at times to go a little wide a little far. If I appear to be too harsh to the criminal classes, it will be because of my desire to see those happy days return when only criminals slept behind bars and John Citizen was free to go out and enjoy God's air unfiltered with iron bars. Nairobi might be described as a sort of inverted zoo where the law-abiding citizens are in cages while criminals roam free.

Now, if anyone questions the seriousness of crime in Nairobi to-day, I would recommend a tour around the city at night and count the number of women's fires outside most of the business houses in Nairobi, and it is not only business houses which resort to night watchmen, even Government departments have to employ large numbers of watchmen. I have been through the Estimates very carefully this year and as a diligent search, I have only been able to discover some £2,000 worth of night watchmen shown in the Estimates. My serious reference to African staff is not furiously to think. I cannot really believe that Jeanes School can have been quite so hard hearted as to have taken all those night watchmen who have been so nobly for so many years—I think there must be one or two left. Now, Sir, I must confess that I am very doubtful as to the fairness of asking the taxpayer to pay twice, because we are asking to pay a very large sum of money for the maintenance of law and order at the same time, we apparently expect to maintain what virtually amounts to a private police force to protect his property. This, Sir, does not only apply to our towns and cities but to a very big degree to the up-country districts where all over this Colony thousands of pounds are spent annually on night watchmen. Now, these thousands of pounds could, I submit, be better employed

(Mr. Preston) developing this Colony rather than being squandered on night watchmen who are performing what is really the true function of the forces of law and order. If Sir, I appear to be too harsh, it is because I have seen happier days in this Colony and I in common with other law-abiding citizens, wish once again to be able to trust my fellow men. Therefore, I venture to make some suggestions as to how matters might be improved and some of these suggestions, I know, will have the full support of all hon. Members on this side of Council.

I believe, Sir, that one of our first tasks is to eliminate that most despicable of criminals, the receiver—(Hear, hear)—the receiver—who is at his very best, a cowardly exploiter of other persons' risks, and at his worst, a creature who aids, abets and even encourages young people to their ultimate downfall. I consider the time has come when we have got to be utterly ruthless with this class of criminal. I will, therefore, ask Government to give consideration as to some method whereby a man receiving stolen property for personal gain or profit would be deported. I use the words "for gain or profit" advisedly, Sir, because it would not be my intention to penalize a man who bought an article, or garment for his own personal use. I believe if we can get rid of the receiver, we can get rid of the thief, and I do hope, Sir, that if Government is able to introduce any measures to this end, such measures will receive the full support of all hon. Members of this Council.

Another serious crime which has shown a very marked increase during the last few years is that of robbery with violence. I would, therefore, ask Government to see how the punishment of this particular crime could be made really deterrent or else to ensure that persons who indulge in this form of terrorism could be detained for life. We cannot, I think, any longer allow a few thugs to prevent the citizens of this Colony from going about their lawful occasions by day or night without fear of serious bodily injury.

Another class of crime which the hon. and learned Member has already referred to, that of illegal oaths and intimidation, a crime which is so appalling to my mind that I can only

say I hope the measures outlined will be introduced as quickly as possible. I am quite sure they will receive the full support of every decent citizen in this Colony.

I am not happy, Sir, about the old lag, or the hardened offender, and I do hope that these new prisons will be the answer. If it is not the answer, well then I think there is only one other answer and that is a life imprisonment. I cannot help feeling there are certain weaknesses in our present patrol system. If the number of burglaries in Nairobi to-day is any criterion, I wonder if it would be a good thing to send a senior police officer home to England to study the admirable beat system which has proved so successful in that country over a great number of years.

Another matter which is well worthy of overhaul is the system of propaganda employed for publicizing police "hue and cry notices"; and propaganda in general directed against crime. Could not consideration be given to the use of the good old fashioned method of the Town Crier? It was very successfully used in England at the time when public education had not got to the high standard that we enjoy in this country to-day and the use of a Town Crier in the locations and the bazaars might well assist the police.

Another factor which must obviously hamper the police and has already been referred to to-day is the amount of paper work and it is, for this reason, that I welcome the additional clerks. With regard to court work, Sir, I would suggest that a special branch to be known as the Prosecution Branch be formed, staffed by experienced officers. This would allow for promotion within the branch to those officers who are particularly suited to this kind of work, and, again, it might be a means of retaining the services of some of the older police officers, who would perhaps retire if they were going to be faced with the normal duties of a police officer which, at times, are rather arduous; were they taken into the Special Branch where life would be a little easier and more suited to an older man, it might induce some of them to remain longer.

Another small point, Sir, is the practice, which I am afraid is very prevalent

[Mr. Preston] to-day, of the continual transferring of police officers. Just as a man gets to know his district, then he is moved elsewhere and I do hope, Sir, every endeavour will be made to try and keep police officers in one district as long as possible.

It would be greatly appreciated if the hon. and learned Member, in his reply, would give a little more information on the following: firstly, the figures on crime as reported, and the number of arrests made as a result of these reports, and the number of successful prosecutions arising out of those arrests. I would like, Sir, more information about the ticket leave system as it is practised in this Colony. I would also like to know what educational facilities exist in up-country stations, because I do believe English has to become more, and more, the medium of our police force, but it would be no good having indifferent English. If English is to be used, it must be well spoken.

Whilst I commend the re-introduction of the rank of corporal, because I do believe more N.C.O.s and the breaking down of the chain of command will have a very marked effect on the discipline, department and bearing of the police, I do very much deplore the abolition of the rank of sergeant-major, because I do not know, Sir, whether Government has fully considered the position of some of the older sergeants, who may not in their youth have had the benefit of education and through lack of education might well now be debarred from promotion to the rank of sub-inspector.

Finally, Sir, I would like to stress the fact that you can double, you can even treble, the police force but you are not going to get law and order properly maintained unless you have, in addition, three other things: firstly, sentences which will deter the criminal; secondly, a very strong public opinion against crime; and thirdly, a public which does not hamper the police in the execution of their duty by harbouring criminals, rogues or vagabonds. Given these three things, plus an adequate police force, I feel quite certain, Sir, we shall see a very great improvement in the coming year.

I beg to support.

THE CHAIRMAN: We have time, before the customary break, for one more contribution to the debate of the ten minutes length.

MR. HAVELOCK (Kiambu): Mr. Chairman, I do not think I will take more than three minutes, Sir.

There are one or two questions I would like to make, if I may, arising out of the hon. Member's speech. He did mention the matter of the police on the Northern Frontier and gave their establishment. I think I am right in saying, as one reason for the increase in the Police vote. I do not quite clear on that because I do not understand the Military Defence Head—the Military Head—that there is another £128,000 for the Police—under the Military Head. I am repeating myself because I do not think hon. Members on the other side heard what I said—Head 65, and I would like to know if there is an increase for police in the Northern Frontier over and above this particular vote under Head 65.

One slight criticism, Sir, on the crime figures. They were very interesting to hear, comparing the different crime figures in the different territories, but I do hope, Sir, that the hon. Member will not be complacent just because our crime figures are less, to some extent, than other territories. We must still go ahead with efficiency and drive to reduce the crime figures in this country, no matter what straits some other territories may be in. (THE CHIEF SECRETARY: He said so.) Thank you, I am told he said so.

Another thing—is there anything wrong in the police force, in that so many, or it seems to me, that a number of our officers are seeking transfers elsewhere. Is it the terms of service or is it not? The terms of service as I see it as I have spoken to the older and more senior officers in the force, terms of service seem to be comparatively satisfactory, but the junior people do not seem to be satisfied and is it the terms of service or is it something else? I understand quite a number of younger police officers were transferred to Malaya recently. I am told that in my constituency that at least two police stations that were staffed with European police officers, are now without European police officers, the reason being there is a shortage of staff. There again, Sir, is it

[Mr. Havelock] shortage of establishment or is it a shortage of bodies and whatever it is, could we have an explanation for it?

The hon. Member mentioned that there had been 221 prosecutions, Sir, for speeding. I would like a little more information on that. Hon. Members will remember that last year in the budget debate, we emphasized on this side of the Council the necessity for preventing heavy lorries speeding on our roads, that they were causing damage and more expense to the country in that direction so far as preparing and maintaining of our roads are concerned than anything else, and I would like to know how many out of those 221 prosecutions were for that type of speeding on the open road—not speeding in townships and suburbs but on the open roads—with heavy lorries, both smashing the road up and being a danger to the public. Those are the people we want to get at, Sir, and I suggest again as we did last year, that we have controls and traps on these roads to catch these people, punish them severely and then I think, we would not have so much trouble with them.

The matter of staff assistants that the hon. Member touched upon, that each Superintendent is now going to be given an aid for his office work because there is such a lot of paper work—is that the right way of tackling the problem Sir? Is it not better to reduce the paper work rather than to increase the staff and increase the paper work—it goes in a spiral. Surely we can reduce the paper work. (THE CHIEF SECRETARY: How do we get the answers to all these questions? I only made an interruption, Sir, I said, in that case, how do we get the answers to all these questions?)—(MAJOR KEYSER: Verbally.)

MR. HAVELOCK: I doubt if the paper required to answer the question we asked to-day would really need one extra man in each Superintendent's office.

There is one point that has not been raised, Sir, and that is of the opportunities of African policemen for promotion. I would like to ask the hon. Member when he replies—are there suitable African available yet, with suitable education, with suitable experience and integrity, who are capable of occupying the more senior posts in the police force?

I do hope they will be given that opportunity.

Sir, I beg to support.

Committee adjourned at 11 a.m. and resumed at 11.23 a.m.

THE CHIEF SECRETARY: Mr. President, my hon. friend, the Member for Law and Order is not able to be present at the moment and therefore, Sir, with your permission, and with that of the Council, I would like to adjourn the debate on the Police and take the next in the order which is the Prisons.

MAJOR KEYSER: I support that.

THE CHAIRMAN: I am sure hon. Members will have no hesitation in agreeing to this suggestion and expressing our sympathy with the hon. Member for Law and Order who was obviously not in his usual health and spirits during the moving of his motion. (Hear, hear.)

We will now proceed with the consideration of the Prisons Vote, Group 3, Head 5.

Group 3—Head 5

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move that the Prisons Vote, Head 3, sub-head 5 be now considered.

Hon. Members will, I am sure, have noticed that there is a considerable increase in the Other Charges Vote. Well, Sir, food and clothing, as most of us know to our cost, have risen in price lately and, unfortunately, there is another factor to be considered and that is that there are now more prisoners to feed and to transport. I am sorry to say that the total daily average in prisons and in Detention Camps up to the end of September 1950 shows an increase of 1,270 on the same figure for 1949. In 1948, Sir, the cost of keeping one prisoner was 98 cents a day or £16 6s. a year. In 1949 the cost had risen to Sh. 1/14 a day or £20 16s. a year.

Now, Sir, there has also been an increase in staff. If hon. Members will look at page 98, sub-head 1, Prison Detention Camps, they will see that there is an increase of two under the Head, Superintendent of Prisons and Assistant Superintendent, Chief Warders, two Sergeant Warders, two Corporal Warders (African), four Lance Corporal Warders (African) and 60 Warders (African). Item

[The Solicitor General]

23 shows an increase of seven Warder Artisans (African).

The position, Sir, about that is that these have always existed but they were used as lorry drivers. No separate provision was made for them in the Estimates. They were merely paid from the Warder Artisans Vote, which meant that the number of Warder Artisans was automatically reduced by that number. By this addition, there will be seven more Warder Artisans available to instruct in the workshops. The additional staff otherwise will be absorbed in certain camps of which I will speak at a later stage.

It will be remembered that last year when I presented these Estimates, I spoke of the object which the Prisons Department has of providing Warder staff of the ratio of one Warder to ten prisoners. Well, Sir, I am sorry to say that has not yet been achieved. As I said last year, the training of Warders does take time but we also have to remember this increase of over 1,000 prisoners on the daily average. Besides this, all main Detention Camps are now staffed by regular Prison Warders, which I am sure hon. Members will agree is a very desirable change. The smaller Detention Camps are still staffed with overseers, but they are serving on Tribal Police terms of service which makes it very much more easy to procure discipline among them.

The overcrowding at Nairobi Prison has been very greatly reduced because a new Camp has been started at Langata Quarry. That Camp is not yet complete. It is occupied, however, by 50 long-term prisoners who are engaged in building it.

There will also be a Camp at Kajjido Road at which will be segregated a number of prisoners whose political views make it perfectly clear that they should not have an opportunity of consorting with the other prisoners. (applause) so that they may impart their teachings to them. A start will be made in building that Camp early in the new year, provided that the staff which we have asked for in the Estimates is approved. Funds have already been provided by special warrant and the preliminary plans have been drawn up. That project was not in time to be included in these Estimates. It is also intended to have a similar Camp at

Kapenguria and in which will be incarcerated members of another sect whom it is thought had better be among themselves and not be associated with other prisoners. There, again, inmates are being prepared and plans are being drawn up.

The population of Nairobi Prison has been further reduced to reasonable proportions by the fact that there is a temporary camp at the new Showers and also a temporary prison has been built outside of Nairobi Prison.

Now, Sir, with regard to Approved Schools, certain increases will be necessary for instance there is an increase of 40 for water. That is accounted for by the charges made by the Public Works Department for supplying water to Dagoretti and Kabele. In the past two years charges have had to be met by special warrant. There is an increase of 100 for uniforms. That is accounted for, Sir, by the rise in the cost of materials—boots, belts, hats, badges and puttees—buckles, all of which are obtained from the Crown Agents and which have risen in price.

MAJOR KEYSER: For convicts or for warders?

THE SOLICITOR GENERAL: For convicts—for warders, I beg your pardon. (Laughter.) An additional £50 for Tools and Plant has also been provided for training and instructing the inmates of both these schools.

Now, Sir, the Council may be interested to know what percentage of persons from Approved Schools are re-convicted. The Commissioner has endeavoured for some time to keep an accurate record of those persons and has been compiling tables with great care of figures supplied not only by the schools themselves, but by the Criminal Record Office, and so far as we can judge, about 30 per cent of the inmates of Approved Schools are later re-convicted. At least those were the figures in 1948 and 1949. They cannot be regarded as strictly correct. I am afraid, because it was not until early this year that we could obtain a really accurate record.

With regard to the Probation Services on page 101, item 3, you will notice an increase of 10 Assistant Probation Officers. That is accounted for, Sir, by the

[The Solicitor General]

fact that the salaries of these officers were previously shown as Learners and that is why their salaries did not appear in the Assistant Probation Officers.

There is a £400 increase in Local Transport and Travelling. That is necessary so that an increased number of Probationers may be efficiently serviced.

Up to the end of 1949, there were 47 439 Probationers. Now there are 650.

With regard to the building programme it will be remembered that last year I made mention of a prison farm at Kakamega. That camp has not yet been constructed but the £150 provided last year was used in buying materials for the £150 in next year's Estimates is for the completion of the temporary camp and it is hoped to begin work on it early in the New Year. The only difficulty is that it has not been found possible to post Warders there because of the additional prisoner population in other places.

There is an item under Head 50, item 1, of £300 for the completion of Warders' Quarters and the erection of Additional Staff Quarters. Those again have been found necessary because of the increased prisoner population.

My hon. friend the Member for Law and Order, early this morning dealt with the question of the new prison at Kamiti District and the Council will have heard that the preliminary plans have been drawn up.

The building of the new Mombasa prison will begin early in the New Year (applause)—and the question of the water supply, which was at one time a matter for very great thought, has now been solved successfully. That prison will be built mostly, or nearly entirely, by convict labour.

Building is also going on in the following places: At Kisii; at Kisumu, where the new prison is still in the course of being built; at Lodwar; at Kitui; at Kericho; at Narok; Thika and Kiambu, and the temporary camp system has been further extended.

Now, Sir, if I may venture a word with regard to Corrective Training, because that has been mentioned earlier

this morning during the debate on the Police Vote, my own opinion is that that is the answer to the crime problem in this country, and I was very interested to see a few days ago in the *Times*, a leading article which referred to a conference of magistrates which was held in England. It was there said that the crime situation was showing signs of improvement and those who knew about these matters and who know about them and have made a study of them were satisfied that that was a result of corrective training, so I do think that that is the answer.

Now, Sir, last year, there was comment by my hon. friend the Member for Kiambu with regard to the Raw Materials Vote and, as a result of this comment, the Government went into the matter and the Stores Verifier, a person who has great experience in these matters, was asked to go and report. I have a copy of the Report here and I shall be very pleased indeed to let any hon. Member see it who desires to see it, but I will just quote the concluding paragraph which reads as follows:—

"I am of the opinion that no useful purpose would be served by opening an unallocated store in this instance. The present system is working quite well and showing a profit. The accounting work is evenly distributed between the two sections and presents no real difficulties. Minor variations could be introduced which would not involve much extra work and would increase control over stocks. The extra staff which I recommend would involve extra expenditure without any apparent compensations or increased efficiency. It must be borne in mind that the engagement of new staff usually involves expenditure on office furniture, stationery, etc. As the present instructing staff could not be expected to do the extra work as well as their normal duties, the engaging of extra staff would necessarily mean that they would have to relinquish their present personal responsibility for stores stocks. This situation is to be deprecated and would destroy the present keen interest they take in the stores. The only result which I can see arising out of a change over would be that the Prison Industries Materials Vote would appear in a different manner in the Estimates and I

[The Solicitor General]

do not consider the extra expenditure necessary would be justified for such a result."

And there is a covering letter, Sir, from the Acting Accountant General, which again, I will be very pleased to show to any Member, who would like to see it. Paragraph 2 of that letter reads:—

"The first point to bear in mind is that the primary object of the Prison Industries is to keep the prisoners usefully occupied and in so doing, to teach them useful trades, and this, of course, must continue. Secondly, the present method of accounting for the expenditure and revenue is in accordance with Colonial Regulation No. 232."

Then the last paragraph but one of that letter:—

"The creation of an unallocated store for the Prison Industries will merely cause additional expenditure on staff, store accommodation, etc., without any corresponding benefit. I, therefore, recommend that an unallocated store should not be created. I understand that the Director of Audit agrees with this view."

Under sub-head 50, item 3, hon. Members will notice that there is an item of £60 for a Library. That is a new item and it is proposed by the use of that money to provide a library for the Probation Staff. Something like 45 books are being acquired on the subject of probation generally, Welfare, the Care of Young Persons, and other matters of that sort. I suggest that that will be a very useful adjunct to the work of the Probation Service and I hope that hon. Members will approve that item.

I think, Sir, that is all I want to say, but, of course, if I can assist hon. Members further by answering any questions, I shall be only happy to try to do so.

MAJOR KLYSER: Mr. Chairman, Members will recollect that in debates on this Head during the past three or four years, and possibly more, hon. Members on this side of Council did stress the importance of reducing the net cost of the Prisons Department by charging for labour and making the Prisons Department, as far as possible, self supporting.

These Estimates, this year, now disclose a net expense of £25,000 and they do not, in my opinion, disclose any extension of the policy which we have just enunciated.

Now, Sir, I may, of course, have missed some of the items because the revenue side of the Prisons is shown in such a way in these Estimates that it is essential to hunt right through the whole of the revenue to pick the items out, and I would like to suggest that, in future, all the revenue items in Prisons be shown together so that we can, with ease, see exactly how much revenue is derived from Prisons; but, going through all the items of revenue, all I have been able to extract is the fact that although last year the Prisons sold £500 of bricks, they are selling none in 1951, that the Prison Industries are estimated to produce a revenue of £60,000 and that the Railway payment for convict labour will be £14,000. I can find nothing, no payment estimated from the Public Works Department for 1951, and I understood that there were a certain number of convict camps working on roads.

Now, Sir, if I have not missed a vast amount of revenue figures that does not disclose a very great increase in the revenue side of the Prisons. In fact, to my mind it is most depressing. Sir, the hon. Member in moving the consideration of this Head read out a report of the Chief Storeman, I think it was—(THE SOLICITOR GENERAL: Stores Verifier)—which I am afraid has confounded me worse than ever, because, Sir, although he states he is making a profit, there is on the expenditure side of Prisons £67,000 for raw materials and on the revenue side, again £60,000 as revenue from Prison industries, which appears to be a loss of £7,000. Now this, again, is about the fourth or fifth year in which attention has been drawn to the fact that the cost of raw materials is far greater than the manufactured article. We have in the past been told that that is due to the fact that there is a surplus of raw materials and that is how the difference is accounted for. After three or four years that surplus should be very considerable. It should be around £30,000 or £40,000 and I think it is time there was no expenditure for one year and the surplus was used up. But that does come up every year and we are still told the Prison Industries show a profit. I may be entirely

Major Klyser] wrong, but I feel that other Members probably are suffering from the same difficulty as I am and some explanation should be made, more than that from the gentleman who the hon. Member mentioned.

Referring to the question of bricks, hon. Members will remember that in the consideration of the Estimates for, I think it was 1949, this matter of brick manufacture in Kitale—I think it was—figured very largely because we were asked to vote for an increase in the establishment of one Corporal and 12 Warders who were going to be put on to brick making and we were told that the Development and Reconstruction Authority, who at that time were getting their bricks free, would in future be made to purchase them. Well, Sir, for 1951 there is no revenue shown for bricks and I would like an explanation as to what has happened to that Corporal and 12 Warders, and I sincerely hope they were not incorporated with the last batch of bricks that were burnt in Kitale, but they seem to have disappeared from these Estimates.

I do think, Sir, that a little more thought should be put into this question of decreasing the net cost of Prisons. There we have a large amount of potential labour under discipline, I hope, who should be able to produce an enormous amount of materials required in this Colony. I believe, Sir, that the net cost to the Prisons could be reduced by 30 to 40 per cent at the very least and I believe that it is worth while making a thorough investigation of that side of these Estimates, Sir.

DR. RANA: Mr. Chairman, before I say anything, with your permission I would like to clear up one misunderstanding, Sir. When the hon. Member had announced that the Government had decided to put up a new Mombasa Prison and I, as in joy, expressed my happiness, the hon. Mr. Mathu thought I was doing it with a view that I had an intention to become an inmate of the new prison! Well, I want to make it clear that it was not on my account—I have no desire—but on the account of those poor unfortunate people who have been overcrowded for years and years in that Fort Jesus which actually was never meant as a prison and has

been a big eyecore to the people of Mombasa, Sir, and I hope that that impression will be removed.

Coming to the question of the point mentioned by the hon. Mover, Sir, I have had experience, and here again I say experience of not being an inmate, but as the official visitor to the Mombasa Prison, where I noticed that the time has come that the Asian and the European prisoners are not allowed to go and do some hard work which the Africans are doing. In my opinion this is the last thing that the Government, in the present stage, should allow that privilege to the European or to the Asian, or as a matter of fact, to any race. After all is said and done, these crimes are bad, and the magistrates, or the judges, give the punishment with a view to stopping them in future, so that they should learn a lesson. I am afraid that some of these people, I have noticed, think it is a very good holiday to come and sit down in Fort Jesus and have a sea breeze, and I may suggest, Sir, that it is through the kindness of the Superintendent of the Mombasa Prison that all of them have improved very much physically. I have seen some of the Asians who were anemic and pale; by remaining two or three months they looked very fat and nice and some of them complained to me that they were not getting good food. I said, "You do not expect to get it here and I would be the last person to suggest it to the Authority". That is one point and I would request the Government that the time has come that this distinction should be completely removed. If the judges have ordered imprisonment with hard labour, I think they should go out and work and show to the people that they are not one of those types who should be sheltered under cover of prison and when they go into prison they should not be kept within the four walls with a view that when they go out into the streets as respectable citizens they rob some other people.

The second point is, Sir, that I wholeheartedly agree, the other day my hon. friend the Member for the Coast mentioned, regarding Mackinnon Road, that the time has come that either people in the Detention Camps or in prison, or wherever there are too many prisoners or extra people, they should be made to

[Dr. Rana]

work on the national works of the types which are good for the development of the country. In other parts of the world, after all, forced labour or detention camps or whatever you call them are prevalent, and in this country we do want labour and labour which should be usefully employed and I would submit, Sir, that the people should not take it as an insult if they are made to work. I think this is one of the best ways in this short world for every human being to be fully employed and the work should be of a national character and whether from the point of view of clearing lands or making roads, or whatever it is, I think they should make full use of it.

With these one or two points, Sir, I support the motion moved by the hon. Solicitor General. (Applause.)

MR. MADAN: Mr. Chairman, Sir, I rise to support the motion and I am compelled to speak because of certain remarks which have been made by the hon. Member sitting in front of me. I want to make it clear, Sir, that as far as I am concerned we are definitely against introducing forced labour in this Colony. I think it was the hon. Attorney General who, himself said the same thing the other day.

DR. RANA: On a point of explanation, if I used the expression "forced labour" I did not mean to catch people, including myself, on the streets and make them work. What I meant was the people who have gone into prison or detention camps—due to certain crimes. I think if I used the word, I meant it in this sense, and I hope my hon. friend will take it in that way, Sir.

MR. MADAN: Sir, I am glad the hon. Member has made his point of view clear but I am afraid I still do not agree with him and I repeat, Sir, I should like it to be noted that we Indian Members are clearly and definitely against the introduction of forced labour.

MR. COOKE: As a point of personal explanation the gentleman is probably getting at my speech yesterday as well. The question of forced labour never arose at all. It is punishment for crime.

MR. MADAN: What I am thinking of, Sir, is that the law provides for the administration of justice and punishment in

a certain manner. The learned magistrates and judges who pass sentences also direct how that punishment is to be carried out and from my meagre knowledge of the law, that does include forced labour.

MAJOR KEYSER: On a point of order, is that correct? Do the judges lay down how the sentences should be carried out?

MR. MADAN: Sir, perhaps the hon. Mover will enlighten the Council on that matter.

THE CHAIRMAN: The hon. Mover will have an opportunity of replying to the debate when all the hon. Members have finished.

MR. MADAN: That is all I wanted to say in so far as the question of forced labour is concerned—(Laughter)—and perhaps I may be given an opportunity to speak again after the Solicitor General has given us an indication of the law as it exists.

THE CHAIRMAN: Not on this motion.

MR. MADAN: Well Sir, I do not think he will allow me to consult him otherwise.

MR. BLUNDELL: The hon. Member would be in order, Sir, in raising it under the item "Warders".

MR. HAVELOCK: As we are in Committee of Supply are we not allowed to speak twice according to the Rules?

THE CHAIRMAN: Under the Rules and Orders dealing with the first motion on each Head of the Estimates, that is, dealing with matters of principle, there is no indication that the intention is that hon. Members shall be allowed to speak twice. I am open to correction.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Surely, Mr. Chairman, the idea behind the report of the Committee which considered this matter was that, in Committee of Supply, hon. Members could speak as often as they liked, that in the Committee of Ways and Means we were restricted to two speeches only; but I think I am correct in saying that it was the intention of the Committee, which dealt with Standing Rules and Orders and made an Interim Report, that in Committee of Supply, a Member was entitled to speak as often as he liked as long as it was relevant.

THE CHAIRMAN: Does that mean any Member can speak half a dozen times at nine minutes each time?

23 Supply

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: That was the intention. There would be no attempt to restrict debate in the Committee of Supply under any particular Head other than a voluntary restriction.

MR. HAVELOCK: I support the hon. Member. Hon. Members have agreed to restrict themselves as much as possible and I hope no Member will take advantage of that Rule.

THE CHAIRMAN: I am in the hands of Council, if that is the general understanding.

MR. BLUNDELL: It certainly was not my understanding. I thought that during the debate on Policy Heads, Members could only speak once on the policy, and the question of numerous small speeches would arise during the debate on the item. I may be quite wrong, but certainly that was clearly my impression. (Hear, hear.)

THE CHAIRMAN: That was certainly my interpretation of the Standing Rules and Orders as adopted. However, if hon. Members raise no objection, I would raise none to the hon. Solicitor General concerning the inquiry made by the hon. Mr. Madan and allowing him later to resume his speech.

MR. MADAN: On a point of order Sir, before the hon. Member speaks, I know this will go against myself, but I ask for your ruling—I wonder if I can speak again under sub-head F because the Head is E and F, and I am now looking at the paper headed Budget Procedure. I think, Sir, the hon. Member for Rift Valley in my submission is right, it is only once that you can speak on the policy debate, but you may speak more than once when you come to discuss the various items. That is my submission, Sir.

THE CHAIRMAN: That is certainly as I interpreted the Standing Rules and Orders.

THE CHIEF SECRETARY: That was certainly my belief, that Members on the policy speeches would confine themselves if possible to one speech. If we are going to have repeated speeches it seems to me to destroy the whole spirit of the arrangement and we will never get any further. (Hear, hear.)

THE CHAIRMAN: Well, as I have said, I have no objection to hon. Mover—

THE CHIEF SECRETARY: Not only that, Sir, it was suggested that if hon. Members did wish for information an opportunity should be taken before the debate in discussions with the Members concerned to obtain information as far as possible. I am not suggesting that that should be a hard and fast rule, but that was the idea behind the rules.

MR. HAVELOCK: The hon. Member is perfectly correct, but I submit, according to the Standing Rule and Order, the Rule itself, there is no provision that a Member may not speak twice in Committee of Supply, but it is understood by Members on this side of Council—and will be carried out—that we will confine ourselves to as few speeches as possible and as short speeches as possible, but as far as the Standing Rule itself is concerned, I suggest there is no provision to prevent an hon. Member speaking twice.

THE CHAIRMAN: Well, I am in the hands of hon. Members in this matter. I have stated my interpretation of the rules and their intention.

MR. BLUNDELL: Mr. Chairman, may I suggest that the hon. Mr. Madan would find a way out of the difficulty if we did confine ourselves to one speech, if necessary, by mutual agreement on the policy head. If he is then dissatisfied with the answer of the Solicitor General, I have no doubt that under the Item, Warders, he would be able to bring in the points he had in mind on the difference between forced and hard labour for instance. I think that would cover it, Sir.

MR. MADAN: May we have a ruling from you on the point, Sir, because I think it would make a lot of difference to some hon. Members.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: May I respectfully submit, Sir, I think as a matter of convention, we should certainly arrive at some procedure such as that suggested by the Member for Development. With all due respect, IV(4) does say that on the main debate, there will be a limit in time and as to the number and length of speeches, but when you deal with Committee, Sir, it says they will be limited in time, it does not mention number, Sir.

[Member for Education, Health and Local Government] I thought we had agreed by convention only about speeches, but not in the standing Rules and Orders.

THE CHIEF SECRETARY: Mr. Chairman, may I suggest, if there is any doubt on this point, hon. Members should adopt a self-denying policy and confine themselves to one speech on policy because there is an overall time limit on the debate and the more that hon. Members speak, the less time there is for anybody else. (Hear, hear.)

THE CHAIRMAN: I think that is clearly the intention lying behind Standing Rules and Orders, whether they precisely convey that in the wording or not and that is my ruling. The hon. Member may resume his speech and he is no doubt aware what the hon. Mover's answer to his inquiry will be and if he proceeds on the assumption that this interpretation of the law is correct, he probably will not be far wrong! (Laughter.)

MR. MADAN: Thank you, Sir. In that case, I have spoken already.

MR. SALTER: Mr. Chairman, the hon. Mover has drawn our attention to the substantial increase in the items for prisoners' food, clothing and so on, and has given reasons for that increase, but I hope that he will tell us in his reply whether steps have been taken to ensure that the prisoners themselves have grown, or are growing, more food in order to offset this increase as far as it is possible to do so.

Sir, whilst discussing this particular item I would also ask the hon. Mover if he would enlighten me in his reply as to whether it is correct that a wife who has obtained an order of maintenance from a neglectful husband and he has failed to carry out that order and therefore is sent to prison, or detained at any rate—whether it is correct that she has to contribute, as I am told she has, to the cost of his detention. (Laughter.) I believe, Sir, that she is called upon to pay not less than Sh. 5 a day for the privilege of her husband remaining in detention. Perhaps the hon. Mover could deal with that point.

Sir, I am sure that I would be voicing the satisfaction of all Members on this side of the Council when we say we welcome

the information that the new Correctional Training Centre plans are in train. So again I hope that we shall be told that such an institution, when it is working will itself be self supporting.

Now Sir, the hon. Member for Law and Order, in his recent speech took another heading of the Estimates, drew attention to the almost negligible amount of care of convicts and juveniles and perhaps, Sir, again we could be told under the item of Other Charges—After-care of Convicts, I see there is a provision of only £200, and in respect of Juveniles a provision of only £50, for these two items. One wonders, Sir, whether, if those are the only amounts to be allotted to this particular subject whether really it is worth while providing anything at all.

Sir, the hon. Mover has also told us that some 30 per cent of persons who have gone through approved schools have been reconvicted. In other words, I presume Sir, that there is a 70 per cent success rate. Perhaps he would tell us, Sir, how that compares, if he is able to give us that information, with figures of approved schools in England, or with Borstal.

Sir, finally I have only to say that mention has been made of hard work in prisons. Now Sir, there are a good many people who think that, to some, prisons are so comfortable that they are almost attractive, and that is the reason why there is a return to them so frequently by some sections of the criminal community. Sir, perhaps the hon. Mover could tell us whether there is going to be any extension in the quarry work and other, what one might call rather heavy work, outside the prisons themselves.

Sir, I beg to support.

MR. MATHU: In rising to support the motion, Mr. Chairman, I would like to know from the hon. Mover how far the policy of appointing, I think they are called, African Prison Visitors or Office Visitors, has gone. Last year I think two or three prisons had appointed their African Visitors and there has been representation made to me that the policy should be extended throughout the Colony. Further, representation has been made, and I mentioned this to the hon. Mover before he moved this motion, that women African Visitors should be appointed, particularly in main prisons

(Mr. Mathu) at Nairobi, so that they can go inside to look at the women prisoners.

The other point, Sir, I want to make is the policy of prison welfare in the way of the wearing of shoes and boots. I raised this point before, Sir, and further representations have been made to me that prisoners who have been used to wearing shoes for many years find it very hard when they are not allowed to use them in prisons. I know that on special grounds prisoners can be given shoes but I understand this is not a generally done affair. I would like to hear what the hon. Mover has to say on that point.

I should like to support the hon. Member for Eastern Area, Dr. Rana, in his suggestion that non-Africans who are in prisons serving a sentence for hard labour should go out for hard labour, because they are there and I think they should be allowed to have the privileges they are having now, being under the shade at the time.

Sir, I beg to support.

THE ACTING SECRETARY TO THE TREASURY: Sir, the hon. Member for East Nzoia raised the question of reducing, as he put it, the net cost of the Prisons Department by charging for labour in order to make prisons self-supporting. I think, Sir, that some little difficulty is arising owing to a misunderstanding of, and some confusion between, two items of accounting. As far as the Government accounting system is concerned its merit is, of course, its beautiful simplicity. (Laughter.) All the revenue comes in on one side and all the expenditure goes out on the other side. What could possibly be more simple Sir?

THE CHIEF SECRETARY: No paper work!

THE ACTING SECRETARY TO THE TREASURY: No paper work. I see no fault at all, Sir, in introducing expenditure items on the expenditure side of the Budget merely to offset them by corresponding items on the other side, which is merely what would happen if we were to attempt to charge Government departments for prison labour. As far as prison labour supplies to extra Governmental organizations is concerned, of course, it is right and proper that a charge should be made. It could be done for Govern-

ment departments—there is no doubt about that, Sir—we could assess what is considered to be a right and proper charge and we could make the charge, but to do that would require quite a considerable organization. It would not do itself. It would require accountants both in the Prisons Department and in the paying departments, and all that you would get would be an extra £20,000 say in the expenditure votes of the various Government departments and another £20,000 in the Colony's revenue estimates. I am afraid, Sir, I fail to see what purpose that would serve, particularly as it would give rise to expenditure which would otherwise, in my view, be quite unnecessary. I submit, Sir, that the Prison Industries Organization's primary function is to train prisoners to be more useful citizens than they were before they went to prison. It is not a trading organization *per se*. If we are going to attempt to introduce accounting of this kind, Sir, then the ramifications are quite considerable. If I were the Government Printer I should say, why should I not try to be self-supporting by charging out the cost of all the papers, pens and ink which I supply to other Government departments and let them reimburse me in the same way as the Commissioner of Prisons is trying to do. On the other hand, Sir, I in the Secretariat, might turn round to the Commissioner of Prisons and say, if he wishes to do this, I wish to levy a charge upon this trading account for the time I have spent and the salary I have been paid in discussing the problem in this Council. It would be quite a fair charge on a trading account of that kind. The ramifications are quite endless. I submit, Sir, that you could not do better than to stick to the beautiful, simple, straightforward method of Government accounting of "IN" on one side and "OUT" on the other.

I do not know whether there are any points, Sir, I have missed which have been raised by the hon. Member. I do not know whether I am allowed to speak again—(laughter)—I assume not, but I am quite ready to give further explanation during the discussion on the item number itself.

MAJOR KEYSER: On a point of information, may I ask the hon. Member, is he telling us that the difference

[Major Keyser]

between the raw materials and the manufactured articles is accounted for by the disappearance of some £7,000 of material amongst the Government departments?

THE CHAIRMAN: You may answer that.

THE ACTING SECRETARY TO THE TREASURY: If the hon. Member wishes I will give some figures of revenue and expenditure of the prison industries over the previous years. It is of course, Sir, with this system of accounting impossible to tell what the trading position is.

MAJOR KEYSER: Quite! (Laughter.)

THE ACTING SECRETARY TO THE TREASURY: But over a period we can get some idea of what is happening. In 1945 the revenue from prison industries was £50,929. The expenditure was £24,746; excess of revenue over expenditure £26,000—I will round off the figures; 1946, revenue £29,000, expenditure £19,000; excess of revenue over expenditure £10,000; 1947, revenue £32,000, expenditure £20,000; excess of revenue over expenditure £12,000; 1948, revenue £44,000, expenditure £31,000; excess of revenue over expenditure £13,000. In 1949 the revenue was £59,000 and the actual expenditure £55,000. The estimates for 1949, Sir, were revenue £59,000, expenditure £68,000, a difference of £9,000 on the debit side, but we cannot, Sir, take one year's revenue and expenditure and attempt to determine from that what the position of the prisons industries is. Stocks which were ordered in one year may not be paid for until the following year, and it is just not possible to isolate one revenue and expenditure item in one year and draw any kind of conclusion.

MR. COOK: Mr. President, the impression may have been conveyed that Members on this side of the Council are critical of the administration of the Prisons. I would like to say, so far as I am concerned and, I think, so far as a great many other Members are concerned, that that impression is an entirely false one if it has been conveyed. Now, Sir, I was a member of a Committee which inspected the prisons in Kenya

about two years ago, and I think the Members will admit that I am rather a critical person, and during that inspection, where we inspected the prisons throughout the country we were, I think, unanimously, tremendously impressed by the keenness and efficiency of the Prison officers. Now, Sir, it is of course true—and I am sure my hon. friend will deal with the question when replying—that there is possibly a certain amount of—I will not say slackness—but in a certain amount of the smaller prisons it is impossible to have complete supervision of the prisoners. But if anyone inspected, for instance, the prisoners working at Quarries at Nairobi and Nakuru and possibly in other places, he would certainly then see for himself that they do really do a job of work and are contributing very much to the economy of this country.

THE SOLICITOR GENERAL: Mr. Chairman, I think that the first point made by my hon. friend the Member for Trans-Nzoia has been dealt with effectively by my hon. friend the Secretary to the Treasury.

Now, Sir, there is one point I can perhaps, clear up there, that if the impression is that the Prisons' Stores contain vast stocks to the extent of many thousands of pounds, that is a wrong impression. I am informed that—on the 13th November—the stocks were so low that unless an expected shipment arrived from England it is possible that they do not have the uniforms ready for the Police Department in March; so that, I hope, may dispel the ideas of the hon. Members that there is a tremendous build-up of stores in the Prisons. Perhaps I ought to point out, Sir, while I am dealing with this subject, that there is a mistake on Page 23, the Revenue Estimates. Actual Receipts, 1949, they are shown as £49,738 and in fact the amount of revenue from the sales of finished goods in that year was £59,738.

Now, Sir, to turn to the question of the Brick Works at Kitale. I am very happy to assure my hon. and gallant friend, the Member for Trans-Nzoia, that the wardens and corporals are at there and they are working very hard producing bricks for the Development and Reconstruction Authority and for

the Solicitor General] I hope that that is clear that matter up.

With regard to the remarks made by my hon. friend, the Member for Eastern Districts, Dr. Rana, about the Asian and European prisoners not doing hard labour, these men do do hard labour, and where they will be most useful. There is no question of their being allowed to spend a happy holiday by the bed and sit down all day and do nothing. They do the work for which they are best fitted.

Now, Sir, with regard to the question asked by the hon. Member for Central Districts, Mr. Madan, there is no question of a sentence of forced labour for a criminal offence. One is sentenced to hard labour or to ordinary imprisonment, and the Judge when he sentences the accused so sentences him to either hard labour or simple imprisonment. The work he does as a result of the imprisonment is laid down in the Prison Regulations. The Judge does not go any further than merely say the kind of imprisonment which he will have to do.

With regard to the question asked by my hon. friend the Member for Nairobi District, I think the first question was whether more food could be grown by the Prisons Department. I am instructed, Sir, that all available land is used for that purpose, but, of course, there is not very much land available, except at Kitale on the Prison Farm where food is grown and the land is used to the best possible purpose in that way.

With regard to a wife having to pay £3 a day while her husband is imprisoned for non-payment of maintenance, I shall have to obtain particulars of that and let my hon. friend know a little later.

The after-care of convicts. The tools under those items are used for various tools for convicts when they have learned a trade in the prison and have been released, but it is realized by the Government that, until the corrective establishment starts, not a great deal can be done in that way. When the establishment does begin to function, a good deal more can be done in the way of helping

MAJOR KEYSER: What sort of tools, Sir, jemmies?

THE SOLICITOR GENERAL: No, Sir, I do not think so, carpenters' tools and things of that sort.

I understand that the incidence of reconversions of persons from approved schools compares very favourably with that in Borstal Institutions in England.

With regard to the extension of quarrying work, the work is being extended as far as possible in Nairobi, at the new prison camp at Langata Quarry, at Nakuru and at Kisumu.

My hon. friend the Member for African Affairs, Mr. Mathu, asked about African prison visitors. There are African prison visitors at all the main prisons in the Colony. The question of women visitors has been considered and, where they are available, they will be appointed.

Now, my hon. friend again raised the question of boots for African prisoners. Well, Sir, there is not enough money available to provide boots for the entire Police Force, and it is felt that if that is the position, that those boots which are available for the Prisons Department should be issued to people who will suffer in health by not wearing boots, so that for the present the position must remain that where an African prisoner is suffering in health because he has not got boots to wear, he will be given boots to wear on a medical certificate and that is as far as we can go for the moment.

I am very grateful, Sir, indeed, to the hon. Member for the Coast for the kind remarks which he made about the Prison Department. I can assure you that they are very much appreciated by the Commissioner and by the staff of that Department.

I think, Sir, that deals with all the points which I was asked to deal with, and I beg to move. (Applause.)

The question was put and carried.

THE PRESIDENT: We will now proceed to the motions for the approval of various items.

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move that items 1 to 35 under Personal Emoluments be approved.

THE ACTING SECRETARY TO THE TREASURY: Sir, if I may on a point of

[The Acting Secretary to the Treasury] explanation and to avoid future confusion in this year's Estimates. All the Personal Emoluments are under item 1. I think if we approve, Sir, item 1, that will cover all the inset items, 1 to 35. Item 2 is the first item of other charges. I think, Sir, there might be some confusion unless we adopt that practice.

THE SOLICITOR GENERAL: Thank you, Sir, I am grateful for the explanation.

I beg to move that item 1 be approved.

MR. HAVELOCK: On a point of order, Sir, I presume that if hon. Members on this side of the Council wish to reduce or delete, they can refer to items under "Sub-item No. so and so"?

THE SECRETARY TO THE TREASURY: The Commissioner of Prisons, for example, would be item 1, sub-item 1.

The question was put and carried.

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move: That items 2 to 15, Other Charges, be approved.

The question was put and carried.

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move: That item 1, Approved Schools, Personal Emoluments, item 1 be approved.

The question was put and carried.

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move: That items 2 to 14, Approved Schools, Other Charges, be approved.

The question was put and carried.

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move: That item 1 under the sub-head Personal Emoluments, Probation Services, be approved.

The question was put and carried.

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move: That items 2 to 5 under Probation Services, Other Charges, be approved.

The question was put and carried.

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move: That sub-head 50, Non-recurrent, sub-items 1 to 3 be approved.

THE ACTING SECRETARY TO TREASURY: The items are 1, 2 and 3. Leave out the figure "50", which is an accounting device! (Laughter.)

THE PRESIDENT: As hon. Members agree it is so simple!

The question was put and carried.

THE PRESIDENT: The next item of order paper is Group V, Head 2, Services under the Member for Agriculture and Natural Resources. But as I expect the hon. Member when he speaks on a motion will require a considerable amount of time and there is only 15 minutes left, would it be the wish of the Council now to adjourn? What does hon. Member desire?

THE CHIEF SECRETARY: That is acceptable so far as the Government is concerned, Sir.

Council resumed.

ADJOURNMENT

Council rose at 12.37 p.m. and adjourned until 9.30 a.m. on Thursday, 23rd November.

332 Supply

Thursday, 23rd November, 1950
Council assembled in the Memorial Hall, Nairobi, on Thursday, 23rd November, 1950.

The President took the Chair at 9.34 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 22nd November, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By THE CHIEF SECRETARY:
Interim Report of the Planning Committee.

By THE ATTORNEY GENERAL:
Prisons Department Annual Report, 1949.

COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951
Group No. 5

THE PRESIDENT: Council will resolve itself into Committee of Supply and proceed with consideration of the Estimates, Group No. 5, Head 2, Services under the Member for Agriculture and Natural Resources.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, although on the motion, it is suggested that Group No. 5, Head 2, be considered, I would move that Group 5, Heads 1, 2 and 3, be considered for the purposes of giving Members an opportunity of raising matters of principle connected with the Agricultural Department as a whole. As Group 6, the Veterinary Services, has been tabulated as a separate subject for debate, I propose we deal with that when the time comes, also in a manner which will enable hon. Members to raise questions of principle in connexion with Veterinary Services.

Sir, I do not propose to make any very lengthy statement in introducing the motion that Group 5, Heads 1, 2 and 3, be considered by Council because in the preliminary debate a few days

ago I spoke for a very long time on a number of subjects raised, connected with Agriculture and this whole subject of Agriculture has been before this Council on repeated occasions during the past year.

Now, Sir, in regard to Head 1 of the Group, that is the Office of the Member, it will be seen that the services under the Member, that there is a net increase of £3,175. It must be remembered that that includes the bringing over from the Secretariat of the Assistant Secretaries to the Office of the Member. As regards the Services under the Member, there is generally speaking an increase of £13,626, but it must be remembered that charges are mostly accounted for by two items. The first is that the Machinery Pool for which a good deal of expenditure was incurred in past years is, as I explained a few days ago, going to be wound up in March and that will constitute a considerable saving. As against that, Sir, it will be seen that a considerably increased sum appears in the Estimates as compared to last year in connexion with settlement and the explanation of that is, I think, clearly given in the White Paper which was laid on the table two days ago.

Turning now, Sir, to the Agricultural Department itself, it will be seen that there is increased expenditure to the extent of £39,122. Now, Sir, the bulk of that can be accounted for by the fact that at long last we have received the approval of the Secretary of State to embark on our long-contemplated research programme and I would, Sir, like to say that is a very great step forward indeed as regards the future potential of work to be done by the Agricultural Department for the benefit of this Colony. This investigation and research programme was drawn up, not quite in its present form, but was drawn up by the late Director of Agriculture a great many years ago. Unfortunately, it was not possible at that time to find the money for it, but when the Development and Reconstruction Authority plans were drawn up, provision was made for submission of a revised programme. I took that home in 1948, but we did not formally get approval until this year. Now, Sir, I think that every hon. Member opposite who is interested in Agriculture will agree with me when I say that

[The Member for Agriculture and Natural Resources]

we are very behind indeed with investigational services and it is high time that we did a great more than we have done in the past to put this matter right; the programme which we have in mind is the creation of one investigation station in each ecological and, in some cases more, economic zone of the country.

I do not propose, Sir, to say very much about any expenditure details at this stage beyond mentioning this research programme. I would, however, like to add that as far as native areas are concerned, I do believe that considerable progress continues to be made; in fact, I think remarkable progress, considering the limitations which naturally we are subject to, bound to be, in the matter of finance. A great deal of money in comparison with other commitments is spent, however, and I believe that the results justify that expenditure. I would say, Sir, without any fear of contradiction that, although the progress is slow the general attitude of Africans in most of the African areas has completely changed in the last four or five years. (Applause.)

Lastly, Sir, I would just mention the subject of locusts. We cannot blind ourselves to the fact that next year we may be subjected to a very serious threat of locust invasion. The campaign that is being carried out against desert locusts is, of course, not merely an East African campaign. It is a campaign that is being waged right from the borders of India through Iraq and Iran, Arabia, Egypt, Ethiopia, Somalia and our Northern Frontier. Our own part, that is to say our own Northern Frontier, is so to speak, the last bastion of resistance. Nevertheless, there is no doubt that locusts are present even within our own boundaries at the present time. The danger is that they may lay there when the rains come and by next year, they may indeed be down here, but everything that is possible is being done, staff is being procured in England and elsewhere, every effort is of course made to procure local staff, and I can assure hon. Members that every possible step that can be taken is being taken and, if in the course of the debate, any further details are asked for, either the Director or I myself will be very pleased to answer any questions.

Well, Sir, I feel that the votes for which I am responsible are so comprehensive that it is really a waste of Council's time for me to make long speeches on individual items which may not in fact be the items which are of specific interest to hon. Members opposite. I therefore propose that they should do the honours for the time being, and I, Sir, will do my very best to answer any questions that are raised in connexion with the Estimates when the time comes.

Sir, I beg to move: That Group 1 Heads 1, 2 and 3 be considered by Council. (Applause.)

MR. BLUNDELL: Mr. Chairman, I wish to avail myself of the privilege of speaking, if necessary, for more than ten minutes up to half an hour.

I want, this year, in speaking on the Agricultural Vote, to devote myself to one particular aspect of the policy which we are following in agriculture in particular with regard, or with reference, to the African Land Units. The hon. Member for African Interests, Mr. Mathu, and the hon. Member for the Coast both touched on this during the main debate on the budget and it would have been possible for me, Sir, to have said much of what I am going to say now then, because the problem of the African Land Units is a problem which is not solely related really to agriculture but I felt it was best dealt with under the Office of the Member for Agriculture as it does actually pertain to the work which he is undertaking.

Now, I believe that over the last two or three years, tremendous strides have been made in the African Land Units in the correction of the progressive deterioration on individual plots of land which was taking place some years ago. The credit for that must go, I think, largely to our present Member for Agriculture. I do really believe that he has brought to that particular problem more energy and vision than we have had in the past. He has also been very much backed up on all sides by the Government machine, but there is a much wider aspect to the problem which is the particular angle that I want to bring to the notice of Council this morning. When I listened to the hon. Member for Finance's speech on the budget, I could not help feeling that the whole of the figures which we had

Mr. Blundell] before us must be considered against the darkening background as I feel all of it of the African Land Units and their problem.

Now, in order to make milestones for hon. Members, I wish to divide what I have to say into three sections. The first is some general remarks on that problem. The next will be the needs that we must do to combat the problem and, lastly, the means with which we shall find to deal with the needs. Now, in general, it does not seem to be forgotten, many people have been just abused; have also in the past been a finger of scorn at the Africans for the pooriness of their methods of agriculture, but the basic problem is that of all. The basic problem is that of the population of Africans on the individual land is such that they cannot produce in anything else but reaping the maximum yields from the soil that they can regardless of good agricultural methods. When people talk, as they do talk about bad farming in the African States, they forget that the vital factor for the African is how and where he is going to provide, first of all, the food with which to rear his family and secondly, a small pittance with which to support that family in its basic needs. That is the overriding, driving problem of the African Land Units and, as long as we can improve the capacity of the land, so we can improve its yield; we can improve the methods of developing the land, but we cannot make more land in the African Land Units themselves and that is the actual population pressure on the individual land that is causing us the trouble.

Now, I want just to give Council two examples of what I have in mind in order to bring up to the Council forcibly the situation in which we now find ourselves. When I first came to this country, there were parts of Ukambani where long grass grew, where animals prowled, where birds could be shot and where the land was fair and pleasant. Today, however, much rain falls, that land scowls with red earth at the sun—nothing else—and under the present system, it will do nothing else because the pressure on the individual land is so great it cannot be relieved.

A second instance, quite a different instance, is this. For four years now I have been driving down to this Council—if one takes the time that I was a Member of this Council as an Acting Member—and when one passes the African Land Units around Maruga and casts one's eyes out from the road one sees constantly acre after acre after acre of waving leaves of maize. No land in the world will stand constant cropping of maize. There is no suspicion of rotation. There is no suggestion that the land is being rested. There is very little stock upon which the fertility of the soil can be built up. The reason is simple enough. The demands from the people themselves for food is such that they cannot, short of starvation, turn away from this relentless, constant cropping of maize. That is the problem that we are faced with today. I put it to hon. Members that it is a problem that will not be solved by terraces. It will not be solved by a few dams here, there and everywhere. It will only be solved by the complete mobilization of our resources and the combined efforts of hon. Members opposite all joined together and pointed towards the solution of the one problem. We have, therefore, to generate within ourselves a constant awareness of this problem, and a constant determination that, at whatever cost, we must mobilize our resources to deal with it.

I would like just to refer to the hon. Member for Education's remarks about the "flower whose petals he tore off". If hon. Members will remember he wondered whether, when the last petal came off, the answer would be "we loved him" or "we loved him not". I would say this: "That you can have all the education in the world, all the medical attention in the world, but if the last petal does not provide means by which to feed the people we are breeding, and we are keeping alive, it is not any good our loving the Member for Education."

Now, Sir, the problem resolves itself into two. One—to increase the actual capacity we have on the land which is in existence and occupied by the Africans; and the second problem is to increase the measures of relief which we can make to remove the Africans from the land that they have actually occupied. It is on those two lines that I wish to put forward certain words I hope will be

[Mr. Blundell]

constructive suggestions towards that end. First, I believe we must examine whether we could not, indeed, double or even treble the production of our forests. If one looks at the estimates one would find a tremendous number of Africans with their families all profitably occupying the forest areas.

Now it is common knowledge that in the proposals for the forest land, around 12,000-14,000 acres per year were roughly reduced by 50 per cent because the recurrent expenditure necessary to develop only half of the programme will eat up the whole of our resources. If we were indeed to tackle our 12,000-14,000 acres a year, then we should end up with only half our programme fulfilled and our resources eaten into. Now I believe that is a matter that we cannot accept and when I come to the section dealing with means, I will put forward certain suggestions how we could finance certain of our forests. First of all I would like to see in all the existing forest areas—consideration given to doubling the forests we are planting. Secondly, I would like to see an investigation and a determination to plant forests in big areas at the Coast where I believe that it would grow; and, lastly, I believe that there is a possibility of relieving this African pressure by exploring high altitude areas above the 11,000-foot contour. If one visits Abyssinia, one will find a large population of Abyssinians who live between the 10,000-12,000 feet contour. Again I have said we must mobilize our resources, and I mean it. I believe that we cannot afford not to increase the capacity of any piece of land, however small. Now when we were examining the possibility of irrigation from the Tana, the scheme in its bold outlines fell down; but I believe there is a vast field by which we could remove the individual Africans from the pressure which they are now exerting on the land to areas of their own, which they are at present occupying but which are not fully developed, by the construction of dams. Now when I say dams, I do not mean earth bunds. I mean properly constructed engineering designs which will enable us to irrigate blocks of 5-15,000 acres of land, which might well carry, subject to our finding out the requisite technical

methods, perhaps one person to ten acres. Why I say that is, and what have in mind is this, I believe that there are in the area Fort Hall-Sagana, streams and indeed all the streams which come down from the Aberdares and Mt Kenya which could be dammed into small dams of not tremendous capacity but which would in themselves enable us to irrigate 5-20,000-acre blocks under small irrigation settlements holdings. Similarly, I believe that we must grasp this method of developing our resources, increasing our capacity everywhere possible. I think that we eliminate losses by canalizing the river itself, or by some similar means with the 100 cusecs which I am to pass under the bridge at Archer's Post we could irrigate a vast area which would in itself help us in the immediate problem, whilst our long term measures are coming into effect by removing the pressure on the land. There are certain other things I think that we have to do. Last year in speaking on the agricultural Head, I pointed out that one of the problems for the Africans was that he cannot get from his cattle a real income. That is a serious problem and we cannot induce the Africans to turn over to cattle and have better stock which in effect will help us towards solving this problem, unless we can get him a return for that improvement. Now at the present time a man in the African Reserve who sells his cattle is penalized in comparison with the African who keeps his cattle and would like to see what might well be called fattening areas delineated with the African Land Units, or else wherever possible, upon which those Africans who are willing to sell their stock could be given the benefits of good pasture, proper veterinary attention so that when they sold their stock they could have got the maximum return. In order to finance these fattening grounds and the services which would be necessary, I believe it would be reasonable to suggest to the Africans who retain their stock within the Land Unit, that they should put a grazing fee in order that those Africans who help them by removing the pressure of stock, should do so under the most advantageous conditions possible. Again, Sir, we had a very expensive scheme at Makueni. It has, I think, as a scheme

340 Supply

[Mr. Blundell]

been quite successful but there are two things which stand out very clearly. One is, it was extremely expensive; the second is, it did in effect remove very few people and did not affect many people, and I would like to suggest that we should examine whether in all those areas which are not now occupied and have not a direct title to any particular piece of land we could not encourage the Africans to leave their traditional family grounds, as it were, and take up residence in the new areas on a system of individual titles. (Hear, hear.) I believe that if we could survey blocks of acres according to the nature of the country and we could say to the Africans "that is yours on a 999 or a 99 years' lease, with the following condition: if you like to clear it", I believe the African will go gladly and clear the land and occupy it with an individual title. That is an attraction to him which will stimulate in him the desire to benefit himself. I say that because the factor in all these matters is the clearing. If we cannot clear much of this land which is now occupied by these, we cannot control the fly and one of the great expenses in Makueni is the clearing factor. Under the scheme I have very briefly outlined, I would make open properly surveyed blocks and lay on water, so that Africans could develop for themselves individual family holdings of an appropriate acreage. Having done so, having satisfied the terms of the lease in regard to clearing, they would have a complete and individual title to that land.

Again, Sir, on this problem some years ago now, in fact four years ago, I did suggest that this was a problem which cannot be mastered by bowing to the cartographer's lines on the map and if there are large areas of land in the southern part of East Africa which are now idle, we must seriously consider whether it is not our duty to move the African populations to those areas, and I believe that initial discussions were made with the Government of Tanganyika on those lines. May I just state that nothing but the most ruthless energy and drive is going to solve the problem, and whatever may be the attitude of the Tanganyika Government, we must take it up with them and prosecute this matter with the

utmost vigour. We cannot afford to have in one part of Africa contiguous to us, land which is gaping for people, and in our part of Africa, land which is being raped daily by the population pressure upon it. Again, Sir, on this general question of assessing the needs and finding what we can do, and the suggestion of how to deal with it, I would like to say this. All these measures will cost money. They can be financed in certain ways to which I will return later, but they must be financed ultimately by the people of this country and we cannot afford to have land which is undeveloped which could be contributing towards the wealth of the country and I do refer now—with some temerity I admit—I do refer to the vast block of land which is now occupied under treaty by the Masai. In assessing this problem it must not be forgotten that that land itself must contribute also to the wealth and development of this country, and that point of view must be forcibly put and constantly put towards the Masai themselves.

Lastly, there are two other points which are not actually so much matters of agriculture, but which in themselves would be most helpful towards a solution of this problem. The first is this: I believe that we must sometime within the next decade move towards a better basic wage structure in this Colony. We have got to evolve from the African labourer an output which will enable him to earn a decent living wage and thus remove his family and dependants from the pressure which they are now exerting on the land. That, Sir, is a problem much more for hon. Members on this side of the Council than for hon. Members on the other. Secondly, again on general lines, this is not a matter which any Provincial Commissioner can afford to put on one side. He has got to be as eager, as keen to develop the African Land Units which may come under his outlook as any individual farmer himself. Now, I believe there are instances where schemes have been developed and because of the pressure on Provincial Offices perhaps they have not been pursued with the vigour that might have been given to them.

So much, Sir, for the problem as I see it, and some suggestions which, I think, if religiously carried out year after year by all hon. Members who have executive positions on the other side, might well

[Mr. Blundell]

over the next decade begin to solve this problem. Now, I would like to deal with the means of tackling it. In the case of such matters as forests and the building of dams for the basic purpose of irrigation and increasing the individual capacity on the land and the laying of pipes for water supply in the areas which I have suggested might be developed and surveyed for individual tenure, that finance, Sir, I believe may well be beyond the capacity of this country to provide immediately and I think that we must be bold, place the problem before the United Kingdom and ask whether they would advance us a loan, possibly under the Colonial Development and Welfare Programme on a fifteen year basis without interest. We would pay interest on the loan and amortise it after fifteen years. Again I have reason to believe that if we could put up a well thought out considered scheme designed to solve this problem that we might we'll possibly be considered, for aid under the President's fourth point in his programme. Nothing, as the hon. Member for Finance knows, on that point yet has accrued to the British Colonial Empire, but I believe that a well-balanced scheme on the lines that I have suggested, whereby we could borrow money for the development of these basic fundamental needs without interest for a period of years, on a constructive and productive programme—I believe such a scheme might well receive favourable consideration.

Next, Sir, I naturally have no knowledge of what goes on within the labyrinthine depths of the Executive Council, but I would like to say that this is not a problem that is solely the responsibility of the Member for Agriculture and Natural Resources. It is a problem that equally affects the Chief Native Commissioner, because he is the one ultimately to whom the Africans will look in matters of this sort apart from the actual technical agricultural side. The Member for Finance is vitally affected because he is the man who has to provide the ways and means; and lastly, Sir, I have been critical in the past over our present set-up in which the Chief Secretary combines his duties with that of the Member for Development. I believe so intensely that this is a matter where leadership, policy and deep

thought are vitally necessary; that to lay our Members down, as it were, in details—which the hon. Member for Kiambu is constantly asking on the amount of nails and screws used in the Development and Reconstruction Authority Programme—I believe that are things, Sir, prevent the Member for Development—I would prefer to call him the hon. Chief Secretary—from keeping that overall watching eye on the whole of the activities which might well be co-ordinated towards this problem.

Lastly, Sir, I want to say just three things on hon. Members on this side and hon. Members on the other side—our outlook on resolving the matter before us. In regard to the Africans, Sir, Through no fault of theirs they have been brought within a decade, or within at least a generation, from the Stone Age to the Atomic Age. That is no fault of theirs, and they need the maximum help. It is not easy for them to assimilate the tremendous changes which are necessary in their fundamental old-world and age-old problems. To the African leader some of the things I have said may appear rather revolutionary, they may feel inclined to kick at them, but I would say the choice for the Africans is perfectly simple. It is either to accept the strict enforcement of the most rigorous measures towards a solution of this problem and to find ultimately a happy and well-fed African people, or it is to allow their people to indulge in blind resistance to measures which are solely designed for their own well-being, and in that case the only thing that can face them will be, in my view, a diseased, starved and embittered people. That is the choice for the Africans, and I believe that there is no finer service an African leader can do for his people to-day than to bring home to the Africans themselves that this problem cannot be solved by methods of *laissez-faire*. I believe that we are morally and sincerely convinced that the measures we are putting forward are correct, then the African, willy nilly, has got to accept them.

Now, Sir, to turn to us, the European and Asian communities. This problem is not a matter which we can allow to be slumbering without accepting our share of the responsibility, and there again the measures I have unfolded were to be carried out and are feasible, sacrifice

Mr. Blundell] will be required from us, and I believe that we, the Europeans and the Asians, must accept them.

Lastly, Sir, hon. Members opposite—this is a problem which for many years has been in our minds. It is a problem which we are tackling through the energy of the Member for Agriculture and Natural Resources and, I would add, the support which he is getting from other hon. Members opposite. It is a problem we are tackling by patching and painting here and there where the rust comes through, but it is not a problem that in itself we are anywhere near embracing with the full vision that is necessary, and I would say that once the hon. Members opposite—the Government, has made up its mind on the lines to be pursued, I would like to recommend to them a small quotation which I think fits the matter in a nutshell. That is the remark made by the Latin Historian, Tacitus, when he said "*Suaviter in modo, fortiter in re*".

Now, Sir, I would appeal to hon. Members opposite, when they have made up their minds, and when they are going to embark upon a real tackling of the problem rather than a piecemeal adjustment of an existing danger, then I hope indeed that they will be "*Suaviter in modo, fortiter in re*".

Mr. Chairman, I beg to support.

Mr. COOKE: I rise merely to support everything that has been said by my hon. friend in his very constructive speech. Sir, I think my hon. friend has done a service by putting this question of Soil Conservation in its proper perspective because there is no doubt, Sir, whatever, that it is the over-population of the land which is our great problem at the moment.

Now, Sir, I have moved, in the past, no motions on this particular subject and I am not going to quote or repeat what I have said—and I think the hon. Member for Uasin Gishu has also moved a motion—we are disappointed that nothing, or very little, of the nature of which my hon. friend has adumbrated this morning has been done. I am not in any way a critic of my hon. friend, the Member for Agriculture, whose work I, too, have the greatest admira-

tion for, but there is, on the other side, a lack of feeling of immediacy in tackling this tremendous problem. If we could rely on words only, it would be all right but while we are talking here and talking at the Agricultural Conferences, the great and terrible forces of nature are doing their destructive work. They do not stop and they are not deterred from doing that destructive work by any amount of talk in this Council or outside it. Therefore, I would urge the value of immediacy.

Now, Sir, not for the first time, I am going to ask my hon. friend what he is doing to solve the particular problems which I have from time to time brought up in this Council and from time to time I have suggested solutions which I contend, Sir, are sensible solutions.

Now, my hon. friend for Rift Valley said quite rightly that it is impossible to get more land in the African Land Units. That is absolutely true, but in Kenya alone, I am not talking about Tanganyika now, in Kenya alone there are vast undeveloped areas in which we could settle tribes like the Wakamba.

Now, at the very doorstep as it were, of Makueni there is a very large area upon which I may say—I utter this warning—Europeans are casting covetous eyes towards this "Naboth's vineyard". I suggest now to-day, not for the first time, that the Makindu area should be highly and well developed. Not only have you got hundreds of square miles of land but you have a certain amount of surface water in the Kiboko River and the Makindu River and I was informed yesterday by the officer in charge of Makueni that there is a lot of under-surface water in the area around Kibwezi. It does seem to me to be a God-given opportunity, because not only could we develop that land agriculturally, but we have at Makindu a very good railway junction, as it were, railway establishment, and in Makindu, I contend, we could establish a Wakamba town and set up there, secondary industries such as leather work for which the Wakamba are well fitted. If we let this opportunity go by and if that land is taken up, as it will be taken up, because we have got no right to keep the land idle. If that land is taken up by the Europeans, it will be a very great disgrace to the hon. gentlemen on the

[Mr. Cooke] other side of the Council, if we are out to prevent African development in this country. I would like a definite reply to that. Is anything going to be done because if nothing is going to be done, I, and I am sure I will receive the help of a great many Members on this side of the Council, will have to do something very drastic about it.

There is also the area at the Coast, which I know pretty intimately. The Governor, himself, told me a couple of years ago, having made a *safari* behind Lamu in that vast undeveloped and unoccupied area, he found a lot of land eminently suitable for cattle and cattle ranching and cultivation. That land has a certain amount of claims by old Arab tenants but there might be some way of leasing that land, if the claims are proved valid, at a very small price, because those Arab families are not using the land to-day. There is, again, what I mentioned yesterday, the Mackinnon Road area, and I do suggest that the Wakamba would infiltrate into that area were water provided and of course water will be provided under this new scheme of taking water from the Mzima Springs to Mombasa.

Therefore, Sir, I do strongly support everything that has been said by my hon. friend and I, too, without desiring to be a critic, suggest we get on with this very important matter.

MR. HOPKINS: Sir, whilst I am very pleased that there has been an increase in the funds allocated to the various services which fall under the hon. Member for Agriculture and Natural Resources, I cannot help qualifying my pleasure with the regret that the total amount of these funds still amount to considerably less than half of what is allocated to the services which the hon. Member for Finance called the Social Services and is 35 per cent less than what it is necessary for us to devote to the maintenance of law and order in 1951.

I shall not be able to feel that any budget reflects a sound conception of how this Colony should be developed until the proportion devoted to these social services is considerably less. Even were Kenya an old established and well developed Colony, I would still feel this

proportion was too high. The fact that we are comparatively poor and virtually undeveloped makes the proportion between services for development and social services seem to be all the more out of balance. In Kenya, the soil, climate, altitude and rainfall vary to a degree which is found in few other countries in the world. They vary in Kenya over extremely small distances. We are still only on the fringe of discovering how each particular area should be developed in relation to the various groups of climatic circumstances which govern it and it would seem, therefore, Sir, that we, more than most countries, are in urgent need of development, experimentation, research and investigation in order that farmers, both African and European, may have proper guidance as to how they should proceed in trying to develop their own pieces of soil. If more research, experimentation were carried out by qualified officers and if farmers, again I mean both the African and European farmers, were given more guidance as to how to proceed in the development of their land, the farmer would be able to avoid many of the mistakes which now seem to be inevitable and the land would be spared much of the abuse which it now has to suffer until we find out the right method of developing it. Without very much more investigation and experimentation, I am very nervous of the emphasis which is being laid more and more these days on the necessity to develop our land as quickly as possible—I particularly fear phrases such as "exploitation of our land" which was used by the hon. Member for Finance, even when that phrase is preceded by the word "optimum", which it was in his case. I appreciate, of course, that in 1951, the Estimates provide for an increase of some 58 per cent in the funds which have been devoted to research but in the funds for this purpose provided in the whole of the Scott Laboratory organization and ten other branches of research amount only to £69,000, you will realize, Sir, that even an expansion of 58 per cent leaves research inadequately provided for.

I agree, however, that expansion is perhaps best if carried out gradually, but as there is so much leeway to make up in regard to agricultural research, I do, Sir,

Mr. Hopkins] that a good proportion of increase should be maintained in subsequent years and that each time as research is adequate for the needs of the Colony. While on the subject of research, I would like to speak especially on one branch of it. For the last thirty years we have seen vast areas of the native land units where the grass has deteriorated or, in some cases, has been destroyed entirely. Everyone is now aware of what has been taking place in the Native Reserves but we have been so busy worrying about this and talking about it that very few people indeed seem to realize that the same process is taking place on farms in the Kenya Highlands, and though this process is as yet very slow. You may remember, Sir, that in last year's Budget debate, I tried to explain how in the large belt of country which lies between 6,000 and 7,000 feet where the climate is cool and the rainfall on the low side, that good natural grasses were giving way to inferior grasses under normal farming conditions. I explained also how a suitable ley grass had not yet been discovered for establishing on old arable land with the result that these old lands were being fast infested by a useless type of setaria which was of extremely small value in restoring the structure of the soil and quite useless as pasture.

You will, doubtless, also remember, Sir, that in replying to the case which I put up for more investigation into the problems of this big belt of country, the hon. Director of Agriculture stated that he was well aware of the problem and it was his intention to locate in the belt of country to which I had referred, one of the main Pasture Research Stations. He also said that it was his intention to place there one of the new Pasture Research Officers, who was due to arrive last February. Well neither of these promises has yet been fulfilled but my reason for referring to this matter, Sir, is not to make this an opportunity for complaint against unfulfilled undertakings, I am only too well aware of the difficulties which have arisen to prevent these promises from being carried out, promises which were given in all good faith and in a spirit of helpfulness. My reason for referring to this matter is to draw attention to the fact that there is already considerable differences of opinion between

pasture research experts on the one side and the practical farmer on the other. Some of the research officers who visited my area made it quite clear that while they were interested, of course—

THE CHAIRMAN: You still have half a minute.

MR. HOPKINS: While they were most interested in the problem of my area, what they really wanted was to start a Research Station in the true oat grass area, that is the low rainfall ranching country. Now the farmer, while realizing that oat grass is a very useful grass does want investigation to show him how to treat his oat grass in the better areas where it is liable to give way to poorer grasses. Now, Sir, there is much to be said both for the point of view of the scientific man and the farmer and I would suggest that the way to bring these points of view more into line would be for the hon. Member to set up a Pasture Research Advisory Committee which would ensure the pursuance of a balanced research policy which would meet both the practical and scientific requirements.

Sir, there is only one more thing I wish to refer to—is my time finished yet?

THE CHAIRMAN: Your time is finished but if you can refer to the additional item in one or two sentences, permission will be given.

MR. HOPKINS: Sir, I wish to ask that in any scheme for research regard I should be had to the scheme which has been so successful in South Africa and that is of carrying out a large proportion of experiments on the farms themselves where the land is suitable and the owners of the land are co-operative, that would, of course, enable research to be carried out over a much wider scale than it would be if it were restricted to the lands of the Research Stations.

Sir, I will sit down.

MR. MATRU: Mr. Chairman I should like to associate myself with most of the remarks that were made by the hon. Member for the Rift Valley. As last year, his debate on agriculture is very refreshing and very constructive and I should like to congratulate him on the statement he has made this morning.

Now, he refers to the question of over-population.

351 Supply

Agriculture Supply

THE CHIEF SECRETARY: Mr. Chairman, the hon. Member has not claimed his half hour. It may be that he wishes to do so. I only rise to remind him.

THE CHAIRMAN: I have noted that the half hour had not been asked for.

MR. MATHU: I meant to ask for that half hour, but I thought you had taken it for granted. Could I claim the half hour, I do not think I will need it.

THE CHAIRMAN: The rule is that the Member shall claim the half hour when rising, but I am quite sure it will accord with the wishes of the hon. Members that the hon. Member for African Interests should have his half hour if he wishes to take it.

MR. MATHU: I was going to say, Sir, that the hon. Member for Rift Valley referred to over-population in the African Land Units and I entirely agree with what he was saying. He has made very constructive suggestions as to how we can relieve pressure on the African Land Units and I do agree with practically everything he has said on that subject. I do not want to repeat what he has said, but I should like to emphasize the question of making land available for Africans and the individual tenure system as he outlined, because I think that will reduce public expenditure to a large extent and would help, I am sure, to relieve the pressure of the land. The question of land with the Masai, as the hon. Member did raise, requires consideration, Sir. Now, he said he made that statement with some temerity and I should like to make some other suggestions also with certain temerity, referring to the position which was created by the Carter Land Commission.

Reports have been produced, Sir, in this country and in other countries on problems affecting the areas, but there has never been a report to my knowledge that has been almost regarded as a Bible, sacrosanct, as the Carter Land Commission Report, but I do feel, Sir, that that Report has been taken too strictly and that, I think, is one of the reasons why we are having this congestion in African Land Units. We say, "The Carter Land Commission did say this" and no more word about it.

I think the time has come for a change, and I feel that the hon. Member for Rift

Valley would agree with me, that when he refers to non-Africans accepting sacrifices—I think in the Land Commission Report that I am referring to—there that the non-Africans in this country might give up in order to solve our problems.

Now, I refer, Sir, to the position in the Highlands. In the Highlands area—the hon. Member for Rift Valley did not touch this at all, because that is why I think I should cover the gap—I feel that there is room in the Highlands area for enabling the African population to occupy more areas than they are doing at the moment. The position of the District Councils in the Highlands area where they have limited the areas where their resident labourers can cultivate—as you know, Sir, meant that quite a number of African labourers have returned to the African Land Units where the congestion is extremely big and it is, I think, worth consideration as to whether the District Councils should perhaps, not review this position with a view to enabling their resident labourers to have more acreages for cultivation so that they can have some social security not only for themselves but for their children, and I think, it will be one of the contributing factors to solving the problem.

Now, as regards the remarks made by the hon. Member in regard to the Wakamba, I agree with him, but there is one very limiting factor as far as the Wakamba situation is concerned and that is the rainfall.

I would like, Sir, greater vigour being put into the Ukambani for tree planting. Now tree planting necessarily requires rainfall and the rainfall in that part of the world has been, I think, more erratic than most areas apart from the Northern Frontier, in this country, but if we could make sure that whatever rainfall is there, we make use of it as quickly as possible and replant the Wakamba Reserve with suitable trees, I think it might help greatly to solve the deterioration of the soil in that area. Well, when I say tree planting, I also have in mind that greater efforts will be made by the agricultural officers and the Administration in that area for encouraging these people to manure their land; also to put

Mr. Mathu: ... their land, because I do ... cover on their land, because I do ... with the hon. Member for Rift ... that we can do more energetic ... in that area.

I am not a bit doubtful as to whether the African population and the African labourers particularly would co-operate in this matter. I would like to say that as the hon. Member himself said that the attitude of the African population towards these matters have changed considerably for the good and I do say here and now that the Member and the officers in the District Councils would receive a greater measure of co-operation from the African people, if the Africans were absolutely certain that the situation would definitely improve as a result of the measures that would be taken. That co-operation is what we shall ourselves try to do and we shall assist in matters of that kind.

Now one other point, to which I would like to refer, is the question of production. Now it is true, Sir, that the African can contribute greatly in the carrying capacity of this country if the land were put in good heart and he was encouraged and encouraged to maximization of production of suitable crops or livestock in the area that he lives. I do think, Sir, that, if, as the hon. Member for Rift Valley has said, we were absolutely determined with all our resources, this is not an insuperable problem; I think in due course we can solve this problem for the happiness of this country as a whole and not only of the African people.

Now I would like to say finally, Sir, that the hon. Member for Finance and the hon. Member for Agriculture and the hon. Chief Native Commissioner—I would not like to leave the hon. Member for Development—I think the four of them between them, they can change this place if they put their heads together and get a determination to change the ways of these parts of Africa. I think it is possible and I think they would get the co-operation of, at any rate, most of the Members on this side of the Council and I can say that they would get the co-operation of the African people of this land.

Sir, I beg to move.

MR. MADAN: Mr. Chairman, Sir, as you will remember, the hon. Member for Rift Valley, when he made his eloquent speech, stated that the European community and the Indian community should be prepared to accept responsibility to solve the problems related to soil, and, in silence on our part be interpreted to be unwillingness or refusal, I want to say, Sir, that we are willing to share that responsibility.

If I cannot speak more on this subject, it is a matter for regret for me but it is because as I said in the main budget debate also, we have neither suitable land nor the opportunity to learn or develop agriculture in this country.

Sir, I beg to support.

THE FINANCIAL SECRETARY: Mr. Chairman, I rise to refer briefly to one point, an important point, made in the very vigorous speech of the hon. Member for Rift Valley.

MR. BLUNDELL: Not aggressive, I hope.

THE FINANCIAL SECRETARY: I said vigorous, Sir.

He was referring to the ways and means of finding finance for the development of native lands.

Now, Sir, in the Budget Speech, I made it clear that it was a vital part of the Government's policy to ensure the optimum utilization of our assets and particularly of the land.

Now, Sir, the preservation, the development, and where necessary, the restoration of land utilization is, of course, a fundamental asset of that policy and, Sir, I can assure the hon. Member that, in the pursuit of that policy, no feasible and proper source of finance, the consideration of such a source, will be neglected and, of course, Sir, that remark applies also to the whole of our aspect of development.

MR. SHATRY: Mr. Chairman, I have only got one or two points. The first is about the coconut industry at the Coast.

As we are all aware of the importance of this industry and there is also this question, if we are not going to get any assurance from the Government, I must make it clear that this industry will, in the very near future, be a total loss. Sir, the coconut industry is very important. It produces many good products which are very important in this world and I think

[Mr. Shatry]

some encouragement should be given to the people down at the Coast to improve this industry.

The other point which I would like to raise is the question which was raised by my hon. friend Mr. Cooke and that is about the land at the Lamu side. I quite agree with him that the land there is very suitable for cattle and also for tobacco and other industries, and the Arabs there are very anxious to improve their lands but as I have said, if no encouragement is given to these people, they will not be able at all to improve the land when their economic standard of life does not permit them to do so. I would also ask hon. Members on the Government side if assurance will be given that these poor Arabs will also be encouraged to improve the land of that side.

Sir, I beg to support.

MAJOR KEYSER: Mr. Chairman, I regret I was unable to hear the beginning of this debate and I only rise to answer one point that was brought up by the hon. Mr. Mathu, and that is the question of the Carter Land Commission Report.

I think, myself, Sir, that land in this Colony is likely, as it has been in the past, always to be a major issue, the ownership of land, and, therefore, it would be sound to have a basis on which we can work and I think that that was one of the reasons why the Carter Land Commission was appointed. They have made a few recommendations which probably everybody does not agree with and, largely, I think their report was a very sound one and did lay down a basis for the occupation of the Native Areas and the Highlands of Kenya and, at this stage of affairs, it is suggested we should no longer consider the recommendations as suitable. It would, in my opinion, be very regrettable because it might easily raise very contentious argument on this matter, and, therefore, I should like to suggest that we do in principle accept the Carter Commission to-day and decide that it must be left as it is—(Hear, hear)—but Sir, there is no reason why by agreement, land should not be utilized in a manner different to the recommendations of the Carter Commission.

For instance, it was only recently that the Highlands Board did agree to certain

land, which had been allocated for Europeans by the Carter Commission, reversioning to a Native Land Unit or rather the use by Africans in a Native Land Unit and the same argument, in my opinion, applies to the Masai lands.

I am old fashioned enough to attach great importance to the sanctity of treaties and the Masai, after all, occupy that land by treaty and I, personally, as I am only expressing my own views, I, personally, could not agree to any measures being taken to force an alteration to-day that treaty to which we agreed but there is no reason why, with the consent of the Masai, the land should not be put to other uses (Hear, hear)—but I do emphasize that if there is going to be a change in the allocation of land from that recommended by the Carter Commission, that it should only be by agreement of the people who are now occupying that land.

MR. NATHOO: In the first place, Sir, I should like to have recorded to my great appreciation of those farmers who are affected by this particular measure that the Government has taken regarding the encouragement of them as far as sugar planting and the sugar industry is concerned. It is, however, Sir, necessary that more should be made if we are to produce enough sugar in this country to meet our requirements and not to have to import such large quantities from overseas. Apart from the extra land which is required, a lot of ground has to be covered with regard to research and assistance to be given to these people who have invested large sums of money in this industry. The small farms at Kibot, Sir, also have a grievance inasmuch as they feel that a fairly economic price for their sugar cane is not being given to them, with the result that, unless some added assistance is given, they will have to persevere with planting sugar cane and go on to something which, I submit, Sir, would be a very great disadvantage to us.

At the Coast there is plenty of land which has been given to the one factory which is there, but I believe there is some difficulty with regard to their formula by which they cannot move their sugar beet enough from Mombasa to use country stations that is resulting in a great deal of hardship to that factory and I beg of the hon. Member for Agriculture, Sir, to p

Mr. Nathoo]

to the question and see if there is any possibility which is due to no fault of these people, it should be removed.

Sir, I beg to support.

MR. MACONOCHE-WELWOOD: Mr. Chairman, there is only one point that I want to mention that has occurred in the course of this debate and it is certain points or suggestions that have been made with regard to the so-called, European highlands.

I would like on that subject to say this, that whatever is discussed in this Council, somebody always seems to make the suggestion that if the European highlands could be abolished and turned into Native Land units, the problem of the population of this country would immediately be solved. Well, what would in fact happen? What would happen is this. That if every European left this country to-day and the highlands were laid open to the population of the African, and at the same time the European Medical authorities and the administration and the compulsory peace, what would happen? In another twenty or thirty years the situation would be there exactly where it is to-day in the African land units.

At the present time, the Africans rather they like it or not have benefited enormously from the example of European agriculture and European pastoral work in this country. I do not say that all European farmers are good ones, far from it. They have much to learn, but one thing is certain and that is that the Africans have much to learn from the European farmer. If the suggestion made by the hon. Mr. Mathu was implemented that the squatters on European farms should be allowed to cultivate greatly increased acreages, the only result as I feel it would be greatly increased profit to the squatters concerned. It would not mean a release of pressure on the Native Land units. It would not mean that families would leave the reserves to squat on European farms. It would simply mean that one family would make more money for itself, possibly desirable.

We have got to get away sooner or later from the African idea that every African is entitled to have a plot of land, to have a subsistence agriculture, and to earn his living primarily by that

plot of land. What the hon. Mr. Mathu really intended when he said that he disapproved of the limitation in the acreage cultivated by squatters in the European Highlands was that it would relieve the pressure and that those squatters should, as it were, have the right to a piece of land.

Now, the African cannot go on with that idea and in the Highlands, I have no doubt, eventually the squatter system with all its disadvantages and with all its advantages will have to go and higher wages will have to replace the squatter because I do not believe, in the long run, that efficient food production can be done by a system of small peasant cultivators on the land of an occupier.

Another thing that the Highlands have done which it is necessary to defend is that they have given employment to an enormous proportion of the African population. They have supplied food and a more varied diet, to a great proportion of the Africans of this country.

The hon. Mr. Madan suggested that he could not contribute anything to this debate as the unfortunate Asians were debarred from the exploitation of the land.

MR. MADAN: On a point of explanation, Sir, those were not my words.

MR. MACONOCHE-WELWOOD: I am not quite certain what his words were but I thought it was that he was unable to contribute much to this debate as he was an Asian. Well there are large areas of land in this country which are open to Asian occupation on the Coast. There are other areas particularly suited to Asian occupation and open to them to buy which by and large closely resemble many areas of the sub-continent of India. They are not as a whole taking advantage of those lands. I do not wish to make a bitter attack on either the African or the Asian but I think sometimes in this Council the Europeans in the European Highlands are by implication attacked both by Africans and by Asians and I think that it is only right that occasionally, we should answer back, if only for the purpose of the record, and that we should set down what are the true facts about the European Highlands.

Mr. Chairman, I beg to support.

Council adjourned at 11.00 a.m. and resumed at 11.20 a.m.

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, I would just like to refer very briefly to points raised by the Member for Aberdare, the hon. Mr. Hopkins, and the Member for Arab Interests, the hon. Mr. Shatry.

First of all, Sir, the hon. Member, Mr. Hopkins, referred at some length to pasture research and referred to assurances which I did give him in this Council last year. It is quite true, Sir, that I have not implemented those assurances and I do not, I fear, intend so to do, but the reasons are, I think hon. Members will agree, perfectly sound. Last year, I think I gave an assurance that one of our main pasture research stations would most probably be at Naro Moru. Since that date, very careful investigations have been made by scientific officers and it has been found that that station does not lie in the true oat-grass area and we are at the moment, looking for another possible site, also, I would say, within the province of the hon. Member. At the same time, Sir, I would like to assure him that the problem of which he is so well aware and which exists both in Naro Moru and in Ol Joro Orok will, in no way, be lost sight of. In my opinion, very possibly, they are of more economic importance than the actual experiments which will be conducted at the main station, but we must have the main station in order to learn exactly the conditions under which the dominant grass exists in its natural habitat before we can start or, anyhow, before we can finalize our work on what happens in the transitional areas.

Now, Sir, the hon. Member asked me to give him an assurance that we would take into consideration the appointment of an Advisory Research Committee. I would like to inform him that I have always found advisory committees on all the important agricultural industries of the very greatest value to the technical workers employed thereon and I have already taken steps to set up a Pasture Research Advisory Committee, the first meeting of which is to be held a week on Saturday. Before we decide on any definite plans, the whole matter will be discussed by the Committee.

Secondly, Sir, he referred to the necessity for co-operative experiments. I would also like to give him an assurance that co-operative experiments with farmers will be used to the fullest possible extent but I am sure he will appreciate that these have limitations and that we have our main regional stations as well as the co-operative experiments on farms in the area.

Sir, referring to the hon. Member, Mr. Shatry on coconuts, he stated that he thought unless something was done in the very near future, the coconut industry would go out altogether at the Coast. Now, Sir, one of the chief causes of the falling off of the coconut industry is the apathy of the farmers in that area. They have never cultivated coconuts in a proper husbandlike fashion and the only way that we can overcome that is by increasing our agricultural staff at the Coast in the same way as we have done in the other areas. That has been done, we now have several officers working at the Coast and I do hope that there will be some improvement because we, ourselves, do realize the value of that industry. I would like to point out that we have not been entirely idle; as the hon. Member is aware, we have tried to organize the marketing on a proper basis by the introduction of Copra Marketing Rules, and if he refers to the Estimates this year, he will see an increase, admittedly very small, in the Co-operative Experiments vote—the Scott Agricultural Laboratory—and that is specifically to work on the rhinoceros beetle which is such a very serious pest at the moment on the coconuts at the Coast. We are starting next year on some fairly comprehensive investigations on that specific pest.

Mr. Chairman, I beg to support.

MR. OIANGA: Mr. Chairman, I have only very few comments which I want to make on what has already been said by my hon. friend Mr. Maitland and I should like to begin by congratulating the hon. Member for Rift Valley for his excellent speech (Applause.) I think the hon. Member for Rift Valley hit the nail squarely on the head when he said that the main problems, so far as soil is concerned in the African Land Units rest on these three points—pressure, demand for food, and

the Oiang) standard. These are calls which must be answered. You cannot say that you cannot postpone them, but although we may blame the African very much for misusing the land by over-cultivating and over-population, he has very much to offer in the way of an alternative and he has to do that very thing which we abhor in order that he and his children may live. Now, the hon. Member for Rift Valley has made some very constructive suggestions which, with your permission, I should like to endorse, briefly.

The answer to deterioration of the soil at the general preservation of land, so far as the African Lands are concerned, could be solved in about four different ways. I think he is general on them but I should like, in a little detail, to go over them. First, it seems to me, as has been done already through the policy in the African Land Units, is that of terracing. Now, terracing throughout the country has been, in my opinion, very vigorously carried out and I think well done. The only thing, if anybody would like to blame it, would be that it has not all been done and it could all be done for very specific reasons. The lands that have already been terraced are those that lie immediately close to the African villages within their own areas, those areas which they actually occupy. Those that have not been terraced are those which lie a little outside the lands already occupied which are rocky or stony or unsuitable for any agricultural purpose. Now those, I think, will remain a problem for some time. Perhaps, in my opinion, the only way of solving them would be for the Government, particularly the Department concerned, to try and make out a plan whereby the Africans themselves and some mechanical unit provided centrally, could combine together to tackle the thing. I should like to add, in doing terracing in the African Land Units, very little mechanical power has been used and it has been done free by the Africans themselves with no cost at all to the Government and I think it is time that some money was spent in terracing the land in the African Land Units. After the land, which has been occupied, has been tackled, the second step would be to rehabilitate those areas which are swampy and generally unsuitable. Up to now, these areas lie in the African Land Units;

they are not being exploited because of their unsuitability and some work will have to be done to make them suitable. Thirdly, when the African Land Units have supplied what they can, it would be generally correct to take a look round within the Colony and see where more land could be obtained and here, though I might be accused for repeating it, we cannot help but cast our eyes on land which lies anywhere, be it in the Highlands or anywhere, because we believe ourselves to be here, citizens of Kenya and it ought to be within our grasp to claim anything within Kenya because we belong to it. I would like to endorse very much the suggestion of the hon. Member for Rift Valley that we ought to explore avenues outside Kenya for resettling Africans. Now, in my opinion, that would be a wrong procedure. I agree with him, but we must see that we have completely exhausted our own resources and made the best use of them. When that is done and there is not one single area left in the Colony on which a human being could be settled, then turn to the Tanganyika Government and to any Government and ask them for land but I do not think they will deal sympathetically with our request if we are going to reserve certain areas which are known to be agriculturally productive and consider giving us more land when they know that there is something still to which we can help ourselves in our own areas. So much about land.

Secondly, I want to make a few remarks about production. Now, the production side of our agricultural policy is not, in my opinion, vigorously pursued in the native land units. We have officers who deal with the soil, the soil conservation department. We have quite a few officers who deal with the marketing department, but so far as production goes, it seems to me to be taken for granted that crops will be produced, but it seems to me that something more could be done. Where terraces have been done, they have been done all round and the gardens are properly terraced. That itself, as has already been said, is not sufficient. I think the next step which should be taken to make those small plots more productive would be to concentrate on manuring. I do not think that manuring as a method of restoring land has been properly utilized in this country, and I

[Mr. Ohanga]

think that the production would be very much enhanced if more manure was concentrated on and more of these exhausted gardens would be made useful and production increased. While on production, maize is being blamed for being a double-purpose crop and because of that, the people have the temptation of planting it over and over again for many years. I agree with the hon. Member who said so, that we have to plant it because we feed on it, but at the same time we have to plant it because without it we would not be able to pay the taxes. In the many agricultural areas in this country, maize seems to be the only important cash crop, although, in my opinion, it should not be so. I know that in certain areas, particularly around the lake, it is quite possible that cotton would be just as good a cash crop as any others, and in addition to that, what about sisal? The other day we had legislation dealing with sisal which tried to regulate how it should be planted, but I do not think that there are any organized steps or plans for growing sisal in the African areas and it seems to me that some of the rocky mountains which can never produce food ought at this time, when land is so scarce, to be exploited for the growing of sisal which is so useful as a cash crop.

I beg to support.

MR. PRESTON: Mr. Chairman, there are just one or two points I would like to raise.

The first one, Sir, I would like to deal with is to pay a small tribute to the work of the Agricultural officers in the reserves with the backing, and the strong backing, that they have had from the administration, which has led to the happy state of affairs, referred to by the hon. Member for African Interests, Mr. Mathu, to, as I understand it, a better productive output. This last year has shown very, very great progress.

Now, Sir, there has been considerable support from hon. Members speaking towards the idea of individual land tenure and I think it is a step which will have to be taken and to my mind, the sooner the better. But I would advocate, Sir, that where and when any new area is opened up for African settlement, it be on the basis of individual land tenure, on a lease and with preventive clauses to ensure absolutely that no fragmenta-

tion of any such land would be allowed to take place. I would also say, Sir, I believe that it would be absolutely essential to make a small charge for such land because I think the time has come when we must bring to the attention of all communities in the Colony that land is not just a thing that falls into every man's lap, it has to be worked for and to be purchased. Again a man will value something that he has paid for, even be it a very small price, very much more highly than something that he receives for nothing. I would stress again, Sir, that security of tenure is probably one of the best ways of making a good farmer. If a man takes a piece of land, he is rather timid and hoping to develop that land to hand on to his son. Therefore, Sir, I would submit that it would be a very dangerous thing to play around with any commission which has arranged the boundaries of this Colony. It does not only race to race but it might even invade a tribe to tribe.

Sir, I would add my plea to the hon. Member for Arab Interests with regard to Arab agriculture. I think we must remember that it was the Arab community that pioneered agriculture in the Coast area and I do think more assistance should be given wherever possible to these people to recover some of the ground they have lost.

Sir, with regard to the sugar industry I do feel like the hon. Mr. Nathoo perhaps we are not doing all we can in this direction and I think we could probably do quite a lot for the industry in Kibos, if we could help them a bit more over their present difficulties of road and rail transport.

Sir, I beg to support.

THE CHIEF SECRETARY: Mr. Chairman on this side of the Council, we all listened enthralled to the speech of the hon. Member for Rift Valley. (Applause.) Quite apart from the points he made, we were naturally interested to learn something about purity of English and, as I listened, I wondered whether it was really the Member for Rift Valley speaking or whether it was not Sir Ernest Gowers. But as he went on to refer to the fact that we should take with other territories, I was tempted to wonder whether or not I was not being taken back to

the Chief Secretary) and whether I was not listening to an over-impassioned orator as he made his last "territorial demands" upon a neighbouring territory—a speaker, Sir, who was renowned perhaps for the fire of his tongue than for the purity of his language.

But those thoughts, Sir, should not lead us to the very constructive suggestions which the hon. Member made in which, of course, there is a great deal. As he has pointed out, many of our problems are serious and a bold and imaginative approach is required. One Member who has always impressed that on this Council is the hon. Member for the Coast—(Hear, hear)—and he perhaps has been more consistent than some of the rest of us in the suggestions that he has put forward.

For my part, as Member for Development, the first thing which struck me about the suggestions for this bold and imaginative approach is, of course, that if you are to make such an approach, funds are needed, and that when we come to consider means of raising those funds, an equally bold and imaginative approach should be made. My hon. friend, the Member for Finance, has already told the Council that no means of raising the necessary funds will be neglected, and many hon. Members have had a lot to say about raising loans. I would point out that loans are only one means of raising the revenue and, as I feel sure, my hon. friend, the Member for Finance, would point out, one of the drawbacks to loans is that not only have you to pay the servicing charges but one day you have got to pay back the loan itself. We should not neglect contributions from revenue. It did seem to me, during the earlier part of the debate, that when we came to consider small additional taxes, the bold and imaginative approach was singularly lacking, in fact some Members went so far as to say that those small increases were ill-timed and unnecessary. I would ask the Members who made those remarks to consider them in the light of this debate.

Naturally, Sir, I was extremely grateful and indeed encouraged to hear the remarks of my hon. friend, the Member for Rift Valley, when he came to deal with the question of the Members who have to make this approach. It is, as he

has pointed out, quite true that Members are burdened down with detail and are often so over-worked that they find it extremely difficult to find the time or opportunity to give the deep thought to these problems which, the Member for Rift Valley has pointed out, is so necessary.

The remarks which have been made encourage me to hope that when it comes to the question of providing the Members, who are to make this approach, with the staff and the facilities which they require to do so, that our estimates will be dealt with with sympathy and with understanding. (Applause.)

THE CHAIRMAN: If no other hon. Member wishes to address the Council, I will call upon the hon. Member to reply.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, this has been an instructive debate. It has taken a good deal of time but I am quite convinced that most of us agree that the time has been well spent.

Sir, in opening his remarks, the hon. Member for Rift Valley was somewhat complimentary in regard to the work done by myself, but, Sir, I would like to say this, that much as I appreciate those remarks, the real work that has been done and which has resulted, as I said in opening this debate, in I believe tremendous progress in the European areas and a complete or very nearly a complete change of heart in many of the African areas, has been nothing whatever to do with me—it has been entirely the work of people who live in considerable discomfort and who work very hard indeed and to whom very often insufficient tribute is paid—I refer to the officers in the field, especially the junior officers. (Applause.)

Sir, the hon. Member referred to the general difficulties we are confronted with as regards the African areas and he dealt with these difficulties in more or less three phases. In the first phase to which he referred was more or less general remarks on the reasons for the situation with which we are confronted and I need not, I think refer to those.

He then, Sir, dealt with various remedial measures that could be used perhaps more easily than the more fundamental ones he mentioned later,

(The Member for Agriculture and Natural Resources)

such as an increased forest-re-planting programme which would absorb a large number of Africans from over-populated reserves. Well, Sir, we have; I think exploited the forests up to date to the maximum extent we can with the funds at our disposal. Indeed, the re-planting programme—this will come of course later when the Forests' Estimates are mentioned—the re-planting programme which was agreed to at about 6,000 acres per annum, has been very greatly exceeded. In addition to that, Sir, we have tried to reorganize the labour, and very considerable labour too, which is employed within the forests by appointing—a term I do not like—welfare officers, officers to look after them to reorganize them, to house them better and so on and so forth and our objective definitely is to try and create within the forest areas professional foresters who will no longer have their roots in the reserves but will, so to speak, become professional men who, with their families will in future live in the forest area.

I will deal of course with increased planting in the appropriate place when we deal with the Forests Estimates. The hon. Member also referred to the possibility of developing areas at about 10,000 or 11,000 feet. Well, Sir, I think that suggestion we will certainly go into. I have not very great hopes that it will do very much. The areas about 10,000 feet in this Colony are few and far between and in most cases they are very cold areas in which little will grow—rocky areas; and another point which has to be remembered is that those are the higher areas from which our streams in most cases arise, and I am very doubtful indeed whether it is altogether, except under very strict control, wise to try and do very much on bad land with populations at the sources of our streams. (Hear, hear.) The hon. Member also mentioned the possibility of dams and of dealing with—of creating blocks of 5,000 to 20,000 acres for land under irrigation. Well, Sir, I entirely agree with the hon. Member. We must continue our investigations into the possibility of something of this kind, but I think hon. Members opposite are aware that we have had several expert investigations into the possibilities of a scheme of this nature, and I am afraid so far we have

nothing very promising in view that would justify the expense, and then there is one further thing we have to bear in mind in considering these schemes—I am not suggesting for one moment that the schemes are impossible or that we are not going to continue trying to do something of the kind, but I would point out there is this difficulty, and that is that there seems to be a general delusion, if you have land and you pour water on it, it will then become a land flowing with milk and honey. What in fact happens unless it is done with great skill and considerable knowledge is that that land becomes either water-logged or gets so filled with salts and other things that it very rapidly loses its fertility it may have, so that any irrigation scheme has to be very carefully planned and very strictly controlled if it is going to be of any ultimate benefit.

Now, Sir, the hon. Member touched on a subject in which I am intensely interested and which possibly ought really to come forward under the Veterinary vote. However, it is a part and parcel of farming and agriculture generally, and it is a very important part of agriculture—that is, animal husbandry and the productivity of African cattle in African areas. The hon. Member suggested that at the moment the prices obtained for cattle are very poor and the cattle themselves possibly do not give a very high return to the African owner, and his incentive to use cattle in the right way is perhaps insufficient. He suggested that we should, amongst other things, try and devise a method of having fattening grounds where the cattle that is going to be sold from the reserves is collected, inoculated and so forth so that they come out reasonably clean, so that they can be moved in a condition in which they will obtain a decent price. I think the hon. Member is possibly aware—I hope he is—that we have succeeded on these lines very much in view. One of the first things that it struck me we had to deal with was the question of holding grounds, and the question of stock routes. We had a lot of haphazard holding grounds and we had a lot of disputes over stock routes. Most of these difficulties have now been overcome and we have got a country-wide plan for stock routes and the methods of moving cattle from cattle-owning tribes. But, Sir, we still have this difficulty, that many

The Member for Agriculture and Natural Resources]

of these areas are in fact dirty areas, areas from which you cannot move cattle without inoculation, and often areas very far away from consumption areas. The fact is that cattle which are bought in such a good condition from the African, by the time they have walked 100 or 150 miles through a waterless area, having been previously been inoculated with such a violent serum, by the time the animals get to the consuming areas they are really worth very little. That is a subject we simply must tackle and we must, I think, plans in contemplation which I hope will see the light of day early next year, which will deal with that subject.

Now, Sir, he referred to Makueni and by was then really referring to the large schemes, to the possible movement or migration of excess populations in the course, and he also mentioned that undeveloped land cannot be allowed to remain dormant for ever, referring to certain areas in this Colony. Well, Sir, as far as Makueni is concerned, I am fully aware—Government is fully aware—that of course Makueni is a very expensive experiment, and that any very large-scale movements of population to prepared areas on the lines of Makueni are completely outside the scope of any Government of a Colony of this kind. To do that on a huge scale would be quite prohibitive in cost, but I submit that the experiment that we have carried out at Makueni has been of immense value. It has shown what can be done. It has shown the African to some extent what he could, with reasonable assistance from the Government, do for himself, and that alone, I think, is worth the expenditure that has been incurred. It has also taught us the lesson that it is no good making mathematical calculations of the vast areas necessary to keep an African family alive, but to get down to bedrock and see what an African family can live on and can cultivate and making a living of. I think in that respect too, Makueni has taught us very valuable lessons.

Now Sir, the hon. Member suggested that could be projected into people doing more for themselves by our merely putting water down, and roads and so forth, and I believe, Sir, that that is the answer. I believe that, given encouragement, by degrees we will get the Africans to move

more readily than they are willing to do to-day. But there is another aspect that I think is often forgotten although it must surely be realized by all those who have lived in Africa for many years, and that is that the African still to-day is very nervous once he is removed from his own environment. It is, you know, quite strange how when you travel with a boy and you want to put him up at night somewhere, the first question that is asked is what tribe is he, and clearly the boys very often, I find, are quite nervous when they get into a very unaccustomed locality. That I merely mention because that has its repercussions on trying to induce African families in large quantities to move, and you cannot really blame them. After all, it is not so many generations since this was a very unsettled country and life was held very cheaply. Diseases and so on were very rife, and I think the African sub-consciously has never quite forgotten that, and to him it is a great adventure to move very far, and of course he has not yet got quite the faith that perhaps he should have in the ability of Government to look after him when he is moving to these rather strange places, from his point of view. That has all got to be got over and I believe with the help of the leading members of the African community here that we are making great progress in that direction, but, as I say, it does take time.

The hon. Member said something about Provincial Commissioners and his hopes that schemes once started would not be allowed to elapse. Well Sir, I agree with him, of course, entirely, but I think we must remember here again that we owe a tremendous lot for any progress that has been made to the Provincial Commissioners and the administrative officers, and that they, practically without exception to-day, seem to have got the very right, I submit, idea, that the most fundamentally important thing amongst their manifold duties is the encouragement of better forms of agriculture and animal husbandry.

The hon. Member's reference to loans has already been dealt with and he then dealt with the subject which has been, to some extent, referred to by my hon. friend, the Member for Development—the question of more co-ordination, so to speak, amongst senior officers of

[The Member for Agriculture and Natural Resources]

Government in dealing with this terribly important subject, that is, African agriculture and African land rehabilitation, and generally finding sufficient land as far as possible for the African population. Now, Sir, the hon. Member rather suggested—I know what he was meaning to infer—but he rather suggested that possibly the hon. Member for Development, in his dual capacity or other capacity of Chief Secretary, possibly could do a little bit more towards co-ordinating this work which, as the hon. Member quite rightly points out, does not only concern me—it concerns the Member for Finance; it concerns, of course, very rightly my hon. friend the Chief Native Commissioner and in fact, it concerns practically everybody who is in a responsible position in this Colony, so with due respect, I submit that any suggestion that more responsibility should be placed on one officer, the Chief Secretary, is a retrograde step. We have long ago come to the conclusion that this Colony is beyond the stage where you can have one man sort of more or less responsible for the activities of all Departments of Government, and, therefore, we have more or less adopted a ministerial system, and a ministerial system does imply joint responsibility at top level by the various Members of the Cabinet. Now, Sir, I entirely agree with the hon. Member that possibly we are to blame in that we do not consult amongst ourselves to a sufficient extent and that possibly we do not look at some of these problems from a wide enough viewpoint. But I would take this opportunity of backing up what my hon. friend, the Member for Development, has just said, and that is in point of fact, it may be because we have not organized ourselves properly, or it may be for lots of reasons. But the fact does remain that every Member is so overburdened with the work, and mostly detailed work, which in my opinion, should never come near him, that in fact I am afraid that is a shortcoming in the present set up of Government, and I do sincerely trust—again, it is very easy to say that there are too many people in the Secretariat; it is very easy to say we are overburdened with overhead expenditure and staff, but I wonder often whether hon. Members

opposite really realize the immense amount of correspondence, questions and meetings and things that one has to attend and the fact that, I do submit, that many of us are understaffed, in fact instead of the top people having time to sit back and think, they have not got a Number 2 who can take off the burden of the routine work to a sufficient extent.

The hon. Member then went on to suggest that the Africans, of course, had many responsibilities in order to try and help themselves, and that certain sacrifices would also have to be made by Europeans if we are to develop this Colony as we hope. Well, Sir, I can only agree with him on that matter.

The hon. Member for the Coast—raised the question which, as he says, he has raised in this Council before, of the possibility of projecting the Makoa scheme which, admittedly, is only a pilot experimental scheme right back to embracing the whole of that big area Makindu, Kibwezi, the Kiboko River—all that part of the world. Now, Sir, I would like to assure the hon. Member that I have by no means treated his suggestions in the past lightly, and both I and, I believe, my hon. friend, the Chief Native Commissioner, have both personally been down. I have been all over the Kiboko River area and Makindu right back towards Makueni. I have spent some days actually at the Scottish Mission at Kibwezi and going down to Mombasa Road and from thence towards the Chyulu Hills, which was, at one time, part of and, indeed, inhabited by the Wakamba people, and I can assure the hon. Member that we have great hopes of doing something there. It is a rich country, there is very little water, as the hon. Member is aware and it is by no means fertile country—by no means so, nevertheless, all I need say here is to assure the hon. Members that we are looking into those areas very carefully indeed.

Now, Sir, the hon. Member for the Aberdares raised the question of investigation, and experimentation and I think most of these points were met by my hon. friend, the Director of Agriculture. On the subject of collaboration with farmers I would endorse what the hon. Director of Agriculture has said and that is, that of course we must, and do indeed, make the greatest use of trying to carry out

[The Member for Agriculture and Natural Resources]

agreements with the help of and on both African and European farms; but you cannot exactly carry out research in that manner. Research has to be done very thoroughly, and I submit can never be done properly except under the control of the technicians.

The hon. Member representing Native interests referred to a certain number of points. He suggested that individual tenure would help to relieve pressure—if we could give individual tenure in some of these new areas which we are trying to develop. Well, Sir, I agree with him, but individual tenure I think has to be rejected, as was pointed out by the hon. Member for Nyanza, to no fragmentation and subject to land being properly used. He referred to the Carter Land Commission and, of course, I quite appreciate his views on that subject. I also, of course, agree entirely with what was said by the hon. Member for Trans-Nzoia—that is, that at least the Carter Land Commission has given us a basis on which to work, but I would suggest to the hon. Member that where anything can be done by agreement to assist African areas, I think it has been done.

You know quite a lot has been done for which little credit is given and quite recently, I think, part of the Kipkarren area and the whole of the Kaimosi area has been made available for Africans, areas on which there were Europeans actually living and cultivating, which shows that people are not quite as unreasonable as the hon. Member sometimes tends to suggest. The hon. Member dealt with resident labourers. The whole question of resident labourers is one which one certainly has not got the time to deal with this morning in any detail, but we have got to have our feet on the ground in dealing with the whole of this subject. You cannot suggest, in any way that I can see, giving resident labourers large areas of land which do not belong to them on farms in the European Highlands without, as the hon. Member has pointed out, any real social security, is going to relieve the problem. It is, in my submission, going to make the problem infinitely worse. (Hear, hear.)

As the hon. Member knows—I think it was the hon. Member—he referred to the district councils and suggested that

they should review their policy. Well, to this extent, I agree with the hon. Member that district councils have in the past tended to pass resolutions or make orders rather irrespective of what was being done by their neighbouring district councils, and perhaps sometimes rather hurriedly. That I think, has been completely got over by the fact that we now have a working committee, representatives of all the district councils and I believe the whole position there has been immensely improved. Also, district councils are now working quite closely with Africans and taking the advice of Africans in lots of matters, which is again a new departure.

The hon. Mr. Madan, Central Area, referred to the fact that Indian populations had no land and no opportunity to learn agriculture. I think, Sir, I answered that in the opening debate. I did point out we had no less than 12 students now, a new departure, going to Morogoro. Those will cost £270 apiece, a subsidy from Government, to help them to learn agriculture and when they have studied and passed their examinations, it is our intention to find land for them, so at any rate we are doing something.

The point raised by the hon. Mr. Shary has been dealt with by my hon. friend the Director of Agriculture. I would like to add this, that there is one area of land running up on the eastern side of the Arabuka Forest which I am hoping will be set aside completely for a sort of model cultivation of coconuts in order to show what can be done in our coastal areas in the way of copra industries and coco-nut tree cultivation. Sir, we are not entirely unmindful of the point the hon. Member has raised.

The hon. Mr. Nathoo spoke about sugar and he said that of course research was necessary to help the people more especially the people in the Kibos area. As far as research is concerned, I think the hon. Members must be aware that we have spent a certain amount of money with the help of some contributions on cess on sugar or sales tax on sugar, but at any rate we have now a very nice little experimental station near Kisumu and we had a sugar expert who I came from India working there, and I hope the hon. Member next time he happens to be in Kisumu will go and

(The Member for Agriculture and Natural Resources] look at that station. It is on the site of an old agricultural station and I think he will be satisfied that we are doing quite a lot in the way of research there.

I think, Sir, the hon. Mr. Ohanga raised certain points about the growing of cotton and maize. We have tried, as the hon. Member is aware, to encourage the growing of cotton on quite a big scale by the establishment of gineries and lots of different ways, and he will find that lots of different types of cotton are being tried out in that area, but we have not found quite the response that we had hoped. We are also trying to grow rice in quite a big way in the Nyanza Province.

There is one point on which I wish to join issue with the hon. Member, however. He talked about the necessity to rehabilitate swampy areas. Actually—I know it is very difficult to stop it in overpopulated areas, a tragedy has occurred in some areas in the way Africans have been allowed to, or have without permission, gone into what were swamps and cultivated them, with the result that the whole country has become dried up and they have only succeeded in desiccating large areas of land that were quite fruitful and belonged to their neighbours. It can be a very dangerous thing indeed to allow the cultivation of swamps.

I think, Sir, I have touched on many of the general points that have been raised, and in conclusion, as I said and will again repeat, this has been a very constructive debate. I hope that people do not for one moment imagine that anybody on this side of the Council is complacent or thinks we have really done more than just begin to nibble at the fringe of this immense problem with which we are all confronted. Nevertheless, Sir, I think that by degrees we are progressing and if we all pull together, and forget our racial viewpoints that are sometimes taken on these problems and realize that we are all responsible, as was said by the hon. Member for Rift Valley, we are all responsible if we are going to survive, that this problem is tackled as energetically as is possible, then, Sir, I have no real fears as to the future.

The question was put and carried.

THE CHAIRMAN: We will now proceed to the detailed consideration of these Heads of Estimates.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move: That Group 5, Head (1), items 1 to 3, be approved. There is a large increase here, Sir, of £3,175, but it will be noticed that included in that are the Assistant Secretaries, who come over from the Secretariat to the office of the Member.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move: That Group 5, Head (2), sub-head 1, which includes the items 1 to 16, be approved on page 120 of the Estimates. No, Sir, if I may, I will take from Group 5, sub-head 2, items 1 to 13, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move: That items 17 to 22 on page 121 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move: That items 2 to 11 on the same page, that is, page 121, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move: That Group 5, Head (2), Non-recurrent items 1 to 4 on page 122, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move: That the items under Agricultural Machinery Pool, items 5 to 26 on pages 122 and 123 be approved. It is the Agricultural Machinery Pool which, as hon. Members are aware, is closing on the 1st March, 1951.

MR. HOPKINS: Sir, would it be possible for the hon. Member to give us assurance that when the machinery pool is closed down that harvesting machinery will not be sold by auction or tender, as is Government's usual custom, but that it will be allocated at a valuation to suitable farmers in areas where harvesting machinery is still short?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I cannot give any definite assurance in Council at the present time, but I have been approached with the idea that it might be feasible in some way to have a proper valuation made of the machinery and then it might be made possible to see that it is not entirely removed provided we get the full price for it from the areas in which it is sold that it is wanted. Although that may be possible, and it is my intention to discuss it with the hon. Member for Finance, as I think some people are sure, I must nevertheless point out we cannot have it both ways, we either have a machinery pool or we will not have a machinery pool, and now we have come to the conclusion—on the advice, I may say, of a meeting called by representatives of all the districts that use the machinery pool—to close it down; we cannot very well close it down and at the same time give guarantees that the machinery is going to be kept there at the possible loss to Government for work in those particular acreages. We will try to meet you to the best of our ability—I know exactly what you are trying to get at.

MR. HOPKINS: It was not my intention that it should be kept there by Government, but that it should be sold to farmers who were willing to make it available on repayment, of course, in those particular areas where harvesting machinery is still short.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: We will certainly bear that in mind, Sir.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Now, I come to the other items to which I have already referred, which is, Contribution to European Settlement Organization, item 27. The explanation of this, I think, is contained in the White Paper that was laid before Council.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move: That Group 5, Head (3) items 1 to 22 be approved.

The question was put and carried.

CHIEF SECRETARY: Mr. Chairman, in order to save time, would it be possible

to move the Head as a whole, not item by item, and then if any hon. Member wishes to raise any point on an item then we could raise a Head item, by item, but I think we are wasting a little time on it at the present.

THE CHAIRMAN: I personally entirely agree with the comment of the hon. Member, and I think it would probably meet with the wishes of Council. Will the hon. Member for Agriculture follow that procedure and if any hon. Member wishes to raise a question on any single item we can put the question up to that item and then debate the item that is referred to.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I am of course naturally in the hands of Council and from my point of view it is very nice to move the whole thing straight away, but I was trying to meet the possibility that hon. Members might like to raise some points on the various Heads.

I beg to move that Group 5, Head 3 sub-head (1) be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Group 5, Head 3, sub-head (2), to be found on pages 125 to 126, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Group 5, Head 3, sub-head (3) on pages 126 and 127 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that sub-head (4) Coffee Services, (5) Pyrethrum Services, (6) Sisal Services, (7) Plant Breeding Services, and (8) Pasture Research, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that sub-heads (9) Horticulture, (10) Seeds Services, (11) Sugar Services, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that Group 5, Head 3, sub-head (12) Field Services on Page 132 and 133 be approved.

Mr. BLUNDELL: Mr. Chairman, I am not quite sure how I deal with it, but there is one particular item upon which I want to say a few remarks. Item (10) on page 133, Assistant Agricultural Officers (African). Sir, I wish to ask hon. Members opposite to consider the salary scale which is afforded to these officers, by £190 by 10 to 240 by 12 to £300. I submit, Sir, that on that salary scale—consideration should be given to revising it slightly upwards. I believe, when you think that these officers have had to have considerable technical training in Makerere and that officers of a similar type in the administrative scale go to £450, I believe that this scale is inadequate. I believe that we have established the position in the European salary groups that the technical officers and administrative officers are *pari passu* and I believe the same principle should also apply to the lower African scales or for the beginning scales in the Assistant grades for Africans. I will not say more about it now, Sir, but I would like to ask the hon. Treasury Members—as it is becoming now fashionable to call them—whether they would give sympathetic consideration to the suggestion that the salary scale should be increased.

Finally, I do believe, and I think the hon. Member for Kiambu has touched on it, it is quite ridiculous to train Africans, to send them Home, to send them to Makerere for long, difficult courses, and offer them this salary scale. This salary scale, which any African with a clerk's background could tomorrow pick up in this town for merely being a clerk. (Applause.)

DIRECTOR OF ESTABLISHMENTS: Yes, Sir, the Government will certainly be prepared to consider that provision in Sessional Paper 2 for 1948 for higher scales for Assistant Agricultural Officers under this item.

Mr. BLUNDELL: I only wanted to say, Sir, that I was sure that when the hon. Director of Establishments came in with that large box that something must come out of it!

THE FINANCIAL SECRETARY: Sir, nothing has come out of it yet! (Laughter.)

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move

that Group 5, Head 3, Sub-head (13) be approved. It is on page 134.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Sub-head (14), Soil Conservation, on pages 134 and 135, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that Sub-head (15), Egerton School of Agriculture, also on page 135, be approved.

LADY SHAW: I would like to ask, Sir, whether in view of the new plans for 1951, whether in future we shall have the Egerton School accounts appearing in quite this form in future Estimates, or whether it will be treated as a thing apart, a sort of farm account as a farm?

MR. HAVELOCK: Mr. Chairman, may I ask under sub-item 2, the Agricultural Officer mentioned there, is he part of the instructional staff or the Farm Manager? If he is the Farm Manager, should his salary not be debited to the proceeds of the farm and not in this particular head?

Mr. BLUNDELL: That would not be allowed!

THE DIRECTOR OF AGRICULTURE: As regards the hon. Member for Ukamba's first point, about the farm you will see that in this year's Estimates Farm Operating expenses have come out altogether, and in another part of the Estimates there has been a provision made for a loan of £3,000 in order that the farm should be started off on a self-accounting basis.

As regards the hon. Member for Kiambu, the Agricultural Officer is ex the Farm Manager, Sir, he is a relief lecturer, and when we are able to engage him the idea is that he should be the Vice-Principal and a relief officer to deal with the lectures when one of the permanent lecturers is on overseas leave.

LADY SHAW: I do realize that most of the figures have been taken out, but I was looking at one such as tractors and lorry drivers—do not these people belong to the farms operating staff? And Water Supply Operator, does he purely operate the supply of water to the school? It is only a question of detail, I know, I was just wondering whether the whole of the farm operating

staff have been separated from the school accounts.

THE DIRECTOR OF AGRICULTURE: I fully agree with the hon. and Lady, there does seem to be a bit of a mix up there over the Lorry and Tractor Drivers, I cannot believe that they are to do with the School. I will go into it and see whether the provision has been made sufficiently adequately or not.

MR. PRESTON: I would like to know why three matrons are now necessary. I understand there are not more than two matrons. On item 13 I would like further information on African staff employed, as to whether they are employed partly with the farm and partly with the establishment or College.

THE DIRECTOR OF AGRICULTURE: In reply to the hon. Member for Nyanza the three matrons do appear rather a large number for the actual number of students which are in occupation at the moment, but they were necessary for the number of students in residence last term. They will certainly be necessary when school starts off next year with a very much larger number of scholars and, therefore, we do feel it absolutely necessary to retain the three matrons. One will be a matron for the new Women's Hostel, one for Block A and one for Block C.

As regards the query with regard to African staff, I am sorry, I cannot give a very definite answer. I myself was not very happy about it when I saw it. I have written up for a fuller explanation and as soon as that is received I will supply information to the hon. Member.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that Group 5, Head 3, Non-recurrent, appearing on page 136, be approved.

The question was put and carried.

THE CHAIRMAN: We have now disposed of the whole of the Agricultural Vote, and this is the usual time for adjournment.

ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 9.30 a.m. on Friday, 24th November.

Friday, 24th November, 1950

Council assembled in the Memorial Hall, Nairobi, on Friday, 24th November, 1950.

The President took the Chair at 9.34 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of the 23rd November, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By **THE DEPUTY CHIEF SECRETARY:**
Report on Whitley Councils.

COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951

Council went into Committee of Supply on the Draft Estimates of Expenditure for 1951.

Group 5—Head 6

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Group 5, Head 6, Veterinary Services be submitted to the Council for consideration.

Sir, I am moving it in this way in accordance with the undertaking given yesterday and hon. Members will have an opportunity of discussing the Veterinary vote in principle. Sir, hon. Members will notice that under this head there is an increase in expenditure of some £77,653. I am afraid that, subject to the availability of finance, it is likely from year to year there will be an increased expenditure on Veterinary Services. It is quite impossible to begin to deal more especially with the African areas without a gradual increase in staff. Sir, the increased expenditure this year is largely due to the following items. There are normal salary increments which amount to about £3,000 and then there is a considerable item of expenditure amounting to some £14,000 which has already received approval of the Standing Finance Committee in connexion with the Naivasha scheme for which we have just received approval. Hon. Members are aware that for some time

[The Member for Agriculture and Natural Resources] past we have had an extremely capable officer stationed at Naivasha, but he is entirely devoid of the necessary facilities for his work. Hon. Members are also aware that there is a very serious threat indeed, more especially to the grade and high grade and pure-bred cattle in the stock industry in respect of sterility diseases and the main object of the Naivasha station is to provide Dr. Anderson with the staff, laboratory facilities and so on in order to enable us to endeavour to tackle this great threat, with which the country is faced, of sterility diseases in a more competent manner. In addition, we will have a pig and poultry station and do a certain amount of grassland work in Naivasha.

The big items, in addition to that, which appear in the Estimates are in respect of the improvement of hides and skins. Quite a large sum of money, some £19,000 and some £11,000 appear in the Estimates of Expenditure in respect of this particular work, but hon. Members are no doubt aware that that expenditure is recoverable from Hides and Skins Export Cess and, therefore, it also appears as an additional expenditure on the one side, and we recover it on the other.

The only other comment I have to make, Sir, is that there has been in the past some difficulty over the question of local transport and travelling. We have, I am afraid, in respect of this Department, had to go for Special Warrants, I think, two years running for the Travelling vote. Sir, this year we have endeavoured to put in our real requirements and I am sure hon. Members will agree that it is quite useless having veterinary officers stationed all over the country if they cannot, when an emergency arises, travel and deal with the situation. I think, Sir, as I said yesterday, that it would be better, rather than my going into further detail in respect of these items, that come under this head, to wait for the comments of Members and I will then do my best, Sir, to answer any question which may arise.

Sir, I beg to move.

DR. RANA: Sir, I rise to support the motion moved by the hon. Member for Agriculture and I would request him to

consider on a matter of policy regarding the salary scales of the four Asian veterinary officers who are in the department for a very long time.

One of them, S. G. Hassan, who joined the Veterinary Department in 1906 has done loyal and most valuable service to the country for the past 43 years. I doubt, Sir, if in this Council anywhere with the exception of the hon. Member for Agriculture, has done such a long and loyal service.

At the time of the revised scale of salary, I think that a great injustice has been done to him because when the Salary Commission considered the case he was getting £500 a year plus £150 a personal allowance which was given for the work he had been doing for the department. Under the revision of the salaries he had been given due consideration and was allotted £800 which represents three-fifths of the European veterinary officer. His grouse is, Sir, with such a long and loyal service particularly on the Coast, where he has been since 1930, that is for the past 20 years, has introduced and worked for the development as far as the Veterinary Services are concerned and has replaced the European officer with all the credit or merits, whatever are due, and he is about to retire and he thinks that if the Government will favourably consider his case to give him some increment so that it may be useful to him in his pension in the future years. I would submit, Sir, that this is a case which is only for him—I do not want to use the word any racial discrimination—but I think it concerns the profession, a profession for which the future development of this country is being encouraged by all of us, and I hope that those who are qualified and who are working, in these cases should be considered on their merits and there should be no question of the particular race to which they belong. The time has come, as the hon. and gallant Member for the Rift Valley pointed out, regarding the African agricultural officer that we should encourage these people to come with proper qualifications and they may not feel any frustration or disappointment simply because they happen to belong to a certain race.

The other three Asian veterinary officers have joined, one from 1930, the

second from 1934, and the third in 1938. They have already reached their maximum grade, they are all young people, they have all worked loyally and they are all in comparison to the sub-assistant surgeons in the Medical Department, where are some special appointments, where are some special posts for senior sub-assistant surgeons, and the time has come when the Government would create a particular grade for these people so that they may not live in poverty on the thought that they will never go above £530. At this moment, as I know, there is a great scarcity of professional people and I would submit that I hope the Government will consider the case of these four Asian veterinary officers with the promptness and assurance that the work that they are doing will not suffer. I have seen, living on the Coast, the amount of work they are doing in the native reserves right from Lamu up to the Coast Province and in the milk supply, meat and various branches which could be dealt with by any qualified person and I am sure that if the Director of Veterinary Services were here he would have supported that. I am quite satisfied with their services and I would submit that it is a case of policy that the Government should consider it and give them their due, what they deserve.

With these few words, Sir, I support the motion.

MR. COOKE: I rise to support what my friend Dr. Rana has said as I think there is a very good case certainly for these three or four young veterinary officers who otherwise might stagnate for a large number of years. I would, therefore, like to support what he has said.

MR. HOPKINS: There are two small matters to which I wish to refer under this heading. In last year's debate, I put a plea forward for further funds, to be allocated to Naivasha Experimental Station in order that adequate investigations should be carried out into the sterility diseases and infertility conditions which are arising in our dairy herds and I would like to say how very gratified I am to see that adequate funds are now being provided.

The other point I wish to touch on is that under Field Services (Non-African Areas) provision is made for an Assistant Dairy Inspector. Under Field Services

(African Areas) provision is made for a Dairy Officer. Now I think I am correct in saying that both these officers, in practice, work almost exclusively in the European areas and I think that there is a strong case for the appointment of an assistant dairy inspector in the African areas as well.

This suggestion, I submit, is supported by the expansion which it is hoped will take place in the production of ghee in the native reserves and also by the case put up by the hon. Mr. Chemallan for guidance and help to Africans who wish to start dairying in the native reserves. I hope, Sir, the hon. Mover will be able to contrive to appoint an assistant dairy inspector for the African areas also, that is one for the African areas, one for the European areas with a dairy officer, who, I understand, is a highly-qualified man, to supervise and direct the work of both. Whether it would be possible to make provision for this extra officer within the framework of the Estimates, I do not know, but I do think that it is so essential to help the African areas in this respect that an approach to the Standing Finance Committee would, if necessary, be justified.

Sir, I beg to support.

MR. PRESTON (Nyanza): Mr. Chairman, I hope that one of the features this year, and indeed in coming years, will be the better control of the movement of stock by the Veterinary Department. This Colony does lose an enormous amount of money every year because people will move diseased stock from one part of the Colony to the other and I do hope that the Veterinary Department will succeed in tightening up this year.

I would like, Sir, to hear from the hon. Member for Agriculture and Natural Resources something more about the progress that has been made in the control of the tsetse fly. I hope that the additional staff in the field services will be able to do a very great deal more in helping the Africans to develop their cattle industry on more productive lines.

Finally, Sir, I would like to put in a plea for the African veterinary assistants who do not, I think, receive such pay as to make this very important service which they render to the community as attractive as one would hope.

Sir, I beg to support.

MR. BLUNDELL: Mr. Chairman, I want to draw attention and rather underline a point which the hon. Member for Nyanza has made. At the present time, in the movement of stock from the African areas for the Meat Marketing Commission, I think that we are possibly involving ourselves in a certain amount of risk due to the fact that the Veterinary Services in the African Land Units need strengthening. Now, I know that the hon. Members on the opposite side of the Council think that for the greater part of the year we always try and economize and for this part of the year we always ask for new posts. That is the position which the hon. Member for Development has quite often, I think, twitted hon. Members on this side of the Council with. Well, Sir, this is a basic need. At the present time, owing to the lack of veterinary services, I believe that we are running considerable risks in the movement of stock. Animals are being inoculated and, in order to move them into the meat marketing areas quickly, they are moving with inoculations still rampant within them. I think it is important that we should not trek animals all over the countryside which might be possibly disseminators of the disease, and I would urge that if the finance cannot be found for strengthening veterinary services in the reserve, which ties up with the problem I was referring to yesterday, but which also are directly productive in that they may save an animal from dying and thus give the African more wealth. If it cannot be found, then I would like to suggest to hon. Members opposite that possibly a more careful pruning, apart from the pruning which the hon. Member for Finance mentioned happened this year, might find the necessary money. If I personally were an African and I had to choose between good veterinary services and what are now community development officers of which there are ten posts in this Budget, I should choose the veterinary officers every time. Sir, I just put that point of view. I hope that we won't have this accusation always that we always on this side constantly get up and ask but never will give. I just want to make that quite clear, Sir.

LADY STUW: Sir, in his reply, would the hon. Member for Agriculture tell us something about the fate of the land

which was used at one time for the... —I cannot remember what it was called... —the foundation stock scheme at Kericho. We have heard, in the district I came from, a very large number of rumors as to its ultimate fate. We have been told that Government has bought this land for the purpose of putting excess stock on it. We have always been told that has been advised against by... Now, we want to know very much what is to be the fate of this land, how it came to be bought, where the funds were bought it came from and, indeed, a little of its past history and, if possible, its future fate. We should be very grateful if we might hear something about it in the reply from the hon. Member for Agriculture.

DIRECTOR OF ESTABLISHMENTS: Mr. Chairman, I have been asked to deal with the point raised by the hon. Dr. Rana about the salary scales of the Asian veterinary officers.

Now, Sir, I will deal first with Dr. Hassan, Veterinary Officer, Asian, who is at present on the scale £500 by £25 to £800. Mr. Hassan does not possess the qualifications which are required for the Unified Veterinary Service and, therefore, is not eligible to be admitted to that service. However, before the salary revision, the Government recognized on various occasions the special value of the work which Dr. Hassan is doing at the Coast and, for that reason, from time to time, improvements were made in his salary scale and, eventually, he ended up at the time of salary revision with a salary of £500 a year and an allowance of £150 a year, both pensionable. That was the situation at the time of the salary revision. When the salary commission visited Kenya, they made a recommendation in regard to salaries payable to individuals and this is what they said in paragraph 136 of the Report:—

"In the course of our inquiries we came across several cases where a salary in excess of the normal maximum for particular posts is paid to the present holders as personal to themselves. The salaries which we recommend for these posts have, of course, been determined in the light of the duties and responsibilities attaching to them. We have, therefore, made no special provision for an officer, enjoying a personal salary in

the Director of Establishments) ... of the present maximum to continue to a salary higher than the new maximum which we propose."

In other words, their scales were to be absorbed personal allowances and special salaries. The Commission did not take into account the fact that the Government had given a special salary to Dr. Hassan, and it therefore became necessary for us to consider what should be done about him. We decided that although he did not possess the qualifications needed for the Unified Service, he should be treated as though he did possess those qualifications. We, therefore, placed him in the scale which would be appropriate to a fully-qualified veterinary officer, that is three-fifths of £865 to £1,370; and that is how Dr. Hassan comes to be on to the scale £700 to £800, which is three-fifths of the Unified Service scale for Europeans. In view of the fact that the scale has been raised again by the hon. Dr. Rana, we will consider again the same matter, and see if there does seem any justification for giving Dr. Hassan an allowance on top of his revised salary. I am sure Dr. Rana will not expect a revision to be given at this moment.

Now, Sir, regarding the other group of Assistant Veterinary Officer (Asian)—on the scale £380 by £15 to £530. At the time of the salary revision a lower scale was assigned by the Commission to this group. The maximum was £450. Representations on this point were then made to the Director of Veterinary Services and, incidentally, by the hon. Dr. Rana. The result that we placed a memorandum before the Standing Finance Committee, which then approved this scale £380 by £15 to £530, is quite true that in the Medical Department there is a group, Asian Assistant surgeons, on this scale £380 by £15 to £530, and above that there is another group of senior assistant surgeons on the scale £530 by £20 to £610. It is also correct that in August this year the Director of Veterinary Services wrote to the Secretary asking that this grade might be introduced in his Department. That request was examined by the Member for Finance but he was not, at the time, convinced that it was necessary to finalize the request. I am now convinced that the request is justified. I now propose to go into

that matter with the Director of Veterinary Services and the Director of Medical Services. If I am satisfied that the scale of £550 to £610 is justified, I shall ask the Member for Finance to reconsider the matter and it can (if he agrees) be put to the Standing Finance Committee in the course of 1951.

MR. MATHU: In rising to support the motion, I should like to say, like other speakers, that, as in agriculture proper, we think that we can still do more in veterinary services, particularly in African areas. I think it would be correct for me to say that during the last five or six years there has been a noticeable change in the attitude of the African towards his livestock.

Originally, the African went, of course, for quantity—to feel that he had as many beasts as possible, and used those beasts mainly for ceremonial purposes like marriages and feasts, and also for purchases of land in places where land was purchasable, and so on; but I think that, in the time I am referring to, there has been a change of attitude, that the African is beginning to look very noticeably at cattle as economic animals and not principally for ceremonial purposes, and I think this is the right time that the Veterinary Department should catch in and introduce more modern methods by which the African can earn, can get, money from the products of his beasts. There has been a start definitely in many areas. We heard only the other day that cattle improvement, or livestock improvement, centres have been set up, and I say, Sir, that we ought to go beyond the walls of these cattle improvement centres.

I know at Ngong, for example, you have young Masai being trained hard to make butter and ghee and so on, but when they leave school there does not seem to be a follow up, and very few Masai to my knowledge have continued ghee-making or butter-making with a view to earning money. That is a point I think we ought to follow up. When these young people are trained and they go back to their African areas I think the Veterinary Department and the Administration could help a great deal in encouraging these people to set up ghee-making centres or butter-making centres or centres for the distribution of milk.

(Mr. Mathu)

A start, I know, has been made in the Central Province and there is, at Nyeri, a Co-operative dairy, and I think it is doing extremely well and they are really making money, and I think it is going to change quite a great deal of the attitude which the Africans in those areas have toward cattle. The hon. Member for Rift Valley suggested yesterday there should be fattening areas for these beasts, and the difficulty I see, Sir, is the question of grazing. We will be told the African can destock so he can have just the right number of beasts on the right acreage, but that is not as easy as all that, and I think, as I suggested yesterday, that we have to look out for places where we can give these Africans land for grazing their improved stock.

Now I would like to refer to some diseases. The tick-borne diseases, particularly in Masai and, I believe in many other pastoral areas, are taking a tremendous toll of the stock. And I suggested, I think, last year to the hon. Member that something should be done and I think he did say he would look into it. In Ngong area quite a number of beasts have died very heavily during the last twelve months as a result of some of these tick-borne diseases. I do not know the technical names, but I do know the ticks are responsible for the deaths, and I would like to ask again, the hon. Member that this should be looked into very carefully.

Finally, I would like to refer to the African veterinary officers. They have been referred to by one or two previous speakers, and to say that there shows in these Estimates an increase of two over the past year's estimates. And I would say we could have more young men going up to Makerere to train as Veterinary servants if we had more attractive terms of service. The scale that these fellows are put on, I agree, was fixed by the Salary Commission, but we never thought ourselves that that was an adequate salary. Other officers are having their salaries revised upwards, and we have heard the plea of the hon. Member for Eastern Area and think it is high time that we saw some African officers having their salaries revised upwards, and I think there is a good case here for these African veterinary officers who are

indeed doing excellent work under trying conditions in the field, and should like to take this opportunity of paying a tribute to what they are trying to do to improve the livestock of their own land under, as I say, very trying conditions. I do hope Government will look into this matter to encourage the young people to come up and help in this very difficult job in improving the stock of the country.

Sir, I beg to support.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chirwa. The first point raised in connection with this estimate was raised by the hon. Member for Eastern Area, and has, I think, been dealt with by my hon. friend the Director of Establishments. The hon. Member for Aberdare raised the question of officers or dairying inspectors, and drew attention to the fact that, in his opinion, we should do a little bit more toward dairying work in the African areas. Sir, it is our intention by degrees to get more staff to do this particular work in African areas. Actually, I think the hon. Member will see that this year we have got one Assistant Dairy Inspector. I think he is called—under Non-African Services, and we have got the District Officer under African Services on page 149 and that is a very fully qualified officer whom I think the hon. Member probably knows, and he really is giving nearly the whole of his time to work in African areas.

I think, Sir, we are making progress, and subject to finance becoming more available, I think that probably next year Members will see an attempt to do a further dairy work in native areas.

Sir, I think the hon. Member mentioned, or the hon. Member for Nyanza, asked what was being done in regard to tsetse work. Well, Sir, I would draw his attention to page 53 of the Development and Reconstruction Authority Estimates for the year 1950 and when those estimates are discussed, no doubt the hon. Member will be able to ask any questions he may see fit to ask in respect of the work that is being done on tsetse, but he will see that the total money being spent under Tsetse Survey and Control is going to amount in 1951 to no less than £67,000.

Member for Agriculture and Natural Resources]

Several Members, Sir, I think, suggested that what we need is more veterinary officers. Indeed, in my remarks I must say that I agreed with them. Of course there is a question of finance, and we have to do the best we can with the finances that are made available from year to year, but you will know this—that this year we have got an increase both in veterinary officers and in livestock—quite a considerable increase over last year. In this connexion I would draw hon. Members' attention to the fact that we have a scheme which should be able to give relief on the demands made in African areas on the ordinary Colonial Services' veterinary officers, and I sincerely hope that hon. Members will do all they can to encourage this scheme and to try and induce further areas to be taken into it.

As I have said before in this Council, it is not Government's business I submit to provide veterinary facilities for individual beasts or individual herds. That would be done as countries progress by private practitioners and, in order to encourage private practitioners to come to the fore and first of all get some knowledge of the country and the peculiarities of the conditions of this Colony, we do give assistance towards finding their way by giving them certain work to do, and secondly by giving them every facility to undergo a refresher course at Kabete or somewhere on arrival here, and from what I hear going round the country, I am convinced that the panel of veterinary officers are not only extremely efficient, but are generally doing a very long-felt work in this Colony. (Hear; hear.)

Sir, the hon. and gracious Lady, the Member for Ukamba, raised the question of the Konza holding ground and she asked first of all why it was put down, secondly, why was it put and under what money, and thirdly, for what purpose is it going to be used. Well, Sir, I have no fears whatever about the propriety of having bought this particular land. As the hon. Member is aware it has for some years been used for a foundation stock breeding—ostensibly for the new settlement centres, and particularly for new settlers and I think it

will fill a very useful purpose. We imported heifers from Somalia and some of these heifers and some of their progeny have filled a very useful gap in the requirements of new settlers. We still have a herd there on that land, part of which has been disposed of and part of which is still there. As regards the future of that land, I will admit that at the time it was bought one of the possible uses for it was, in my mind, the possibility, if we were driven to it, of having to use some land in that part of the world for dealing with surplus squatter cattle. Now, Sir, hon. Members are aware that we have now endeavoured to deal with this situation of unlimited surplus squatter stock in various areas of this country at last, I think, with fairness, but at the same time with some firmness. We have a plan going in the Trans Nzoia which, I believe, has worked fairly smoothly, fairly successfully, and the next area we propose dealing with is what I might call the Nairobi district area. However, I have been very carefully into this question and I agree with the hon. Member that I do not believe that this area is suited for that purpose. We have found alternative areas more suited which I think we can now make available, and I do not think we need have any fear that we are going to put possible dirty squatter stock on that farm.

Now, Sir, the other purpose we had in mind when we bought the land and which is still under consideration, and really, I may say, the true purpose was the possibility of continuing on much the same lines that we have operated in the past in trying to provide facilities for the foundation of indigenous stock with a dairy background. There is a tremendous demand for these amongst many European farmers. As some of these low-grade herds—I will not say retrogress—go back, it is found necessary very often to breed back to indigenous animals, and in some cases—you may say not—but in any case there is a big demand for it and there is a demand which we have some difficulty in fulfilling. There are a number of people who want indigenous stock. But that is under consideration and will, in due course, as I promised the local people, have to go before the Standing Finance Committee and other authorities.

[The Member for Agriculture and Natural Resources]

As regards how the money was found, all I would say is that the money, as far as I am aware, was found in the normal way by an application to the Standing Finance Committee.

The hon. Member representing African Interests, Mr. Mathu, made a number of somewhat general remarks, with many of which I agree, but I do not think very many of them require any reply. They are much the same sort of remarks which I frequently give expression to myself. He asked about tick-borne diseases in the Masai area, and he says that there has been a considerable mortality in Ngong, Well. I am certainly aware that in part of the Masai area there has been a certain mortality. Part of the Masai area is comparatively clean from tick-borne diseases, and part, of course, is not. I am unaware that there has been an unusual outbreak. I will go into it and find out whether there has been, but I think it would have been reported to me, and all I can say is that we are giving or endeavouring to give the Masai such veterinary assistance as we can.

Sir, I do not think there are any other specific points that were raised. I think I have replied to most of the points that were raised, and, Sir, I beg to move.

The question was put and carried.

THE CHAIRMAN: We will now proceed to the consideration of that same head. It will be convenient, I think if you will carry out the procedure we followed yesterday in the Agriculture Estimates and take them in groups.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Group 5, Head 6, Item 1 to 6, that is Administrative and General, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that Group 5, Sub-head 2, Laboratory Services be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Group 5, Head 6, Sub-head 3, Laboratory Services—Naivasha Experimental Station—on page 147 of the Estimates be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that Group 5, Head 6, Sub-head 4, Field Services, Non-African Areas, on page 148 and the top part of 149, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Group 5, Head 6, Sub-head 5, Field Services, African Areas, to be found by way down page 149 and on page 150 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Head 5, Sub-head 6, Hides and Skins Improvement Services, on page 151 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that non-recurrent expenditure of Group Head 6, Veterinary Services, be recurrent, to be found on page 151 be approved.

The question was put and carried.

Group 7—Head 4

THE CHAIRMAN: We will now proceed to the consideration of the Education Department Estimates, Group No. 7, Head 4.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that Head 7-4, Education Department, be now considered.

Sir, Members will note on page 172 the general increase in this department of £157,065. Against that, Sir, must be placed an increase in revenue from fees specially from European tuition and boarding fees, the sum of £90,000 more than in 1950. Of the total increase in expenditure, some £25,000 is due to normal increments and to the filling of vacancies already approved. £37,000 is on account of the increased grant to Makerere which is, of course, the normal expansion of the Makerere Colony on a basis which Members will find in the note in the memorandum which always emphasis upon the number of students which the Colony has at Makerere. Now, Sir, if in this statement I lay emphasis on Asian and European education it is, Sir, because we are

the Member for Education, Health and Local Government]

Recently in this Council debated the increase of African education during the session on the Beecher Report, and in the main debate, I endeavoured to reply to the questions which the Arab-Member asked on Arab education.

First of all, Sir, let me quote some of the figures which show the increasing efficiency in education. The figures of expenditure, gross and net, for European education in 1949 showed a gross expenditure of £300,000 and a net expenditure of £188,000. In 1950 the gross expenditure of £350,000 with a net of £186,200. In the Estimates now placed before you for 1951, the gross is £402,018 with a net expenditure of £177,018—a slightly increased amount. The fee revenue with regard to this group of education is some £25,000.

The Asian education including Goan—

	Gross	Net
1949	£220,002	£158,002
1950	£247,741	£179,741

and 1951 an estimated gross of £291,664 and a net of £213,664.

Arab and African—

	Gross	Net
1949	£310,000	£305,100
1950	£352,000	£346,500
1951	£401,484	£390,894

Now, Sir, in order that we shall arrive at a true picture, certain underlying factors must be mentioned and must be taken into account. The estimated receipts in 1951 for fees for interterritorial pupils in the region of £80,454. Whilst there are very few European Government aided schools, that is outside direct Government payment, we had, in 1950, Asian and Goan aided schools, that is schools for Asian and Goan education, assisted by Government some 46, and African aided schools, i.e. schools for African education, 203—which means that those communities, either through local native councils or community centres or mission work, carried what might be termed a hidden—in some cases but in all cases so far as these Estimates are concerned—expenditure in effort for the provision of their education. That, Sir, must be reckoned as a balancing factor in the educational picture, a factor that must be taken into account in any comparison with the

reduction of the European total through the payment of fees. This is a developing Colony we often say; we have indeed to face in so far as the Asian and European population is concerned, not only a natural growth of population working on pupil entering and pupils leaving basis, but also an immigration rate. The figures for increases in pupils at schools make interesting reading.

In Asian education in Government schools in 1946, we had 7,677 pupils with 238 teachers. In 1949, we had 13,068 pupils with 425 teachers. In 1951, we shall have 17,810 pupils with some 500 teachers; an increase between the first and third figure of pupils of some 132%.

European figures for the same period read:—

	Pupils	Teachers
1946	1,963	with 123
1949	3,127	with 167
1951	4,271	with 209

—an increase between the first and the third figure of pupils again of 118% and that increase in a period of five years. These figures, Sir, show why increase in expenditure on education came about for it is obvious that these children are human material, capable of developing into good or bad material and they must be dealt with to the best of our ability. As an illustration of the effect of immigration on the pupil figure, let me give these two examples and I assure you they have not been picked deliberately. Out of 532 pupils in one of our Nairobi European schools, 290 were born overseas and of those, 189 have been in the Colony for less than three years. I would like to repeat those figures—532 pupils, 290 born overseas and 189 have been in the Colony for less than three years. In one of our Asian schools in Nairobi with an enrolment of 3,896, 1,463 were born overseas, and 881 have been in the Colony for less than three years—which shows, Sir, I think, the effect of immigration on educational figures in these two groups. With intake figures of that size, Sir, and with a Compulsory Education Act in operation, there can be nothing but an upwards tendency in educational expenditure. At the present moment in Nairobi alone, I am short of places for Asian boys of some 730 in the Secondary grade and some 2,832 in the Primary grade and that

[The Member for Education, Health and Local Government]

is without taking into account the very much-needed expansion in Asian girls educational facilities. By 1955, even if immigration is low, to overtake the arrears and keep pace with minimum anticipated increase in Asian boys educational demands, between 5,000 and 6,000 additional places must be created. Where the burden will fall in the financial sense is a matter to which Government is giving detailed consideration. I cannot state what the fiscal policy will be until that policy has been put before this Council and been debated in this Council, but the size of the problem is plain to be seen. If, in addition, we are to provide Asian girls education on any basis of value, some additional 2,000 places will be necessary.

On the European side, we must also face normal expansion plus whatever rate of immigration takes place.

Leaving aside, Sir, this fiscal policy for the moment, which I have pointed out is a matter for final settlement for this Council, let me refer to the policy for the provision of these places for European and Asian children in the years to come. The Planning Committee has provisionally allocated £1,250,000 for education buildings for the five-year period ending 1955. In deciding how that amount should be spent, the Planning Committee will, I believe, be guided by the advice of the Member concerned. When the plans have been approved, the building programme will be carried out by the Development and Reconstruction Authority in consultation with the Member. Now, Sir, what is the advice that I have so far given? The Duke of York School, which is already begun, must be carried through to its stages, but I have had to recommend a reduction of the scheme from 600 scholars to 450. The Nyeri Primary School, already begun, must be carried through its second stage. The same applies to the Kericho Primary Boarding School and to the new Day Primary School in Nairobi which is already begun—and that, Sir, will be the limit of money available for the expansion of European education in so far as the period to 1955 is concerned and capital expenditure by Government. The final stage of the expansion of the Duke of York School

to 600, any extension of Girls' Secondary education and of Primary School educational facilities, the much-needed rebuilding in permanent materials of the Hill School, Eldoret, which is costing a heavy burden of maintenance, replacement of boarding accommodation, and tuition accommodation at Nairobi and the Prince of Wales School by permanent accommodation, requests for loans by European educational bodies will have to be refused until the end of the period or until more capital finance is made available from that source.

Now, in so far as Asian education is concerned, with the money left over from the original allocation from the Development and Reconstruction Authority for further provision, the total of capital available within the next five years of actual works should be in the region of £750,000. The hon. Asian Member recognizing the situation, have in the past pressed for a policy of assistance on a grant-in-aid basis rather than see the available money spent all on Government schemes with a consequent large gap in the places for education. Government agrees to that policy, Sir, believes it will produce more places for Asian children and, in so far as it is possible, will, in consultation with the Asian Elected Members, work on a grant-in-aid basis. I must, however, make reservation in this matter. Until the commitment for boys' education is met, our applications for capital grant-in-aid which are on a mixed school basis provide educational places for boys, must be given preference. I say this with some reluctance, Sir, because I am a great believer in the value to a country of the education of women but there is no other advice that I can give under the present conditions. Schemes for Government schools which must be carried through will absorb some £233,000 of the available capital. This will leave for recommendations for grant-in-aid capital expenditure £486,000, and that should be available to assist the Asian community to build schools during the five-year period subject to the proviso made previously, £486,000, Sir, to be raised by the community for capital buildings represents a very large effort by that community and what remains to be seen of course, is whether the raising of such

[The Member for Education, Health and Local Government]

capital sum on a pound for pound or near pound for pound basis is within the capacity of the Asian community within that period. If it is not, that is if it is beyond the capacity of the Asian community, then in a very short time) the policy will have to be reviewed in order that available capital could be used in Government schemes because we cannot afford to allow that capital to be idle. This development will be carried out in so far as is possible in consultation with the Asian Elected Members.

I have already informed the hon. Members that even with these limited places and, in regard to the educational needs of this Colony, they are very limited, the figures on educational expenditure by 1956 will probably be of the following order:—

Administrative and General—	
Net	£70,263
European—Net	£295,637
Asian—Excluding Arab and excluding the grant to the Mombasa Institute of Muslim Education in the nature of	£500,000
African—Net	£652,981
Or if the Beecher Report can be fully implemented	£726,000

and I must point out to hon. Members that those figures presume that the terms of service and conditions of teachers, European, Asian and African, remain as at present. But even with a great expenditure at that level and with the projected capital expenditure all— and I repeat, Sir—all members of the community, all sections of the community are likely to find that their educational demands during the next five-year period are not being fulfilled. hon. Members will notice that I have not yet touched on the question of technical education which I will refer to at a moment or two.

Now, Sir, let me turn from the problem of education in quantity to the problem of education in quality which presents a most disturbing aspect, particularly in Asian and African education. I have said previously, Sir, that we must not be misled by statistics for an educational system which degenerates into what might be termed a sausage-

machine type of educational factory, content with turning out numbers of pupils merely for the gratification of turning out numbers of pupils, is no satisfaction to the educationalists and not of true and lasting value to the Colony. (Hear, hear.) I have been appalled during the tours that I have made recently at the low quality of some of the education we are providing, particularly to the Asian community. The standard of teaching is in many cases extremely low, particularly if it is judged, as I believe it must be judged, by the level necessary to fit those people to be good and useful citizens in a country basically British where the administrative, commercial and, to a large extent, social language is English. The home language of many of the pupils is a vernacular language and this complicates the problem. The standard of English of most of the teachers I have met has been low. Now, Sir, it is my opinion that nothing so much unites a people as a common language. (Hear, hear.) Government's policy is to see that English becomes the medium of instruction for all sections of the community and it will press towards that object with vigour. That is not to say that this can be achieved in one, two or three years, but it has got to be achieved in the interests of the Colony as soon as possible. Our first aim, obviously, is to improve, if possible, the quality of the teaching staff and to this end, the Education Department is now running special courses in Nairobi and Mombasa for Asian teachers in Government and aided schools. Whilst these teachers are undergoing a six months' course, reliefs have to be employed and this represents additional expenditure, but it is expenditure which we think is well worth while. The Department is also running short refresher courses and is employing European education officers with a special purpose for the improvement of the standard of English taught. I believe that it is important that we should press forward with this idea of quality and I propose to try, as an experiment, running one or two of the Asian secondary schools with a completely European staff. If this suggestion is accepted, then the new Delhi Road Modern Secondary School in Nairobi will be begun with a European Principal and European staff.

[The Member for Education, Health and Local Government]

The same procedure may be considered for one or two other schools in an attempt to create a peak of the educational standard towards which the whole system of Asian education will strive. If this experiment succeeds, and I believe that with the co-operation of the Asian community, it will succeed, then before long, we should have a stream of Asian young men and women equipped with a standard of English good enough for any purpose and, particularly I trust, for the purpose of providing from their own ranks highly-qualified teachers to meet the growing demand. Here is a channel of public service which I urge the young Asian generation to consider as of the greatest value to their community. Because of the need of righting this position of Asian education, it is proposed to create a new post of Assistant Director of Education to be in charge of the Asian education and to concentrate on this problem. The policy that I have outlined in so far as Asian education is concerned, has to some extent been formed since these Estimates were framed and with the concurrence of my hon. friend, the Member for Finance. I propose to place before the Standing Finance Committee, at an early date, requests for adjustments and additional posts so that the execution of this policy can begin immediately.

At the same time, the question of technical education has been and is being reviewed. The need for emphasis on this aspect of education has been agreed by all Members. A glance at page 187 will show that we have recast the Estimates and grouped the trade and technical schools of the Colony under one sub-head. At the present moment that expenditure on technical education is concentrated upon the training of Africans, but the post of Senior Education Officer, which is Sub-item 1, is provision for the Principal of the proposed new Technical Institute which it is hoped we shall start building before very long. We have had, during the past few weeks, very valuable advice from Dr. Harlow, the adviser on technical education to the Secretary of State for the Colonies; conferences have been held and whilst I cannot at this stage make any definite announcement, I believe the

shape is emerging of a Technical Institute which may well form the basis of a higher institute of technical education which will be of great value, not only to Kenya but East Africa and to the whole of the Commonwealth. (Applause.) I trust Members will not press me further at this stage for details of the scheme but will accept this assurance that any consideration of the bigger plan will not be allowed unduly to delay the starting of the building work. I must express my own doubt as to whether we shall be able to attain the standard of Principles for the higher Institute, for which we are aiming at the salary envisaged, but that will remain to be seen. Let my Members should think there has been insufficient increase in the amount spent on technical education, I would say there has been an alteration in the manner in which the Estimates have been presented. The large amount of contract work carried out by schools, the cost of which is recovered, and of the materials needed for that work has been taken out of the schools' estimates and the item shown now represents materials for training purposes only. That is one item which has disappeared. The altered method also applies to the trainees' allowances—the trainees' allowances which now stand at £400 against almost £15,000 in 1950, the actual cash allowance running from Sh. 20 per month in the first year to Sh. 52 in the second year, and Sh. 20 and Sh. 20 during the third and fourth year of training only is shown. This has meant that an actual increase in technical education of some considerable size is not reflected in the actual figures shown.

Now, with regard to the schools we have already instituted. The day of the—if I may so put it—of the short courses of one year is over, and from now on longer courses of training will be taken: four years for masons and carpenters, two to three years for other trades. In 1951 at Kabete, Thika and Nyanza there will be some 847 trainees and the three schools will build up in the next three years to some 1,150 places. In addition, steps are being taken to set up preparatory technical education. I may call it that, is emphasized in all the Government schools of the Colony for all races, so that vocational training in its widest sense will be emphasized. For, of course, hon. Members would

[The Member for Education, Health and Local Government]

it would be of little use building high grade technical institutes unless a sufficient stream of young people could be assured for it, young people who have been chosen in the full knowledge that it is as valuable in the advancement of our social structure as is the academic side.

From time to time, Sir, we hear great talk about social services and the amount of money we expend upon them. Some Members in this Council tend to teach what they call the "social services" as being non-productive services. Now, Sir, other Members talk as if this Colony in this Colony's Budget had reached the stage where we were approaching what is known as the Welfare State. Now, Sir, let us be realistic in this matter. Let us, as the late President Roosevelt once said, "Let us study the science of human relationships", because whatever else is done, the basis of human relationship is the foundation upon which a happy State is laid. Social services—we can really begin to talk about as social services when we are in a position to consider such matters as social security; provision of old age pensions, of sickness benefits, of unemployment pay, of free primary education for all people. When hon. Members in this Council sit down to consider schemes at that stage of development, then we shall be able to argue about "social services", when all these things are provided from central or local taxation at little or no cost to the individual, whatever his race. In our present state, Sir, we are not even meeting the primary commitments which any developed nation, whatever its political or economic creed, would regard as essential.

We are making an effort so to do, but our resources are greater, we probably cannot do much more than make an effort, but that is in fact all we are doing. The provision of a public health expenditure designed as far as possible for the preventative side of medicine, which must leave the greater part of the doctors for curative work unanswered, an educational system which leaves many thousands of parents in this country frustrated and embittered because their

children cannot enter, what they regard as "the door to progress", that is our position; and we cannot say as yet that we have even thought about the true development of social services. Dynasties and empires, Sir, I suggest have fallen because the human aspect of these problems were ignored in their day, because of their failure to recognize that hope is essential to human endeavour and progress and that if you close the door of hope, then you close the human desire to progress, or create a terrible legacy of bitterness and frustration. When we talk, as we do talk, so glibly in these debates at times about thousands of European children, thousands of Asian children, thousands of African children, I suggest we are not discussing figures alone, we are settling the hopes, the fears, the ambitions, the frustrations of many parents, European, Asian and African, and of young people, any one of whom may contribute something of great value to this Colony if given the opportunity. No country, Sir, can afford to carry a load of ignorance. Show me the ignorant country, show me the country of illiterate and ignorant people, of uneducated people, and I will show you the country of poverty, of retarded progress! These children, gentlemen, are your raw material. They can make or mar your country. Without educational and vocational training they can, particularly in our large urban areas where they congregate in great numbers, become a population which will keep your Police and your Prison votes high for generations to come, and my hon. and learned friend, the Attorney General, knows that this is the short-term answer only. Properly directed, guided, taught to use their leisure and their minds in useful occupations, they can become a great asset; they can become useful citizens and, what is more, they can become that body of public opinion which is so greatly needed in this country. They can assist you and be behind you in any useful work, but, gentlemen, at this stage, services at the level that are represented in this Budget are not social services. Education at this level is not a social service—it is a primary service for the development of the human side of the natural resources of the Colony. It is an essential part of the balanced development and budget of the Colony as any

[Mr. Nathoo] that it could be thrashed out and we could see what improvements could be made in Asian education. Apart from the communal cess chapter in that Report, I submit that in that Report there are recommendations which if they are put into execution will be to the lasting benefit of the Indian community and the future generations of this country.

It has been stated that Education is a non-productive service and, Sir, from time to time, we have cried in this Council about the enormous amount of money spent on Social Services. The hon. Member, Sir, I am glad to say has exposed the whole fallacy quite strongly and I, too, Sir, would like to say that with the trend of world events, as we see them, there is a rising demand in all countries from the poorer sections of the community to get more social services and to pay for them according to each individual's capacity. Much, Sir, as we may dislike the idea in a country such as this where the population is not homogeneous, I am afraid, Sir, we cannot possibly remain in a water-tight compartment and refuse to shoulder our responsibility, much sacrifice as it may entail. If we do not move with the times and at once realize the position we are in, I am afraid, Sir, this country is going to be in for a very bad time indeed.

There is, Sir, another point on which I should like to draw the attention of the Council and that is the grant given to grant-in-aid institutions by the Government as far as the recurrent expenditure is concerned. At the moment the rough figures are that it cost the Government about £6 per child in a grant-in-aid school against about £25 in a Government school. Some time ago, Sir, I believe it was about four years ago, a slight upward adjustment was made with regard to the grant-in-aid assistance to the schools, but the present position obtains that, whilst the Government teachers get all the leave privileges and pension privileges, these are denied to the teachers in the grant-in-aid schools. I admit, Sir, that it is not possible for Government to make any contribution towards pensions of the personnel in grant-in-aid schools but I do submit, Sir, that it is Government's responsibility to pay their share towards the Provident

Fund and passages of these teachers in grant-in-aid schools, otherwise, Sir, the position has obtained and will obtain more that these teachers will prefer to work in Government schools and the position will be that the education of our children will suffer. When I say, Sir, that the figures of children in schools is almost fifty-fifty, that is that as many children are going to grant-in-aid schools as are going to Government schools, the seriousness of the problem will be realized.

In this respect, Sir, I am very glad to see that the hon. Member for Education has put before the Council that the Asian community is making a huge sacrifice and doing its share in contributing its mite towards the education of the children indirectly by helping these grant-in-aid schools.

There is, Sir, one point which I should like to touch at this stage very briefly and that is the question of the division of the schools on a linguistic basis. Whilst, Sir, I entirely agree that it is not desirable or advisable to divide schools either on religious grounds or any other grounds, I do submit, Sir, that the case made out for the division of these schools on a linguistic basis is quite strong and I appeal to the Government that they must not be led away, either by certain propaganda in some papers against the measure as in the past, we have convinced them that a better control of schools could be made by running the schools on a linguistic basis.

There is, Sir, a final point which I would like to make with regard to the building of schools. In the past, Sir, for one reason or another, Government has thought fit to build schools, some of them, I submit, Sir, on a scale which was not in conformity with the standards required in this country or also in proportion to the money available to spend on our educational buildings and, Sir, I request them that in future when these schools are built, we must see that the most austere standard be adhered to and also in cases where it is cheaper to build these schools by private contractors, the Government will increasingly do so and not let their department build up schools which, for many reasons, Sir, some of them quite justifiable, the Government has to spend much more money in building the schools through the Public Works Department. I am particularly

[Mr. Nathoo] referring, Sir, to the building of Asian schools where, if sufficient pressure is brought on to the contractors by the leaders of the community, the schools could be built at a much cheaper rate than is commercially available in the country, and I do hope, Sir, that the Government will make full use of this channel whereby more schools could be built with the same amount of money.

Finally, Sir, before I sit down, I should like to say that we Asian Members do appreciate most sincerely the sentiments expressed by the hon. Member for Education regarding the educational problems of this country, and we do hope, Sir, that when he has had time to settle down in his job, he will be able to put those wonderful precepts into practice to the lasting benefit of the community generally in this country and the Asians in particular.

Sir, I beg to support.

MR. OIHANGA: Mr. Chairman, I should like to be one of the first to congratulate the hon. Member for his very impressive speech. The African Members of this Council are glad to record the general appreciation which they hold over the whole picture of the African education. The attitude seems to be changing gradually, but I think surely, for the better in our view. Very many principles have been held regarding education in general which to our minds seem to be detrimental to our development. It was many times argued in this Council that education was not a productive service and that the less spent on it the better. From the speeches that have been made during this Budget Speech, it seems to me that there has been a general turn round from that point of view and that we welcome most wholeheartedly.

Secondly, I think for the first time in my life as a Member of this hon. Council, I have heard it said that, encourage literacy and ignorance and there you have poverty and the hon. Member, when he made that statement, I think, in this country could not have referred to any other community except the African, but for many years it has seemed to us that ignorance, illiteracy and all other things of that kind seem to be the natural inheritance of the African and the removal of them would be denaturalizing

the people. If a person was not ignorant and if an African was not poor, well then he was derationalized. Those kind of inferences, I think, are always wrong. But I am very glad to record a whole-hearted change that, it seemed to me, is being received all round.

To refer to one or two points: I want to welcome most gladly the suggestion that has been made that English be taught at a very early stage in the non-English schools in this country and, referring to the African schools in particular, I should like to say that for a long time very many of us have pressed that the teaching of English should be at an early stage and the attitude of the general policy of the country has not always been as sympathetic to this view and we have had some other vernacular for many years in education until the children had gone a long way. If the suggestion that has been made that English be started at the earliest possible time is carried out generally, I am quite sure that we shall be satisfied completely. I would not go very far beyond that because I do not think I would completely agree with the hon. Member in saying that the English teachers, as such, should begin from Standard I in non-English schools. I believe also that they may find it a little difficult to cope with the youngsters who know nothing about English; they may not do their best and the children would not get the full benefit from their teaching, but I am convinced that good teaching of English is best done by English people and that, I think, would be generally true with any other language and the more English teachers you have who are English naturally, the better will the general position in the country be. That I welcome most wholeheartedly.

Secondly, Sir, I should like to deplore, and deplore very much, the position which now is, by which this hon. Council is not allowed to see the full picture which is obtained in African education. I should have liked to see many aspects of the lower standards of African education dealt with in this Council so that we on this side of Council and the other side and the public in Kenya generally is able to see and appreciate the real situation that obtains. As it is, Sir, there are only very, very few aspects of it that find their way into the Budget of the country and

[Mr. Ohanga] after looking through the heads that have to do with African education specifically, it seems to me that there is not very much that I can usefully refer to except that on page 185, where details of the personnel that deal with African education are enlisted and their pay is provided. Here, Sir, we notice and following on to the words of the hon. Member, that Government appreciates that education is the foremost social service and is trying to do what it can. We all appreciate that Government is making efforts, and sometimes very strenuous efforts, to provide education for everybody; but in its efforts sometimes we find certain factors that are a bit conflicting, and as a pointer to that, Sir, may I refer in general to Head 74, Sub-item 14, 15 and 16 on page 185. Those three items show a reduction in qualified African personnel of some 36 persons. Now these people, it seems to me, have been dropped from the role of teachers. What happened to them I would not say, but certainly it would mean that, if we were going to expand and to improve African education, teachers are the most important factor and I do not think that we can afford to drop 36 teachers during any one year without knowing what happened to them. I am quite certain the hon. Member will be able to give an answer to that. But an action of that kind will show that although we are making efforts to improve things, actually, certain action taken would tend to hold things down.

On the policy, Sir, I do not think there is very much more which I can usefully say.

Sir, I beg to support.

MR. MATHU: It was not my intention, Sir, to interfere in this debate but as hon. Members on this side seem to be very satisfied with the speech of the hon. Member and no one wishes to contradict, I thought I would like to say a few words. I would like very sincerely to congratulate the Member for Education because I do think he has made a very admirable speech and incidentally the latter part of the speech, if you went through the Hansard, you will find it appearing almost every year from my own mouth and that is the very reason

I think he really made a very good speech. I agree with him entirely, Sir.

There are a few points which I would like to raise which I think would give a complete picture of the policy of hon. Members as far as the education of this country is concerned.

I refer, Sir, to the African staff in the Education Department. I feel Sir, that the time is ripe that African teachers, Africans who have been in the teaching service for a long time and who have proved their worth, that there should be facilities for promotion in the Inspectorate of the Education Department. I cannot see how you can create confidence in the African children and in their parents when you continue to have this frustration of very well trained African teachers, when they know they will remain school teachers and there is no chance at all for promotion in the Inspectorate.

I think it is a very bad policy and I should like to impress on Council that the time is ripe that we should have Africans appointed on the Inspectorate to help the European inspectors who are inspecting the African system of education. Now we cannot wait very much longer. The hon. Member, himself, did refer to bitterness and frustration. This is one field in this Colony where the African feels frustrated and he is bitter. It is one of the reasons why, Sir, most of the Africans were opposed to the Beecher Report. They saw in that Report, an opportunity given for promotion to high posts in the Education Department, even to that very reasonable level of Inspectorate and I urge most strongly for consideration of this Council that a few posts be created which are not shown in the Estimates for promoting suitable Africans to the grade of the Inspectorate. I think the men are there. I have, Sir, ten years experience of teaching in this country and I do know that the men are there. It is only the good heart of the hon. Member and the Government that we require—the goodwill. Appoint these men, try them, if they fail tell us, "Here you are, you have failed to show the responsibility that you have been given but now you have not given us an opportunity, how can you tell us we are not able to do it. (Hear, hear.)

Now, Sir, another aspect is that of the recommendation by the Beecher Com-

Mr. Mathu] that salaries of teachers who come to the service should be four increments lower. Now I put a minority note to that one and I think I must urge that the consideration of Government that this should not be accepted, because I think it is not good policy to depart from the recommendations of the Beecher Commission Report in this particular point, and that teachers should be paid at the same point as other men of similar qualifications who go to other departments of Government. I think it is a great injustice in the teaching profession that these fellows should be paid four increments lower. Whether they are young or not that is not the question. The question is, they should be given encouragement in order to go forward and remove the illiteracy and the ignorance which the hon. Member, I myself and others so much deplore. Another aspect of it, Sir, is the question of the medical qualifications of our Makerere graduates. Now we are asked to contribute to Makerere this year £50,000, which I support, but I should like to say that there is a tremendous drain and despondency amongst African young men who want to go on to train as medical officers at Makerere. It is seven years after School Certificate. They come out, they qualify as African medical officers. If they wish to go to Britain to qualify in a registrable qualification, none of their experience or qualifications at Makerere is taken into account by any of the medical schools in England. I have here, Sir, which I would like to quote a communication which I received from the Principal of Makerere. It reads like this, "Each medical school in the United Kingdom has different rules and regulations but I believe you are probably right that Makerere qualifications do not exempt an African medical officer from any part of a medical course in the United Kingdom".

Sir, it is not our business, I agree, perhaps to say what Makerere is going to do, but I say it is a most unsatisfactory state of affairs. Seven years of qualification training at Makerere as a doctor, he comes out for five years perhaps or six and he shows that he is capable. We have had cases of these men, especially I think—only the other

day some doctor visited this country, I do not know what he is called.

THE CHAIRMAN: Orthopaedic surgeon.

MR. MATHU: The Orthopaedic Surgeon to His Majesty the King paid a visit only the other day and he saw one of my African friends operating in the Rehabilitation Centre there. Now he spoke to the Rotary Club and he referred to this. Now can you have a higher authority than someone who has to look after the health of His Majesty the King? He referred to these men and if these men went to a proper school in Britain today, none of their qualifications will be taken into consideration. What are we doing at Makerere? If £50,000 produces a man who is not recognized in the British Empire as a medical officer, now surely it is almost a waste of money, I suggest. I would like to suggest to the hon. Member that he should see these Makerere men and tell them they are wasting our money. We want first class men who can be recognized, not only in Kenya but in the British Empire and Commonwealth. That is what we are not doing. I suggest they are capable men, very intelligent men. Why block their way? Why block them, pay them low salaries, give them no opportunity to improve their education if they want to go to the United Kingdom? And you put them there: I say, Sir, it is a wrong policy and I suggest to the hon. Member he should go into this thoroughly. It is a very serious state of affairs and Makerere should, I think, be told that if they are going to contribute to the development of this country, as I think Makerere can, one way of doing it is by giving us recognized registrable qualifications for our medical men. They can do it. The West are doing it. I have seen these black men in London doing very well. Surely you would not say that the West Africans are more intelligent than us because we are nearer the Indian Ocean, would you? No! (Laughter.)

Now two final points. Sir I can see the red light—just one small point. English, I support that, should start as early as possible. It is the medium of instruction at the secondary school level and I would like to say how is it the Member is thinking about an inter-racial school on the college level, where Indians, Africans and Europeans up to Matriculation should have the same education to im-

[Mr. Mathu] prove our racial relations and so on. In regard to linguistic Indian schools I am horrified, Sir. They have too many languages. Even if there is only one language we cannot afford it. There must be a line drawn somewhere. I do not think we can afford any one Indian language to have a school here. Sir, I am doubtful whether I can support the hon. Member on that one. (Applause.)

Mr. COOKE (Coast): Mr. Chairman, there is a saying, an old English saying, that self-praise is no praise, and when I heard my hon. friend congratulating the hon. Member for Education for having said precisely what he had been saying for the last two or three years, I wondered if my hon. friend was forgetful of that old proverb.

I have a great deal of sympathy with what my hon. friend Mr. Mathu has said, and I agree that we have to do far more to advance, to expedite the advance of the African people, and I join with him also in saying that I was enthralled by the masterly exposition which my hon. friend gave of the present serious and, indeed, sombre position with regard to education. But I did, Sir, rather deprecate the rather sob-stuff which entered into the conclusion of the hon. gentleman's remarks. Now, Sir, I used to regard the hon. gentlemen on the other side of the Council as rather emblematical, whatever the saying might be, of the British phlegm. I always regarded them as rather matter of fact gentlemen not—I will not say lacking in imagination, but gentlemen who put in front of this Council the actual facts of the position which we have to face. I have not been, as an old Member of this Council—I have not been impressed in the last few days by hearing a certain amount of this sob-stuff emanating from the other side of the Council.

Now, Sir, the problems with which we are confronted in this country are not susceptible to sentimentality, no matter how genuine and how sincere the sentimentality may be. I do not think I can be accused of ever not wishing to advance the prosperity of the African people, but that prosperity and that educational advance can only come from an effort of harder work by the sweat of their brow. And if the Africans

and Europeans as well, wish to get the education, which they inevitably must have if this country is to advance, they can only obtain it by paying higher taxes and those higher taxes can only come from harder work.

There were just two small aspects of this position which I would like to consider. I do not think people have been sufficiently considered one aspect, that is: by building schools and by spending money on schools in this country we are saving a considerable number of money transfers to other parts of Kenya, because, especially the Europeans in this country, if they are determined to have education, if they cannot have it in this country they will get it outside. Supposing, if I may take a simple example, supposing the lack of educational facilities in this country led to sending home 500 boys and girls to English schools; supposing it cost £200 (a conservative estimate) a year for each of those boys and girls, that would mean a sum of £100,000 going out of the country. It would mean really an increase of imports. I would accentuate the more the unfavourable balance of trade we have in this country at the moment. Therefore, I feel sure any money spent on educational buildings in this country is money saved, and money saved is money gained.

Now there was one other point, and do not want to raise anything which might be embarrassing to the other side, but that is the site of the Duke of York School. It has been said to me by one or two people that that site is not a good one as it might be and I note that over £100,000 set aside for extensions to the Duke of York School. I am very proud of the fact that I was one of those who advocated two years ago the expenditure of money, the immediate expenditure of money which my hon. friend the Member for Development has so quick off the mark in spending—quite rightly so—in providing the Duke of York School, but if the site is not entirely satisfactory—and I am not saying it is not—but if it is not, would it not be better to cut our losses and to remove the school to some other site. It may be a complete misconception on my part—I have heard it from other people—other words, the playing grounds, and

Mr. COOKE (Central Area): I, too, congratulate the hon. Member for Education for a very excellent explanation of his speech on the education position in this country. I have very little to say, except certain things which are familiar to my own constituency.

We have been making representations to the Government for the building of a Secondary School at Kisumu, but no attention has been paid. I would ask the hon. Member to kindly say whether it is the intention of the Government to build a Secondary School for the Asians at Kisumu. As for Eldoret, Sir, there is already partly a secondary education, only up to Form I. The Asians there are quite willing now to provide the cost of the hostel for the accommodation for the boarders. I would suggest that Government should sympathetically consider the provision of a secondary school at Eldoret. Likewise, I suggest from Nakuru, and the Indian Association has already made representations to the Government that they are quite willing to provide a hostel, and therefore Government should take it into consideration if it is possible right now—to provide secondary education at that centre as well.

At certain places there are schools which have been under grant-in-aid for a long time. The time has now come that Government should take them over—for instance, the schools at Nyeri, Mombasa and Kericho. They have now grown themselves to such an extent that it is really impossible for small communities at these places to maintain these schools in an efficient manner. Apart from that, Sir, Indians at very small trading centres do their best to maintain and start small schools for the education of their children, but they are very few in number, naturally they cannot run schools in as efficient a manner as they would like to do. I would suggest that Government should consider giving them a little financial help so that these schools remain in existence.

We have heard from the Member for Central Area, Mr. Nathoo, that he is in favour of the division of schools on a linguistic basis. It is a very unusual

suggestion which comes from this gentleman, Sir. I do not think he can have it both ways. If he wants Indian, let it be Indian throughout, he cannot hunt with the hounds and run with the hare. On the one hand he seeks division and on the other hand he cannot possibly face the division in its proper perspective, because if he wants division let it be division throughout, then naturally he will have to go to the Hindus because he belongs to that section of Moslems who mostly speak Gujarati. Unfortunately, the position has reached a stage where Government will have to seriously consider the matter. I think rather than that Government should accept a suggestion from any Elected Member they should give very serious consideration in a way so that we come to some sort of sane solution whereby perhaps it may be necessary to cut out these vernaculars and have only one language—as a medium of instruction. That would not necessarily mean that we would cut out vernacular altogether, it would remain a second language, but, as has been said by the hon. Member for Education, unless we have one language in the country, the country will not go ahead. I quite agree with that and I would suggest that, as a last resort, English be the medium of instruction in all the Indian schools—as Mr. Mathu, Member for African Interests, has said, that they have got so many languages it is absolutely impossible to provide a school for every language—the best way is to provide English instruction.

We have heard good news from the hon. Member for Education that he intends to provide an Assistant Director to look after Indian education. That is very good news, and we have been hoping for that for a very long time. Although it is not for us to suggest who should be appointed, we would respectfully suggest that he should be a gentleman who has some sympathy with the Indian aspirations.

With these few words, Sir, I beg to support.

DR. RANA: Mr. Chairman, I rise to support the motion, and I would like to take the opportunity of most sincerely congratulating the hon. Member for a very able and excellent speech and the policy which he has exposed during his

423 Supply

[Dr. Rana] speech which he is going to follow. I was extremely glad, Sir, that in such a short time that he has been Member in charge of Education that he has got inside particulars of the Asian education. Further, it was a great pleasure to me, Sir, to hear that the principle and the system of education which I, about a couple of years ago, had moved in a motion on the Indian education, he is going to support.

It was a real surprise and a change to find out, Sir, that my hon. colleague the hon. Member for Western Area suddenly changes his mind, that today he agrees to have one medium of instruction. I have been all the time, though I have been very much maligned and abused, perhaps, for saying that that one medium should be English. I am very glad that he has made up his mind and I hope his Congress and his other colleagues will agree. Furthermore—I do not want to go to the negative side, I have said enough in this Council—I am glad the hon. Member is going to put right, particularly the bad teachers, the unqualified teachers, and more particularly the quality of the education rather than the quantity. The educational system which has been up to now followed, I wholeheartedly agree, has been most effective. In order to produce a respectable citizen, in the future, in all races is to give them the correct and right way of education. There can be no better investment, and I would put it on the productive side rather than on the unproductive side of the country or community.

Regarding one more point, Sir, which I want to make clear to the hon. Mr. Mathu, that he always finds pleasure to see us quarrelling regarding the vernaculars. I would like to tell him that we have never asked for completely separate schools, though we would be very happy if the Government could give us them. Knowing very well the financial position of the Colony, knowing very well the productive stage of our community, we have only been asking that, if these vernaculars are going to be followed in the beginning of the students' career, then according to our way of life and according to the language which we speak at home that language should be taught by the proper teacher and in the proper way. That is all we have asked, we have not asked so far—though I should

submit that if we could get it, we would be very happy—if there are enough things I see no reason why the boys speaking different vernaculars; Urdu, Gujarati and Hindi should not be put into different blocks. But we have always submitted that there should be a sufficient number of teachers to take the different vernaculars.

I really was surprised—if I remind the hon. colleague, Mr. Pritam, that only a few months ago we elected Members of five of us; met together and he was one of those who agreed on the linguistic basis and within three months he changed colour and today he is saying that he never agreed on it. I really do not know which side to believe in future. I thought that when, at the Advisory Council on Indian Education all the Members resigned—we had an interview with the hon. Director of Education, who was then Mr. Hartwell—it was agreed that in the future policy for the Asian education we five people would be consulted. It was discussed—I am so sure the hon. Mr. Patel is not here, he would have supported me, he was in the Chair—and after long discussion we spoke and we requested the Government wherever there is accommodation the school should be put on a linguistic basis. I would apologize to Mr. Mathu if I referred to his name, I only said in order to clear the position if we may have misunderstood when my hon. friend Mr. Mathu was speaking. I wholeheartedly agree we do not want vernacular languages, we do not want vernacular as one of those who believe that English for this country should be the lingua franca and I have always believed that the principals should be Europeans and I have never been supported on this point by some of my colleagues.

I am very glad that the hon. Member intends to start next year in Nairobi a school in which the proper teachers and the proper staffs will be provided to start the education in English, and I congratulate him for this decision which has made. I only add that I hope that will pay a little attention to Mombasa and the Coast also, because we always are left in the rear. And when he starts there I think we will give him a better response in Mombasa, where the students

[Dr. Rana] is always more congenial and we are all our part can come together.

With these few words, Sir, finally I would like to take the opportunity to congratulate His Excellency Sir Philip Gubbins and His Highness the Aga Khan who have very kindly started a Muslim Centre for which there is mention of a school. I think we Muslims, not only of Kenya, but the whole of East Africa, will always remain grateful to him for getting a technical institute in which I am sure the future resident of that part of the world will make the best use of it. I would further add, Sir, that the hon. Member for Development, I must say, that all that has happened before, has given us a very nice building in Mombasa, and I am sure we will do in future that the development is not neglected.

With those few words, Sir, I will suspend the motion.

MR. PRITAM: On a point of explanation, Sir, the hon. Member for Eastern Area has referred to a certain meeting at which I do not think there are many Members who know. It was agreed that we should have linguistic teaching in a vernacular, but so far the position unfortunately has arisen whereby the different languages are being now taught in a way each group wants a school for itself, so naturally if there was understanding at all, it was only in respect of one particular language that was spoken. But now the division is asked for other languages too, so naturally that understanding no longer stands good.

DR. RANA: On a point of explanation, Sir, I would be extremely glad if we could stick to the Urdu language.

MR. JEREMIAH: Mr. Chairman, I would like, Sir, to ask a question from the hon. Member and that is, in view of the Beecher Report, what does the hon. Member intend to do with regard to the African children in Mombasa who are Muslim, the great majority of them are Muslim, who are not usually attracted by the schools which teach Christian Education? I think, Sir, that such people need some consideration. They are not in a position to start their own schools and therefore they just depend on the Government schools which teach Arabic and which teach nothing else. Would Govern-

ment please consider the position of having African Government Schools in the Coast which will cater for children of all religions?

DR. KARVE (Eastern Area): Mr. Chairman, Sir, I associate myself with all the previous speakers in congratulating the Member for Health and Education for a very sympathetic speech to-day, but I have a few points which I think would be of interest to the Council and that is why I am getting up to say this.

The hon. Member has, I think, underestimated the figures of increase that will occur during the next five years, particularly with the Indian community! (Laughter.) I may say that this is not only due to the great fecundity of our community, but it is also due to the present world conditions which are forcing Indians who formerly used to come to this country alone but are now bringing their wives and children. This tendency has been growing of late years and I think it is going to increase during the next two or three years, which time will decide the number of students the hon. Member will have to care for in the near future. There is also another thing that has caused this increase in the number of school-going population and I think in that particular case that argument will be the same for our communities as well as the European community, and that is that owing to the increased cost of living in this country, as also in India and in England where, formerly, parents used to send some of their children, those parents who could afford to do so and used to send their children to school are now keeping their children here, which has contributed and will contribute more so to the increase of school-going population.

Another point, in the matter of the difficulty in getting teachers, particularly trained teachers for the Indian communities, is due to the impossibility of getting really good people out on the scales of pay that are given to those teachers in this country. It is true that the two new teacher-training schools in Nairobi and in Mombasa will do a certain amount in relieving this great need of the community but the standard of the entrants in these schools is only the local Senior Cambridge or the Matriculation, which standard, I believe, is too low for a really

[Dr. Karve] efficient teacher to be produced with teacher training. In India as well as in England—as far as I know—the standard of entrants to the Diploma in Teaching, which is considered a teaching qualification, is of Graduate and not of Matriculation. I do agree that there are certain courses for old teachers, where non-graduate teachers are given teacher training in both countries, but the average entrant is generally a graduate, and the product of these two teacher-training schools, I do not believe will solve the question for the present. I remember having read many years back, when the bursary system was introduced into the country and it was debated in this Council that the bursaries should be provided to enable the young students from this country to go either to India or to England to train themselves, and special stress at that time was laid that these bursaries should and will generally increase the provision of teachers in this Colony, as the students who go there for training will come back and serve as teachers in this Colony. Unfortunately, from what I know about these bursaries, most of the students that get these bursaries go in for other professions than teaching and I do not think there has been any student who has been either to India or to England with this bursary who has joined as a teacher, simply because I think that the pay offered to these teachers is so unattractive that a young ambitious man going to India or to England for his education does not think of taking teaching as his profession. If that sort of thing goes on, I am sure the standard of teaching in our schools will not be any better unless all our schools are completely staffed with European teachers.

I do not quite agree with my friend, the hon. Dr. Rana, when he said that he was in favour with having European Principals. It is not what race the Principal is, it is what qualifications he has and I am quite sure that if proper scales of pay are given, we can get as good Indian Principals as any European Principals than ever ruled in this Colony, and I am quite sure that some of them have been very very good indeed. As a matter of fact, it is always stressed that the teaching of English should be done by Englishmen, and that is one of the

reasons given for introducing European Principals; but what generally happens in schools is that the time of the European Principal is all taken up by administrative duties, and it is very rare indeed that he teaches English and if he does teach it at all, he teaches it in the top class which is not the right place where English people should start teaching. If the English of the Indian is to be improved, we want those teachers to start teaching English from the very lowest level, start teaching at the beginning and not at the top. As a matter of fact, I do not believe that English teachers can and do teach better English than we can teach them in such a way that they produce better results than Indians. In my final word, Sir, I shall say that the Government School in Mombasa where English is taught by Indians and Goans is much better taught and they produce better results in the English subjects in Matriculation standard than in the Girls School where English is taught by English ladies. I beg to support.

THE CHIEF SECRETARY: Mr. Chairman, there are one or two points which have been raised in this debate on which I should like to say a few words. Referring to them, however, there is such a matter to which, with your permission, Sir, I should like to refer. In doing so, I hope that the hon. Member for the Coast will not think that I am being sentimental.

During the course of this debate, it will not have escaped the notice of hon. Members that the Director of Education himself is no longer sitting on the Government benches. (Shame!) What I feel sure that all hon. Members will agree that with the development of this Council itself, and in particular that of the membership system, it is right and proper that Heads of Departments should be progressively withdrawn from public life so that they can devote the whole of their time and energies to the administration of their departments, hon. Members will nevertheless miss the Director of Education personally. (Hear, hear!) I know that I can speak for the whole Council in paying a small tribute to the contribution which the Director of Education has made in this Council during the past few years, not only on matters relating to education but on other matters as well. (Applause.) I feel sure that we

the Chief Secretary) forward to seeing him from time to time, if not actually in the Chamber itself at least in an adjacent position, in which he can assist his Member.

The hon. Indian Member for Central Area mentioned the membership of the Development and Reconstruction Authority and the Planning Committee, and his suggestion was, I think, that it would be better if more Members of this Council were on those bodies, particularly Indian Members. As is well known, both those bodies are small non-political expert bodies. Quite apart from the fact that Members of this Council are already having their time fully occupied, I think it would be a pity to burden them by placing them on either the Development and Reconstruction Authority or the Planning Committee. As I have said, these bodies are small non-political expert bodies. The Members of them are chosen for their personal qualities and I think it is desirable to go further afield than this Council. Moreover, Sir, I would regard it as a retrograde step to bring either of those bodies more into the arena of politics.

The same Member, Sir, mentioned two matters in connexion with educational buildings. He said first of all that he hoped the Development and Reconstruction Authority would insist on austerity in building. I entirely agree with him and it certainly is the policy of the Development and Reconstruction Authority to build as austere as possible, and I can give him an assurance that in the future we will scrutinize all plans with great care.

Secondly, Sir, he suggested that the Development and Reconstruction Authority should employ more private contractors, particularly when those contractors could do the work more cheaply than the Public Works Department. Sir, if any hon. Member can indicate to me private contractors who can do any work more cheaply than the Public Works Department we shall be only too glad to consider employing them.

The hon. Member for the Coast referred to the site of the Duke of York School and said there was some doubt as to whether the site had been suitable. This is the first I have heard of that point, Sir. The site was chosen with great

care, and as far as I know everybody concerned was entirely satisfied with it. I have heard of no difficulties. I do feel, however, that at this stage, after so much money has been spent there, it would be a very grave mistake to abandon that school now and to go elsewhere, particularly when we are so short of funds for building schools.

MR. HAVELock: There are about three small points, Sir, and I would like first of all to congratulate the hon. Member for Education on his speech and join with other people who have so congratulated him, and would say, Sir, even sobriety has its uses as long as the sobriety comes from the right people at the right time. I do think, Sir, that it should be pointed out and placed on record that this year, 1951, the net cost of European education shows a decrease of some 17%, according to my calculations—the net cost, and that, of course, ties up with the remarks, Sir, that hon. Members have made regarding the payment of this bill about which the hon. Member for Education warned us; and again it ties up with the remarks about whether education is a productive or non-productive service. I think, Sir, that European Members have never said that it is a non-productive service, but that being a productive service it is a long-term productive service, and are we able to afford, with the limited money at our command, to wait a long time before return from this expenditure. That has always been the doubt, I think, Sir, in the minds of European Members. The fact is, of course, having accepted as we did the recommendations of the Beecher Committee, I think it is obvious, therefore, that the European Members have thereby accepted an expansion of African education. As we realize that, it would pay us to spend a bit more on it and spare the money from other services. But, of course, I would like to support very strongly the remarks by the hon. Member for the Coast that any further extensions to the policy which we have accepted up to now—the payment for those extensions must be derived from people through hard work—but the hon. Member did say, through taxation which will come from hard work. I would only like to qualify that by saying that it will be by payments from the people, not

431 Supply

Education & Communication

[Mr. Havelock] necessarily direct taxation, which, I suppose, the hon. Member was referring to, or direct central Government taxation. There are other ways of lifting money out of the pockets of the people for payments for services such as these and this brings us, Sir, to the point raised by the hon. Member, Mr. Mathu, of the Hartwell Report. I think it would be inadvisable to comment on the principles which are put forward in that Report at this stage, and that we should wait until it is presented to this Council, before saying whether we support or not the principles that have been laid down, or suggested there.

One comment I must make on the speech by the hon. Dr. Karve. That is merely, will Government please note the remarks by the hon. Member that he considers that the immigration policy may even increase this very great problem of Asian education, and will Government please take the requisite steps to see that this problem shall not be increased in that way. (Hear, hear.)

The other point, Sir, the hon. Mr. Mathu touched on Makerere. I was disappointed that the hon. Member in moving the motion did not tell us a little more about Makerere. May I ask him in his reply if he will tell us whether he considers the extra expenditure which we are making and which, as far as I can see, may increase in years to come on subventions to Makerere—are we going to get our money's worth? The general opinion is, I think, at the moment that we have not yet had our money's worth and we are not very sure whether we are going to get it. Why is it also, Sir, that at Makerere—we understand that students are not taking up the more technical training but are going as far as entering the academic side only and not the other, the veterinary, the medical, etc., which we feel might be of extreme use in the practical development of this country.

Also, Sir, although I know that the hon. Member is not in close touch with Makerere, if he casts his mind back, he will remember, I think, criticisms last year or maybe the year before in this debate of the attitude, the discipline and outlook of the students of that college.

Can he assure us that they are improved in that particular respect?

Sir, I think those are all the remarks I have and I beg to support.

DR. KARVE: On a point of explanation, I never meant I wanted to prohibit the bringing over of wives and families of people with them. I wanted the hon. Member to make more provision for the likely increase in their numbers. (Laughter.)

THE CHAIRMAN: As we are within ten minutes of the normal time for adjournment, I think it would meet with the wish of hon. Members if we adjourned until Tuesday morning next at 10 o'clock.

THE CHIEF SECRETARY: Mr. Chairman, the hon. Member for Education, Health and Local Government will not be able to be present on Tuesday morning, so if this particular debate can be adjourned we should be grateful.

THE CHAIRMAN: It is proposed for this debate be adjourned till a convenient time—

MR. HAVELOCK: Could the hon. Member tell us if the hon. Attorney General would be prepared to take the remainder of the Police Vote on Tuesday.

THE CHIEF SECRETARY: Yes, Sir. Mr. Chairman, I beg to move: That the Committee reports progress and seek leave to sit again.

The question was put and carried.

ADJOURNMENT

Council rose at 12.45 p.m. on Tuesday 28th November, 1950.

Tuesday, 28th November, 1950

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 28th November, 1950.

Mr. Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

COMMUNICATION FROM THE CHAIR

MR. SPEAKER: I propose to convey to the hon. Members that I duly delivered the messages which you sent and on the 24th October, it was read by Mr. Speaker who sent fifty-six letters of thanks, all rather beautifully illuminated, thanking the various Colonies for the gifts which were made. The one which was given to me on behalf of the Government and people of Kenya I have here and I would suggest, if I might, that it should be suitably framed and kept in the Legislative Chamber. (Applause.) It is as follows:—

“Upon the occasion of the opening of the new House of Commons, it is the unanimous wish of all Members that I should convey to the Government and people of Kenya an expression of deep and sincere thanks for the Minister's writing desk and chair in Olive wood which is so generously presented to the House and will be a constant reminder of the close and abiding link between this country and Kenya. No Speaker could have had a more pleasant duty to perform and I am particularly happy that it should have fallen to me to carry out the wishes of the House.

Signed: DOUGLAS CLIFTON BROWNE,
Speaker.

I will hand it over to the Clerk for safe custody until suitable arrangements can be made.

Hon. Members we must continue now with our daily task. Are there any petitions or Memorials?

THE CHIEF SECRETARY: Mr. Speaker, before we proceed with the other business, may I take this opportunity on behalf of the Council of welcoming you back here, Sir, to preside over our deliberations once more. (Applause.) We were extremely pleased that it was possible for you to be present at the cere-

mony in London of the opening of the new House of Commons. (Applause.)

MR. SPEAKER: I am very much under an obligation for the kind words Mr. Rankine has addressed to me on behalf. I take it, of the Council as a whole but I am sure you suffered no inconvenience in my absence under the kind and careful Chairmanship of Sir Charles Mortimer. (Applause.) But we have not the time, I think in the midst of the Budget Session for me to indulge myself in addressing you. I am here to listen. We must get on with our daily task recognizing that the more we devote ourselves to the ideals of freedom, justice, and toleration, the more we shall serve the great tradition of British Parliamentary Institutions and advance ourselves steadily, I hope, towards self-government.

MINUTES

The minutes of the meeting of the 24th November, 1950, were confirmed.

BILLS

FIRST READING

The East African Power and Lighting Company, Limited (Validation and Licensing) Bill

On the motion of Mr. Havelock (Kiambu), seconded by Mr. Cooke (Coast), the East African Power and Lighting Company, Limited (Validation and Licensing) Bill was read a first time.

SUSPENSION OF STANDING RULES AND ORDERS

THE ATTORNEY GENERAL moved: That Standing Rules and Orders be suspended to enable the following Bills to be taken through all their stages forthwith:—

The Penal Code (Amendment No. 2) Bill.

The Animal Diseases (Amendment) Bill.

THE SOLICITOR GENERAL seconded. The question was put and carried.

BILLS

FIRST READING

On the motion of the Attorney General, seconded by the Solicitor General, the Penal Code (Amendment No. 2) Bill and the Animal Diseases (Amendment) Bill were read a first time.

BILLS

SECOND READING

The Penal Code (Amendment No. 2) Bill

THE ATTORNEY GENERAL: I should like to move the second reading of the Penal Code (Amendment) Bill, before we take the other Bill.

Mr. Speaker, I beg to move that the Penal Code (Amendment) Bill be read a second time. The reasons for this Bill are set out at length in the Memorandum of Objects and Reasons, and I do not propose to take time by repeating them. Recent experience, particularly in Mau Mau cases, has shown a weakness in the law in that the administration by force, threats or intimidation of oath could not be adequately punished, if the oath did not fall within certain specified categories. This Bill will make the administration by force or intimidation of an oath binding another person to act or refrain from acting in any manner, a felony punishable with seven years' imprisonment. Presence at a ceremony of oath taking will imply consent unless the person concerned reports all he knows to the Police within five days. I indicated in moving the Police Estimates that a serious view was taken of this movement and I suggest, Sir, that the sooner the forces of law and order have these reinforced powers the better.

Another matter dealt with by the Bill is the insertion in the Code of a section making "chain letters" illegal. I am informed that large numbers of ignorant persons, largely Africans, are, or have been, besieging the Post Office for postal orders to enclose with chain letters. In many cases, obviously they cannot afford these sums, which they subscribe on the assumption that promises of fantastic profits are certain. This is a matter in which, perhaps, one would not suggest that the Legislature should intervene, if the public were better educated and, if I may say so, more able to look after themselves; but, in the circumstances prevailing in this country it is, I suggest, a case in which intervention by the Legislature is justified.

I, therefore, beg to move; and, when it comes to the committee stage, I will

move an amended definition of "chain letters" which is considered a better definition of a document which is rather difficult of definition.

Sir, I beg to move.

The Solicitor General seconded.

MR. MATHU: Mr. Speaker, in supporting the second reading of this measure, I should like to take the opportunity of bringing to the notice once again, of the hon. Member who moved, that one of the contributory factors of these so-called secret organizations and the question of getting people under the cover of night to take unlawful oaths is the restrictions that are all obtaining, particularly in African areas in regard to public assemblies. I and my hon. colleagues representing African Interests in this Council, I think it was last year, had a deputation to the hon. Member for Law and Order to discuss with him the difficulties that Africans experienced when they want to organize lawful meetings and under the Police Ordinance, the person issuing the license has the discretion to say where the meeting is to be held, and it is very inconvenient, Sir, for a group of persons who want to have lawful meetings to be told that they can meet where the person licensing that meeting requires. It may be at the extreme end of a district, and I think it is extremely inconvenient and I think that is one of the reasons why some of these people go under cover of the night and say "All right, as we are not allowed to meet lawfully, you must take an oath to say that we never met and you must be a member of our organization therefore". I think there is something in this and I would like to appeal to the hon. Member once again to see whether it is impossible, whether it is impossible to administer the law regulating public assemblies as far as they affect Africans in a more reasonable manner—(hear, hear)—because I think it is very unreasonable to expect a group of Africans who want to meet, say, in Thika, to tell them they can go to meet in Karatina. It is unreasonable, Sir, and it is, therefore, a point I would like the hon. Member to give an answer as to whether they are going to improve the situation because I think it is very unsatisfactory.

I beg to support.

MR. SPEAKER: I will ask the Mover to reply.

THE ATTORNEY GENERAL: Sir, with regard to the point made by the hon. Member for African Interests, Mr. Mathu, I am afraid that I cannot agree that restrictions, as he calls them, on the rights of assembly have anything whatever to do with the Society which is aimed at, particularly aimed at by this Bill. I do not agree that the ceremonies which are undertaken by this Society would be undertaken in public if every restriction of the right of assembly were to be swept away at this moment. I think Sir, it has never been suggested in any of these cases that that has anything whatever to do with it. I do not want by this to be taken to imply that I will not look into this matter and find out whether there is substance for the grievance which has been voiced by the hon. Member. I have already looked into it once and I will look into it again. It must, I think, be obvious that in certain cases, if trouble is expected, it is important to ensure that the meeting takes place where that trouble can be dealt with and not where it cannot, but I will look into the matter again, but the point I wish to make is that I do not believe, for one instant, that that has anything to do with secret meetings of the Society in question.

The question was put and carried.

The Animal Diseases (Amendment) Bill

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move that a Bill entitled "An Ordinance to Amend the Animal Diseases Ordinance" be read a second time.

The principal Ordinance, to which this Amending Bill refers, was first passed in 1906 and has had a series of amendments in 1907, 1908, 1915, 1917, 1930 and 1934. These are the list of principles which were enacted in '36 and since then we have been acting under a number of rules, preventing the movement of stock where a disease was suspected or where a quarantine has been declared.

As will be seen by the Memorandum of Objects and Reasons, a Court has recently held that rule 21, which makes it an offence to move cattle, swine, sheep or goats with a permit, is *ultra vires* the Ordinance under which it was made. We felt it absolutely essential to bring in an

amending Ordinance, pending the possibility of an appeal being heard, and it is for that reason that the hon. Member for Law and Order has said we considered this matter so important as to justify bringing in this amending Ordinance under suspension of Standing Rules and Orders.

I think hon. Members will see from the Bill that we have in section 7 of the amending Bill a declaration of validity of rules and offences and in view of the peculiar situation in this Colony of the many types of diseases which restrict the stock industry, I am sure hon. Members will agree that no Government could possibly allow a position to be maintained for even a few days under which quarantines could be broken and animals might be moved illegally.

Now, Sir, in addition to that, it will be seen that an opportunity has been taken to insert in the Ordinance definitions of the expressions "Veterinary Officer" and "Officer of the Administration". The term "Administrative Officer", or "Officer of the Administration", occurs in two cases in the principal Ordinance. It appears in section 3 (2) and it also appears in section 10. Now, it is essential indeed to include, in the terms "Officers of Administration", Veterinary Officers in connexion with the operation of this Ordinance. Firstly, because if you have to report outbreaks of diseases to the Administrative Officer and, then he, in turn, has to report back again to the Veterinary Officer, a lot of valuable time may be wasted. More important still is the Immunity Clause; I think I am right in saying, we will call it that, Indemnity Clause indemnifying officers of the Administration and not Veterinary Officers. Now, the result of that is merely this, that it drives a Veterinary Officer into placing the responsibility for giving orders under an Administrative Officer, thereby again wasting valuable time on the outbreak of disease, if you do not give him a reasonable measure of indemnification. I am sure hon. Members will agree that is undesirable. It does not in any way give the public any further safety by the fact they could bring action against Veterinary Officers, because it merely means the Veterinary Officer would be so nervous of that sort of thing happening that he will merely pass the responsibility on to the Administrative Officer, when the

[The Member for Agriculture and Natural Resources] indemnity will be on him, and time is all important in dealing with the outbreaks of animal diseases.

Sir, I beg to move.

THE ATTORNEY GENERAL: Sir, I beg to second, reserving the right to speak again.

MR. BLUNDELL: Mr. Speaker, I rise to support the motion, but I should like to ask the hon. Member, in his reply would he inform us exactly in what way he envisages that an officer of the East Africa High Commission will be affected by the terms of this Bill. I should like to know whether it is the intention that officers of the East Africa High Commission should have an executive function within the territorial set up of Kenya itself? Would the hon. Member perhaps deal with that point, Sir, when he replies?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, in reply to the hon. Member, I would say this, that as far as I am aware, and as far as we must be aware, the veterinary officers that are in the employment of the High Commission are either employed on fundamental research or may, in due course, be employed on the manufacture of biological products. In neither case are they likely to be called upon to take executive action in an administrative capacity in the Colony of Kenya and therefore, Sir, though they are not specifically excluded, and I do not think they should be, because we might indeed need one on occasions if there is a serious outbreak of disease, I think the hon. Member need have no fears. I think, Sir, that was the only point raised.

The question was put and carried.

THE SPEAKER: Are we taking the other second reading now?

THE ATTORNEY GENERAL: Yes, if you please, Sir.

The Entertainments Tax Bill

THE ACTING SECRETARY TO THE TREASURY: I beg to move, Sir: That a Bill entitled the Entertainments Tax Ordinance, 1950, be read a second time.

This Bill, Sir, has its origin in questions raised by Unofficial Members of this Council when consideration was being given to the 1948 Draft Estimates.

Members will be aware that the existing Ordinance was first enacted in 1931 and it may hardly be said to be an up-to-date one. As a result of the representations to which I have referred, the Government undertook to carry out an investigation into the provisions of the existing legislation and the Bill before the Council to-day is the result of an exhaustive inquiry. I understand, however, that it is the wish of hon. Members on the other side that this Bill should be referred to a Select Committee. The Government, Sir, is agreeable that this should be done and in these circumstances I do not intend to say more at this stage.

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

LIEUT.-COL. S. G. GHERSIE: Mr. Speaker, I had intended to move an amendment for the exemption of amateur sport from the provisions of this Ordinance, but as it appears that I will go before a Select Committee, I will not move the amendment on this occasion, but, Sir, I would like to put forward a plea for amateur sport. I submit, Sir, that amateur sport and, in particular, tours of overseas teams, promoted by local sports associations, have an effective educational and inter-racial social value which far exceeds any loss of revenue that may result from amateur sport gate receipts being exempted. (Hear, hear.)

Now, Sir, I cannot imagine that the amount derived from amateur sport would exceed more than four or five thousand pounds per annum and, when we realize that in our own Estimates we provided something like over £44,000 for African Social Welfare and more than £28,000 for African Information Services, I submit that the loss of finance to Government is more than compensated by the moral value. Now, Sir, I am not pleading specifically for relief in regard to visiting teams, but in a Colony such as Kenya where the facilities for sport and entertainment are very limited, I do not think we can over-estimate the value of such visiting teams as the tennis teams which visited Kenya, the Indian Hockey Team and more recently, the Cape Town University Students Rugby Football Team. Now, Sir, it might be of interest to Members in that latter connexion that

U.-Col. Ghersie]. The Kenya Rugby Union were involved in a outlay of £4,600, of which the Government derived £493 by way of entertainments tax, and there was an actual deficit of £5; but it should be remembered that billenting was free and the tickets carried £520 of their own travelling expenses, and had it not been for free billenting, the deficit would have been three times greater. I also understand the Indian Hockey Team, when visiting this Colony, paid £750 to £780 to the Government by way of entertainments tax. I maintain, Sir, there should be a distinction between organized entertainment, with the object of profit making for the benefit of private enterprise, as opposed to organized entertainment which promotes culture and sport, the profits of which may be deemed incidental, as they are ploughed back into the sport concerned. Now, it might also be of interest to Members that I understand the African and Arab sports associations are endeavouring to raise sufficient funds to send representatives to compete in the next Olympic Games, and I believe that also applies to the Kenya Hockey Association. Now, Sir, it is not right that individuals should be continually compelled to put their hands in their pockets for such a worthy cause. It has occurred often in this Colony that young people have been unable to participate in sports in the outside districts due to expense, and in particular heavy travelling expenses.

Now, Sir, I know that provision exists in clause 12, sub-section 2, that the Special Commissioners may, if they think fit, waive the payment of Entertainment tax on payment for admission for any entertainment which does not come within the provisions of section 9 of the Ordinance. Sir, in the present Ordinance there is provision whereby the Commissioner may exempt certain sport which is not provided for in the Ordinance, but he has seldom deemed fit to exempt any sport. An application was made in connexion with the Rugby tour promoted by the Rugby Football Union and it was rejected, and I understand the same thing applied with the African and Arab Association. Now, Sir, what we want is specific exemption in this Ordinance. It may be that a team is passing through Kenya by air and there is insufficient

time to make an application with the result that Kenya loses the benefit of witnessing a first-class exhibition of some particular game.

This proposed Bill will render the lower-priced seats, at present exempt, subject to the applications of this Ordinance, and I believe, Sir, that this will affect the lower-income group people, because I am quite certain that there will be a tendency to raise the price of those seats in order to include the tax, and as far as Africans are concerned, I should imagine that they may sit on the banks—certainly have no opportunity of entering into the ground, or be driven away completely—I submit we should do everything in our power to encourage them to enjoy sport, even though it is only as a spectator. I suggest we should do this if purely for their mental outlook. Now, Sir, I am not asking for a precedent to be created. I understand there is no Entertainment tax in Tanganyika or Uganda and further this concession exists in South Africa. With your permission I would like to read just a short extract of a fairly recent publication from the Port Elizabeth correspondent of the *Sunday Times*:—

"The Eastern Province Rugby Union has received a cheque for £5,250 from the Cape Provincial Council as a refund of the sports tax imposed on inter-provincial matches and the fourth Test between South Africa and the All Blacks last season.

The tax has now been abolished with retrospective effect. Sports bodies throughout the Cape have received substantial cheques."

Now, Sir, I am sure hon. Members are probably aware also that the Oxford and Cambridge rugby match at Twickenham is exempt from Entertainment tax.

There is just one final extract I would like to read from the Labour Department Annual Report, 1949, paragraph 2 on page 6:—

"Last year the provision of amenities was reported as having made 'great strides', and the same can be said again of the year under review. Sports fields and equipment—especially football—schools, social halls, churches, shops, tea-shops and canteens were amongst the amenities pro-

[Lt.-Col. Gherrie]

vided. This has led inevitably to closer contact between the employer and his staff, with the resultant improvement in labour relations. Much more attention was given to this most important feature than heretofore, and any progress made is to everybody's advantage leading, as it must, to improved racial relations." (Hear, hear.)

Now I suggest that the Government will probably like to hear a definition of amateur sport and in anticipation of their requirement, with your permission, I would like to give them one.

THE SPEAKER: Are you proposing to move an amendment?

LT.-COL. GHERRIE: No, Sir, as I understand the proposed Bill is going to a Select Committee.

THE SPEAKER: You cannot move an amendment now, you can speak against the second reading or for it, as you wish but amendments can only be done in Committee.

LT.-COL. GHERRIE: I was only giving a definition of amateur sport.

THE SPEAKER: All right, I do not want to stop you.

LT.-COL. GHERRIE: I thought, Sir, if at the Select Committee stage they agreed to exempt amateur sport, they might like a definition. "Amateur sport" means "any game, contest, competition, or form of sport for which no money-prize or stake is awarded and which is organized and conducted by persons or an association of persons, who, as individuals, derive no pecuniary profit or gain therefrom".

THE ACTING SECRETARY TO THE TREASURY: I think, Sir, that it is only necessary for me to say at this stage that I have no doubt that the very moving plea made by the hon. Member for Nairobi North will be very fully considered by the Select Committee which is to be appointed.

I beg to move.

The question was put and carried.

THE ATTORNEY GENERAL moved: That the Entertainments Tax Bill be referred to a Select Committee.

THE SOLICITOR GENERAL seconded: The question was put and carried.

THE ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider clause by clause the following Bills:—

The Penal Code (Amendment No. 3) Bill.

The Animal Diseases (Amendment) Bill.

THE SOLICITOR GENERAL seconded.

The question was put and carried. Council in Committee. The Bills were considered clause by clause.

The Penal Code (Amendment No. 3) Bill

Clause 4

THE ATTORNEY GENERAL moved: That clause 4 be amended by substituting for sub-section (2) of the new section 115, the following:—

(2) For the purposes of this section "chain letter" means a document addressed by one person to another person suggesting to the person to whom it is addressed—

- (a) that he should send a document having the same purport to a number of other persons; and
- (b) that he should remit to a person or to an address specified in the first mentioned document money or money's worth.

The question of the amendment was put and carried.

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

The Animal Diseases (Amendment) Bill
Clause 2

MR. BLUNDELL: Mr. Speaker, I beg to move an amendment. I wish to move that clause 2, section (b), the deletion of the last seven words, "or of the East Africa High Commission".

THE CHAIRMAN: That is in lines 14 and 15.

MR. BLUNDELL: May I speak to my motion, Sir.

THE CHAIRMAN: I was expecting you to do the speaking first and put the amendment up afterwards.

MR. BLUNDELL: I thought you were going to put the amendment.

Sir, in moving this amendment, I asked the hon. Member in his reply to give the reasons for the insertion of these words. His answer was quite, I was glad to say, quite smooth and dovetail-like, but I am not satisfied that we should introduce in an amending Bill of this nature, a new principle, which is the right of an officer of the East Africa High Commission to take executive action within a territory. I have been trying to look in the contributions to the cost of the High Commission Services for a similar sort of instance that might arise and I think it would be just as logical for a member of the East African Industrial and Research Bureau, in moments of emergency, to interfere for instance in labour relations and I think this is a principle which should not be put in an amending Bill. It is a main principle which has not been discussed in the Council and I am therefore moving my amendment.

THE CHAIRMAN: It is proposed then that these words "or of the East Africa High Commission" be deleted.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, although I will admit that the deletion of these words will not necessarily detract from the effectiveness of the provisions we are incorporating in this Bill, I would nevertheless repeat the argument I used just now. Occasions do arise when we try and get our money's worth, shall I say, by appealing to the High Commission to give us assistance in the case of outbreaks of diseases and so on and so forth. I must say they have on many occasions already been of immense assistance to us and qualified technical officers of the High Commission go out into arid black-blocks to carry out investigations and try and assist us in connexion with the control of diseases. Now if you have a highly-skilled and highly-qualified veterinary officer, who has been sent out by the High Commission to assist us to try and get to the bottom of some rather serious, possibly, inexplicable, outbreak and he has not got any powers of giving orders, there may not be anybody else there: then I submit that a certain amount of time is wasted. I think the same thing would apply to any other

technical officer. The same thing does not apply in the case of the example quoted by the hon. Member when he moved the amendment.

So, Sir, I would urge that these words remain in the Bill and therefore, Sir, I oppose the amendment.

MR. HAVELOCK: Mr. Chairman, Sir, I wish to support the amendment and in saying so, I suggest Sir, that the hon. Member for Agriculture and Natural Resources has not answered the criticisms of the hon. Member for Rift Valley, which was, that this point of principle should not be brought into an amending Bill of this sort.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: On a point of principle, the fact remains, we are very short of technical staff and if we are going to be, if I may say so, so pernickety about who they belong to, I think, possibly, we are not making the maximum use of the technical staff available in East Africa.

MR. BLUNDELL: Mr. Chairman, I still wish to press this amendment and I agree with the hon. Member for Kiambu. It may not be that we are not putting our views very well.

I feel that this is a matter of principle which has not come before the Council before and should not come in the form of an amendment to a Bill of this nature. The principle is, are officers of the High Commission to have executive control within the territorial set-ups. Now, I think that is wrong unless it is going to be properly placed before the Council and debated as a major matter.

Again, Sir, although the hon. Member for Agriculture and Natural Resources has made a great point of the shortage of technical staff, it is, nevertheless, true that the main function of the East Africa High Commission, its only function in this regard, is one of research and I think, that being so, we cannot allow in this Bill the development of a new principle on the grounds that there may be an emergency and officers on research may be used for executive functions, although they are employed by an extra-territorial body.

THE CHIEF SECRETARY: Mr. Chairman, there seems to be some confusion and I must confess, I do not understand what the point of principle is.

[The Chief Secretary]

The hon. Member for Rift Valley said that we were giving executive control to officers of the High Commission. I think that what he meant to say was that we were giving executive power. We are certainly not giving executive control. The control must, of course, rest with the Director of Veterinary Services and with the Member for Agriculture. But, he went on to say that we are introducing a new principle and also it is wrong to introduce a new principle in an amending Bill.

First of all, what is the new principle? I am afraid he did not make it clear what the principle was. Apparently, the objection is to officers of the High Commission being given executive powers or executive functions. I would point out that many officers of the High Commission already have executive powers in the territories and, in fact, they must have executive powers in the territories to carry out their functions.

MR. BLUNDELL: Their functions.

THE CHIEF SECRETARY: Yes, their functions.

The Posts and Telegraphs, for instance, how could they carry on without having some executive power?

MR. HAVELOCK: Set up under a separate Ordinance.

THE CHIEF SECRETARY: That does not affect the issue at all.

If the Government is not to introduce a new principle in an amending Bill, how, in all the earth, is it ever to introduce a new principle at all?

If it wants to introduce a new principle, is it to scrap the whole of the existing legislation and bring a new Bill *de novo* enacting the whole thing over again. It does not appear to me to make any sense and I would submit that there is no objection to introducing a new principle, if it is, in fact, a new principle in an amending Bill.

THE ATTORNEY GENERAL: Mr. Chairman, I would support what has just been said by my hon. friend the Chief Secretary with regard to the introduction of new principles in amending Bills. That is continually done and I do not see how that principle could possibly be accepted without, as he has pointed out, entailing an

obligation to re-enact every Ordinance when we come to amend it, if we wish to introduce a new principle.

Apart from that, Sir, I do think that a good deal of unnecessary apprehension is being caused on the other side. It may just point out what this amendment to the Ordinance, in fact, does. It has been pointed out by the hon. Member in the original motion that the word "Officer of the Administration" are used in only two places in the Ordinance. That is not the definition concerned. The definition, I think, is quite plain and is not given any extended meaning beyond what is agreed to by the Committee. The definition of "veterinary officer" is given a more extended meaning and that entails, of course, a veterinary officer being given some executive power. That is quite correct; but what I wish to point out is, that it is not right that the technical ability of the High Commission should not be able to be used for such things as preparation of biological assistance in the preparation of biologicals, and so on. There will be the difficulty which has been pointed out by the hon. Member for Rift Valley, but I do not think we shall be making the best use of the technical and scientific ability that is available, if we accept his amendment. I do not know how strongly he wishes to press this amendment.

But the point that I wish to make principally, is the point which I made at the start, that it could not be accepted on this side that an amendment of principle cannot be made in an amending Bill.

MR. BLUNDELL: Mr. Chairman, I would like to deal with the points which have been raised from the other side.

First of all, the hon. Chief Secretary was quite right. When I used the word "control", I meant actually "executive powers". There is no relationship whatsoever between the suggestions employed in this Bill and the East African Posts and Telegraphs for instance. Those officers are working under an Ordinance which empowers them to work within the territories concerned for the exercise of their duties.

On the question of principle, which I find so difficult to get over, it is this. Sir, This Bill which was passed in 1906 could not have envisaged that the High Commission would be set up, but what I do

think is in the form of an amendment. If you take the seven words, you are setting up, in this amendment, the whole new principle that officers of the High Commission engaged in research can, in the event of emergencies exercise executive powers, or executive powers within the territories themselves without an Ordinance, that is what I do not like.

I think this, it may be a very small matter, I can see every reason for allowing them to do so but the principle I think is wrong because there is no instance under which the East African Veterinary Research Council in any research they are doing has those powers except within the confines of the East Africa High Commission itself. It is that that I am objecting to.

MR. HAVELOCK: Mr. Chairman, there is one more point I would like to stress. The amending Bill was brought forward because I understand there has been a difficulty in the control which it was intended to strengthen and it was brought forward with our agreement under the Suspension of Standing Rules and Orders, and I think that also strengthens the argument of the hon. Member for Rift Valley that there is no need to bring forward a contentious matter of principle under Suspension of Standing Rules and Orders in an amending Bill of this kind. (Hear, hear.)

THE MEMBER FOR AGRICULTURE AND ANIMAL RESOURCES: One does not seem to propose a point of this kind; one does not want to present or pass a Bill with opposition if one can avoid it. I was wondering whether possibly there might be a wry out. To put in the definition clause, the definition which is proposed, subject to the amendment which has been put forward by the hon. Member for Rift Valley. That is to say, the veterinary officer, under the definition clause, cannot be given any wider powers in the various sections of the Ordinance, but in section 10 of the principal Ordinance which refers to indemnity, whether one could for the specific purposes of that section only, insert in the section the specific description, a veterinary officer means an employee of Government or the East Africa High Commission. My only reason in suggesting that is this, Sir,

That as hon. Members are aware, at one time the manufacture of most biologicals was undertaken by the High Commission, that is not the case now but a factory for biologicals is being put up very rapidly and the responsibility for that work will again shortly be handed over to the High Commission and I do not think that you will get officers readily to undertake this work and they will be highly skilled officers, engaged in England and so on, if there is not some indemnification, normal indemnification in this Ordinance. In other words, we give no executive powers whatever to veterinary officers of the High Commission but we do afford them that reasonable measure of indemnity accorded to all officers who are working on that kind of work I have just alluded to. I do not know whether hon. Members will accept that.

MR. BLUNDELL: As I understand it, if I may say, Sir, that we have managed to be intelligent enough to understand what the hon. Member was saying, the amendment I have moved stands; but the indemnity clause under clause 10 will be extended to officers of the East Africa High Commission. That, Sir, will meet our wishes.

THE CHAIRMAN: The amendment is in effect carried.

MAJOR KEYSER: Not yet.

THE CHAIRMAN: The only motion I have got is to amend lines fourteen and fifteen. If you have not got an alternative, you might say you accept the amendment.

THE ATTORNEY GENERAL: May I suggest that that amendment be accepted and if I may be given a little time by an adjournment or in some other way, I will devise the necessary amendment to section 10.

May I also say, Sir, that I do, of course, agree with the hon. Member for Kiambu that it is not desirable to put through major points under Suspension of Standing Orders.

THE CHAIRMAN: I will now put the question that clause 2 of the Bill as amended stand part of the Bill.

The question was put and carried.

THE ATTORNEY GENERAL: Could we adjourn the committee stage of the Bill

[The Attorney General] until a later stage in the morning—to enable me to get this amendment to section 10 in the proper place.

The Committee rose at 11.03 a.m. and resumed at 11.35 a.m.

The Animal Diseases (Amendment) Bill

THE ATTORNEY GENERAL: Sir, I beg to move that there be inserted in the Bill a new clause 6 as follows, and that clauses 6 and 7 be renumbered as 7 and 8 respectively:—

"Amendment to section 10 of the principal Ordinance.

Section 10 of the principal Ordinance is amended by inserting after the words 'for any act done in good faith under the provisions of this Ordinance', the words 'or for any act done in good faith by any officer of the High Commission in connexion with the diagnosis or prevention or treatment of diseases of animals (including the preparation of biological products) at the request of, or on payment by, the Government or any officer exercising powers under this Ordinance'."

Sir, that is a new clause. We require a second reading which can be done by the Clerk reading the marginal note to the clause.

The Clerk read the marginal note.

THE PRESIDENT: I will put the question that the new clause be inserted in the Bill.

The question was put and carried.

THE ATTORNEY GENERAL moved: That the Penal Code (Amendment No. 2) Bill and the Animal Diseases (Amendment) Bill be reported back to Council with amendment.

The question was put and carried.

Council resumed and the Member reported accordingly.

BILLS

THIRD READINGS

THE ATTORNEY GENERAL moved: That the Penal Code (Amendment No. 2) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the Animal Diseases (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded. The question was put and carried and the Bill read accordingly.

THE PRESIDENT: Do we resolve in Committee of Supply with any formal order or without formality. I think it is on order paper and we resume. Council now resume into Committee of Supply and I believe that it is group 3, section 4.

COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951

Council went into Committee of Supply on the Draft Estimates of Expenditure for 1951.

Group 3—Head 4

The Attorney General had moved that Head 3—4 Police be now considered.

MR. SALTER: Mr. Chairman, I exceed, which I hope I will not allot time of ten minutes, I hope may have your permission, Sir.

THE CHAIRMAN: If we have exceeded the limit—I am not quite sure how many have had the half an hour.

MR. SALTER: I think one Member.

Sir, I am sure that we all very greatly appreciate the hon. Member's full and interesting review of the matter at present affecting law and order in the Colony—(hear, hear)—and we greatly welcome the approach which, if I may use his own words, he made to us on this side of the Council as "co-workers in a vital and continuing undertaking." There can be no law-abiding citizen in this country who would not wish to give him the fullest possible support in this difficult task in which he leads us. It is, therefore, in a spirit of endeavouring to assist in that task that I would like to be one or two, possibly critical, contributions, and the first one I would like to make is this—the estimated net total expenditure for 1951 over the corresponding expenditure for 1950 shows an increase of approximately 12 per cent. My arithmetic is right. Now, no one is going to grudge an increase of that percentage, or indeed possibly a greater

percentage, if they can see tangible results. I know that great steps have been taken recently to combat crime, especially in this city of Nairobi, but as the hon. Member says and has explained to us, the figures of crime still are too high. I would refer just to one matter which has been the subject of correspondence from a member living in Nairobi South, simply to give you an example, Sir. He lives in a road in which there are seven houses. Of those seven houses, six have been entered into, and more than once, in the last four years. A relative of his who lives nearby had his house either entered, or an attempt made to enter it, no less than three times within the same period. Now, these are matters which naturally excite the greatest concern to the inhabitants of this city, and it is pointed out by, at any rate, this correspondent, that greater assistance could be given in the prevention of crime if there were better facilities of street lighting. He informs me that, in fact, arrangements for the lighting of that particular street were undertaken and made no less than six months ago but no lights have yet appeared. I would, therefore, commend to the hon. Member that attention may be given to street lighting in the prevention of crime.

The second point, to which I am sure nobody attaches more importance than the hon. Member himself, is the training of young police officers. He has told us, Sir, that it has been difficult of recent years because there was an influx of young men in the police force who, of necessity, had to be put into positions of responsibility which in the ordinary way, they probably should not be called upon to fulfil. Well now, we have, of course, reached, or there to reach, a very high standard in training, we have covered a great deal of ground since the days of the Bow Street Peeters and the "Peelers" of old, and the young police officer is expected to be not only an efficient but a highly-skilled man in his job. Now, Sir, there have been cases—again it may have been of necessity. I know not, or it may have been because of accident—that young police officers—indeed I know of one or two cases where they have not reached 21 years of age—have been placed in a position in a station in a busy part of

this city where crime figures unfortunately were high, and they have had to do the best they can in the absence perhaps of a superior officer through sickness, or some other reason of that sort, and they have made mistakes. Now that has happened and very naturally happened. Time and again, but it has not assisted the public, Sir, and it is not fair on the individual. Indeed one may also almost say that "a policeman's lot is not a happy one"; but surely, Sir, that state of affairs could be cured if the conditions of service were made more attractive and were improved to attract the suitable young man here who would be able to get a greater training before he is called upon to perform duties carrying considerable responsibility.

Sir, the third point I wish to make, again one which has already been mentioned in this debate, and that is our old friend the paper work. The Army had another name for it. Sir, we recently had out here a very distinguished Inspector General of Police, I am sure that his name was not Mr. Danny Kaye, and therefore, Sir, one must assume that we must attach a considerable amount of importance to what he said and not laugh either at him or with him. Now, Sir, I understand and have every reason to suppose that one of his recommendations was that this particular matter of paper work should be decreased because the efficiency of the police was being impaired because of it. If I am wrong in that I know that I shall be corrected, but, Sir, if it exists, it cannot be cured by an increase in establishment. Surely, Sir, the only way it can be cured is to reduce, or shall I say, to cure the cause which produces any inefficiency in the police in that officers are so bound to their office desks that they cannot get out. An increase in establishment surely can only add to the difficulty and not detract from it. Now, Sir, in the Armed Forces during the war it is well known that when troops were in active operations the amount of paper work was reduced to a complete and utter minimum so as not to encumber them. I am sure, Sir, that most people agree that at the present time in this Colony the police are, or certainly should be, as much in active operations as those troops were in the war. I would, therefore, myself oppose any increase in staff to combat that particular evil. But, Sir, in order

[Mr. Salter] that I may be constructive, may I offer a suggestion. It may be that the suggestion has already been investigated and if so I hope I shall be forgiven if I appear to be saying something which has already been considered, but the suggestion which I wish to make is that far greater consideration should be given to the use of recording machines in police offices. Now, Sir, may I give an example. Supposing a police officer has been out to investigate a crime and has come back and has got to make his report and that report, presumably, has got to be rendered to some superior officer or other for consideration. It would be very easy for him to record on one of those machines. It would be easy, perhaps, for a visiting, or more senior, officer in the course of his routine to go round the police stations and listen to the report which need not be typed out and he could give such instructions upon the same machine as he desired to give in connexion with that particular report. If necessary, the record itself can be preserved and filed and used and referred to whenever necessary. In the same way, a man who comes in to report a crime, surely he can report it on that machine and, as his signature may be necessary, I have no doubt a paper slip can be attached to the centre of the disc in which he says "This is my statement" and he signs his name. I would suggest that for consideration those machines could be used, if used they are at all, to a far greater extent, and Sir, those machines have two other advantages. In the first place, they do not require leave and they do not require recreation. Secondly, Sir, they would pay for themselves within a matter of two or three months because I think that the cost of those machines would about equal two months' salary perhaps of the clerk who would otherwise be performing their duties.

Now, Sir, lastly, I would urge upon the hon. Member that a far greater scrutiny should be given to articles appearing in some papers, newspapers, and public utterances at meetings. I say that greater consideration could be given, I mean, because those articles and those utterances are very often deliberately made to provoke differences between the races in this Colony. They give an unpleasant and wholly false, I hope, impression to people outside this Colony, and they play the

very game which our enemies wish to be played in this country.

Sir, I beg to support.

LT.-COL. GHERSIE: Mr. Chairman, one or two points on which I would like to give a little further information and the first is, I think, it would be reasonable to suggest that the training of a police officer and, in particular, the detection of crime in an area such as the City of Nairobi is materially different to that required in a rural area. I would like to argue, Sir, that the training in the first instance is wasted in the event of an officer being transferred to a rural area but I submit, Sir, in the event of transfers that we do lose the full advantage and benefit of that particular type of training.

Now, the hon. and learned Member stated that Nairobi was the focal point for crime and he made a reference to the possibility of creating a force for special duty in Nairobi. Now, Sir, I realize that that force would not be regarded as a police in the ordinary sense of the word and it would naturally come under the Commissioner of Police, but, Sir, I would come the suggestion and I would like to be informed to what extent negotiation or planning has taken place in that particular direction.

I was also very glad to hear the hon. and learned Member state that the Crime personnel had been increased because it is very difficult on examination of the Estimates to discover precisely where those increases are reflected. I think that are very few people who realize what the department has accomplished with a very depleted staff.

Now, Sir, one final point and that is the carrying of pangas by African Natives. Sir, I realize it is frightfully difficult to lay down precisely and under what circumstances pangas should be carried. I am sure that all hon. Members will agree that the carrying of that particular type of weapon is one of the greatest dangers of law-abiding citizens today and Sir, as our hon. and learned Member asked us to give him the dope, I would like to quote a case which is very well known in my mind. Quite recently a friend of mine was out at dusk with her dogs for no apparent reason an African struck one of her dogs with a panga

[Col. Gherisie] such so that that animal had to have six stitches in its head and the least that could happen is that the dog will lose its life. Now, Sir, I do realize the difficulty I suggest there should be legislation which will provide circumstances and the time of the day under which pangas may be carried.

Sir, I beg to support.

MR. MADAN: In rising to support the hon. Member's motion, Sir, I would also like to express my appreciation of the hon. Member's exposition of the subject we are discussing from the hon. Member. I feel, Sir, listening to his speech that we must support the expenditure that he has mentioned for even though it is a matter for regret that, because of some miscreants, some of our criminals in our society, the general public has to suffer by way of an increase in taxation which could be avoided if more usefully employed in other directions. But while we are prepared to support the estimates, Sir, it can be seen that we are giving the Police Force whatever we can for, we are going to approve a number of officers while they have been laid down in these estimates and the hon. Member that they require to carry out their duties—in return for that, Sir, I think the public is entitled to expect a high standard of protection of their personal property. It is a matter for regret that that does not happen at the moment. The people are a little tired of the criminals and their antics in this city. They are tired of having organized safe breakers, they are tired of having organized safe breakers and they are tired also of the fact that they cannot go out in the evening for a walk as decent citizens without the fear of having to go back home with their clothes and in some cases even suffering physical injury. That is the attitude of the people. The two hon. Members, Sir, that I would like to make a suggestion, Sir, that I would like to make first, I would ask the hon. Member for Law and Order to consider how far City Park is an effective hide-out where criminals hide themselves with immunity. I have heard it said the askaris are even afraid to go into the City Park after such people. I do not say, Sir, that the City Park should be abolished. I think it is a good place even though the Municipality use it sometimes to dump derelict cars, rollers and other rubbish. But per-

haps paths could be properly cut in that place and those paths could be lighted at night so that thieves cannot take refuge in that place.

The other suggestion that I have to make, Sir, is I ask for a little more politeness on the part of the African and European and Asian officers. This is not a personal matter. My relations with the police officers of all races have always been very cordial, except on two occasions when they picked me up for over-parking my car. That is a complaint that one gets from the general public and even assuming there is nothing to complain of, one should not hear things like that said of our police force. I look forward to the day when we will have a police force who are models of courtesy and efficiency.

Lastly, Sir, may I ask the hon. Member for Law and Order if he considers—this is page 90 of the estimates—if he considers that items number 19 and 21, the salary scales laid down in those two estimates are conducive to an efficient police force, if these people can live decently on such meagre and small salaries. These are the Asian Sergeants and the Asian Constables. What we want from the African community, Sir, is people of quality, people who come from good families and people who will be above temptation in a job of work that offers every possible temptation in the performance of their duties and I do submit to the hon. Member that the salary scales down there are hardly conducive or attractive for good people to join the force.

Sir, I beg to support.

MR. JEREMIAH: Sir, usually I speak for a very short time, but I ask your permission for longer in case I should exceed the 10-minute period.

THE CHAIRMAN: Yes.

MR. JEREMIAH: After all the speeches which have been made I am left with very little to say, but I have got to say that I much appreciated the announcement made by the hon. Member that financial provision has been made for establishing a corrective training centre. I regard this, Sir, as a great step forward, and one to which I believe every hon. Member in this Council will give his support. I was also very much pleased to hear the tribute paid to the

[Mr. Jeremiah]

police by the hon. Member, and as the Police Force is composed, in the great majority of Africans, I personally take great pride in that tribute.

Now, Sir, with regard to the general policy of the Police Force as presented to us in the Budget, I have a few remarks to make on points which I would request the hon. Member to clarify in his reply. A specific point I want to mention is with regard to the Chief Inspectors, African. I would like to know, Sir, the reason why there are no Africans appointed as Chief Inspectors. I know there are Africans who have served in the force for a very long time and who, I believe, are very efficient, but none of them have been promoted to the post of Chief Inspector. What I see, Sir, is that there is a post created for Africans as Senior Inspector, African. That post I regard as new, because, according to the East African Salaries Commission Report, for the posts which were recommended are recruit, constables, sergeants, senior sergeants, assistant inspectors, inspectors and chief inspectors. In this case you have introduced an intermediate grade that is between Inspector and Chief Inspector, which is, in my view, a great injustice to the people concerned because it is not only their rank, the title of their rank which has been changed, but even the scale of salary laid down in the Salaries Commission Report is also abandoned.

Now Sir, if it has been found by the Police Department that there are no Africans who are eligible for promotion to Chief Inspector, I would like to know how recommendations for promotion are made. I would like to know whether there are examinations set for any member of the force to compete for promotion to a higher grade, and if so whether several Africans have tried and failed.

I believe, Sir, it is necessary that we should try to ensure that the morale of all ranks in the police force is good and that the force should be happy and contented. I submit, Sir, that if that is our aim we cannot achieve it if we are trying to make some people in the force discontented, and that is by de-grading their salary scales. The proposed de-grading in my view, either intentionally or otherwise, appears to me to deliberately cause

discontent among the high-ranking African officers, and no doubt such discontent will also be felt by the lower ranks. Such proposals are aimed at making the police force unattractive to Africans in order to replace them by non-Africans. I would regard, Sir, such a suggestion as a crime. What we want, Sir, is more Africans, and more Africans of higher rank in the police force, and I plead to the Council that justice should be done to those people.

Another point which I would like to mention is about the proposals regarding the Corporals and Sergeants. Now, Sir, I do not see why such proposals should be made. The recommendation was that we should have Sergeants and Senior Sergeants. It would not be possible to promote all the Senior Sergeants or Sergeants to the post of Assistant Inspector. We shall have to have a lot of old sergeants, efficient men, who will not be in a position to be promoted further when we follow the Salaries Commission Report, which suggested that such people should be promoted to Senior Sergeant. Promotion to an Assistant Inspector would not be possible for many of the old Sergeants due to lack of academic qualifications, which I believe are very necessary for inspectors' work.

Now, Sir, on these two points about inspectors, chief inspectors and sergeants, I see that either the Department of the hon. Member for Law and Order, or either the hon. Director of Establishments, aims at reducing the salary scale laid down for the African policemen in the force. Sir, this is a very serious matter, and I believe that the Government will take due consideration about it and restore the position as it was laid down in the Salaries Commission Report and accepted by this Council.

Now, Sir, in the Police Department I see that there are over 170 clerks, but none of them is African. I cannot understand why such a department should be in a position to employ Africans as clerks. If it is due to qualifications I shall be glad to hear what kind of qualifications are wanted in that department and whether all the clerks employed in that department possess those qualifications. My fear, or my suspicion, Sir, is that possibly the department is employing Africans as clerks, but regarding them, or

[Mr. Jeremiah]

regarding them as constables, and if that is the case I take it that would be quite all right. Also I see that there are several Africans employed as wireless operators. I would like, Sir, to know what privilege they get over the ordinary constables.

With regard to crime generally, Sir, I think that we all understand under what conditions the Police Force is working, and I am sure that there may come a time when it is possible that there may come, at least now with this Budget but later on, a request for some more money to strengthen the Force. In my view, Sir, the Force is neither adequately equipped nor staffed, and all the help which we can give, and which we shall give willingly, with the hope that an improvement will be made.

Now, Sir, I think with those points, I think you have given sympathetic consideration. It is my hope that justice will be done.

So, I beg to support.

MR. SALIM (Arab Interests): Mr. Chairman, I have only one suggestion to make before the Council and I hope, if that suggestion is followed, it will save us from all these expenses and talk in this Council. That is, Sir, if we were to follow the Muslim law, which is prevailing in countries like Arabia, of cutting the hands of burglars and thieves. I am sure, Sir, we would save all these expenses and we would be quite safe from all these crimes we are having in this country. We need all this money and we have still to save in our lives.

MR. USHAK: May I ask the hon. and learned Member to consider two matters which I wish to bring forward.

The first is concerned with Court prosecutors. I hear and believe that there has been a great improvement in the standard of court prosecution and for that we can all be thankful, but it has been suggested to me that the officers who undertake these duties are perhaps handicapped in their prospects of promotion. They specialize, as it were, in this particular work and therefore it is a great pity to transfer them to other branches of the police activities. Would it be possible, if that is the case, to have a Special Court Prosecutors' Branch to enable them to enjoy a better prospect of promotion.

The second point regards reporting orders. I am speaking now of the recidivists or old lags who get reporting orders for a period of years after their discharge from prison. Is the hon. and learned Member satisfied that they carry out the terms of the order to report satisfactorily, because if they do not, it is possible that therein lies half of the trouble which we have experienced from this class of criminal.

Sir, I beg to support.

THE ATTORNEY GENERAL: Mr. Speaker, I should like to express first of all my appreciation of the kind words which have been said by hon. Members opposite. A considerable number of points have been raised and I will try to deal with them as far as I can in the order in which they were raised in the debate.

In the first place, the hon. Member for Nyanza commented on the fact that, in Nairobi and in other parts of the country, nightwatchmen had to be employed and, therefore, the taxpayer had to pay twice, first for nightwatchmen and, secondly, to pay the expenses of the Police Force. I can assure the hon. Member that the police would very much like to be able to say that nightwatchmen could be dispensed with; but, unfortunately, neither in this country, nor in, at any rate, the cities, in any other country of which I have had experience, is that possible. We can only try, as we are doing, to lessen the necessity.

The next point which the hon. Member for Nyanza made was with regard to the receivers; he said we should try and eliminate receivers. I fully agree; and I agree with him that deterrent sentences upon that class of people are most essential. The Council may be interested to hear the figures of receivers convicted during the first nine months of this year. The figures for whole Colony are 266 and the figures for Nairobi are 29, so I think that it can be said that the police have not been inactive in prosecuting receivers. It is always difficult to deal with receivers adequately, because they are usually by far the most intelligent of the criminal classes.

MR. BLUNDELL: Would the hon. Member not give us the total of sentences?

THE ATTORNEY GENERAL: I shall be very happy to give the hon. Member the total sentences, but I have, unfortunately, not got them with me. I think I know what the hon. Member is suggesting and, to a certain extent, I think the hon. Member and I are in agreement.

Now, the hon. Member for Nyanza suggested that receivers might be deported and he asked about provisions regarding deportation. The position is this, that if a court certifies that a receiver has been convicted of receiving and recommends that a deportation order should be made it is possible for the Governor in Council to make, if he is an immigrant British subject, in certain cases a deportation order or otherwise a restriction order under the provisions of section 4 of the Deportation (Immigrant British Subjects) Ordinance. If he is an alien it can be done more easily. It will be my endeavour to see that that process of recommendations by the court and their powers in that respect are brought to the notice of the courts in order that that procedure may be more frequently followed.

The next point which the hon. Member made was with regard to the punishment for robbery with violence. He suggested that the punishment should be increased; under section 291 of the Penal Code the punishment for robbery is imprisonment for 14 years and, if it is robbery with violence or robbery with an offensive or dangerous weapon, a sentence up to imprisonment for life with or without corporal punishment may be imposed. I fully agree with the necessity of deterrent sentences in this class of case.

The next point made by the hon. Member was that he welcomed the measures which I had foreshadowed as about to be taken in connexion with illegal oaths. Hon. Members of this Council will, of course, be aware that that Bill has passed through all its stages this morning.

The hon. Member then went on to speak of the beat system, and he said that a police officer should be sent home to study the beat system in England with the idea of introducing it here. I am informed by the Commissioner of Police that the beat system in Nairobi and Mombasa is in fact modelled on United Kingdom lines. Almost every police

officer proceeding on leave to the United Kingdom is at present obliged to take during some part of his leave, a Police Course and nearly all such courses include a study of the beat system. African Inspectors similarly go to the United Kingdom for such courses, and hope that this instruction will in due course reflect itself in increased efficiency in the beat system in Nairobi. The strength of the English beat system is in addition to the efficacy of the system itself which has been worked out, to individual British constables, and we have to achieve also in this country.

The hon. Member then went on to deal with the question of publicity and his comment was that there should be greater publicity for police hue-and-cry notices and propaganda against crime, and he suggested that a Town Crier might be used in those portions of the country where the people were illiterate. The Commissioner is glad to receive the suggestion of a Town Crier and says that this will be tried. As regards publicity, a good deal could and should be done in that respect and a start is being made. For instance, there will, I understand, be a film prepared this year, and I hope it will be the precursor of other films on the theme "Crime does not pay".

With regard to the Prosecution Branch which formed the subject of the next point raised by the hon. Member for Nyanza and which the hon. Member for Mombasa has also referred to, the suggestion was that there should be a separate Prosecution Branch, and it was suggested that older police officers might be sent to this Branch and they could perhaps then remain longer in the Force. The Deputy Public Prosecutor and the Police have for some months past been going into the possibility of forming a separate Prosecution Branch. There are some difficulties and the question of promotion is one of them. But I can assure hon. Members opposite that that matter is being examined very carefully and I hope that there will be some result of that examination. The next point which was raised was with regard to the continual transfer of police officers. The Commissioner of Police has informed me that he would like to avoid that. He cannot do so altogether because he has to make arrangements when officers go on leave and go on promotion and so on.

The Attorney General] the remarks of the hon. Member on that point will certainly be borne in mind. It is, of course, unfortunate when an officer who has just learned the conditions of his district has to go on transfer, and that is fully realized.

The hon. Member then asked for the percentages of reports to convictions and convictions to convictions. Now, I cannot give accurate figures for 1950 as these will not be available until about February, 1951, when the results of all or most of the prosecutions taken later in the year are received. But I can give figures for 1949, which may be of interest to hon. Members. First of all, with regard to the percentage of convictions to cases reported: I have placed this under two headings, first of all: "All types of crimes" including contraventions of Local Laws"; the percentage, I am informed, is 78 per cent. Under the heading "Total cases reported (deducting false reports) of cognizable offences under the Penal Code", the percentage of convictions to cases reported is 50 per cent. With regard to the figures of convictions to prosecutions for all crime it is as high as 90 per cent and for cognizable crimes under the Penal Code, 86 per cent. Now, those I think hon. Members will agree, are high percentages. The figures for the various types of crime, of course, vary greatly. In 1949, I had a comparative table made of major crimes in Kenya which were comparable with types of major crime which occur in the United Kingdom. As far as was possible, I varied regard to "different" systems of classification, and I can show the hon. Member those figures. They are considerably lower percentages, they deal with certain specified types of crime; but the Kenya figure is definitely better than the United Kingdom figure. Now, the figures for types of crime vary very greatly here, as they do also in the United Kingdom. For instance, figures taken from the United Kingdom Report of the Departmental Committee on Detective Work and Procedure in 1938 are as follows. This is an extract from a 1948 summary:—

Figures quoted by the Report of the Departmental Committee on Detective Work and Procedure are significant, as they

are given by the police authorities themselves.

Examining the question of the 'proportion of offences which are detected' the Report expresses the opinion that as concerns offences against the person, as a whole the 'proportion of undetected crime is under ten per cent and the average for the whole country is not much over that figure'. In cases of 'fraud, false pretences, etc.', the proportion of undetected crime is 15 per cent. In the group of offences including 'burglary, housebreaking, shop-breaking, etc.', the percentage of undetected crime is much higher. According to the Report: 'the average proportion of undetected crime of this class in the forces as a whole is as high as 70 per cent and the average for both county forces and city and borough forces is a little over 60 per cent.' 'In the cases of simple larceny'—states the Report—"which forms so high a proportion of the crimes committed, the proportion of undetected crimes is subject to somewhat similar variations from force to force, and on the average, is about 50 per cent."

As I have said, both here and in the United Kingdom the percentage varies greatly according to the nature of the crime. What I have given you are the figures for all crime and total cognizable crime under the Penal Code, and if the hon. Member wishes for more detailed figures I shall be very happy to show them; to him to the extent that I can.

Now, with regard to the next point which the hon. Member made, it was on the subject of the—what he termed—"ticket of leave" system, and I think that he meant what is called in the law and Police Regulations "Licences to be at large". Now, the Prisons Ordinance empowers the Commissioner of Prisons to grant any prisoner serving a sentence of three years or more of imprisonment, who has completed three-quarters of his sentence and has behaved well, a licence to be at large in the Colony. That may be revoked or varied by the Commissioner as he thinks fit. The conditions attaching to a licence provide for his fingerprints and photograph to be part of the licence; for him to carry and produce the licence when required to magistrates, prisons or police officials and so on; for

[The Attorney General]

the licensee to abstain from breaking the law; to avoid association with habitual criminals; not to lead an idle and disorderly life; to state where he will reside and report to the nearest police station within 48 hours of arriving there; and to continue to report in person once every month, and he is required to report his changes of address. The Commissioner of Prisons may also impose additional conditions. Failure to comply with any of the conditions render the licence liable to revocation either by the Commissioner or by a magistrate, in which case, in addition to any other sentence which may be imposed, the licensee has to go back and complete the unexpired portion of his sentence in the gaol. Three hundred and fifty-three licences to be at large were issued by the Prisons Department in 1949 and by the end of the year 51 of those had had to be revoked. The Commissioner of Prisons, whom I have consulted on this subject, thinks that this licence to be at large system is useful. He says that the convictions of persons on licences is only about 14 per cent of the whole, and that the system is useful in that it does give an added incentive to the man to rehabilitate himself and to behave well in gaol. I regard any incentive to a prisoner who emerges from gaol, any incentive to rehabilitate himself, as of the very first importance for the reasons which I gave when I moved the consideration of this head. It is most important that we should try to get the emerging convict established as a citizen and not have him go back to a life of crime, and anything which gives him an incentive to aid that process is, I think, important.

The hon. Member for Nyanza then referred to education up country, and he wished to know whether there was any educational system for up-country police. He felt that English should be the language of the force but that it was essential that they should be really fluent. Now, that, of course, is a question of long-term policy, and the lack of teachers at present makes it impracticable that English should be the language of the force, although efforts are being made to increase the number of teachers and efforts are being made to recruit literates, including persons who are literate in English.

Then the hon. Member wished to know whether the rank of corporal would be reintroduced. The answer is that this has in fact been done and the intention is to increase very substantially the proportion of N.C.O.s to constables. With regard to the rank of sergeant-major, the hon. Member deplored the abolition of, the rank of sergeant-major . . .

MR. PRESTON (intervening): Sir, as a point of information, I applauded the reintroduction of the rank of corporal.

THE ATTORNEY GENERAL: I beg the hon. Member's pardon, I took him by wrong. In that case, we are entirely in agreement. With regard to the rank of sergeant-major, that rank still exists in law, it still is in the Police Ordinance and whatever it may in future be called there will still be a very important place in the force for the long-service and key non-commissioned police officer.

With regard to the policing of the Northern Frontier, the hon. Member for Kiambu would wish to know regarding the amount of £128,400 for a supplementary police force in the Northern Province which appears at page 163 of the Estimates, that it is additional to the total at page 96, and I regret that what I said at the beginning of my speech may have conveyed a contrary impression. I did correct that later in my speech. Regarding the specific question asked by the hon. Member, I am informed that there is no increase for police in the Northern Frontier over and above the particular vote 63 at page 165. Financial provision for the of the posts mentioned in item 11 at page 90 is made under that head 63 and there is a note to that effect at the bottom of page 90.

The hon. Member for Kiambu then asked for an assurance that I would not be complaisant about crime figures because, as I have pointed out, the quoted comparative figures, crime figures were not worse, in fact rather better, in Kenya than in other comparable territories. I can give the hon. Member that assurance without any qualification whatever.

With regard to transfers, the hon. Member asked why so many officers were seeking transfers; was it due to the terms of service? He also said that he noticed

The Attorney General: I have a change of police officers at Kiambu. I think that the establishment was too small or had the establishment been too small I have referred that to the Commissioner, and he informs me that recent transfers to other colonial forces were on promotion. That is a tribute to the Kenya Police and he welcomes it as a spur and incentive to good work. As regards the shortage of European inspectors in Kiambu, he said that this resulted from the necessity to send officers on courses of training. There had been no previous opportunity to do this and the position, I understand, has been largely remedied now and there is now only one European officer short out of six.

The hon. Member for Kiambu went on to deal with the subject of speeding of heavy lorries and buses, and he asked, with regard to the figure of 221 prosecutions for speeding which I mentioned in moving the motion, how many of the prosecutions were for speeding on the open road. The figure of 221 prosecutions all referred to speeding on the open road. I should have made that clear. All those prosecutions were in respect of speeding on the open road, not in respect of prosecutions under town or municipal by-laws.

With regard to paper work, the hon. Member asked whether paper work could not be reduced. We are very conscious of the amount of paper work and every effort will be made to reduce it. But it seems to be not only in the police but in other departments of Government, and not only in Government but in other services outside, an extremely difficult thing to reduce the paper work. However, the suggestions made by the hon. Member for Nairobi South in that respect will also certainly be borne in mind.

Sir, I think I can finish in about ten minutes. I do not know whether it would be the wish of the Council that I should do so?

THE CHAIRMAN: I think we had better try to our time table myself, generally people have made arrangements and—

THE ATTORNEY GENERAL: I could, I think guarantee that I would be finished in under ten minutes. But I am in your hands.

MR. MADAN: Can we carry on now and meet at ten to-morrow morning?

MR. HAVELOCK: I think, Sir, the majority of Members would be prepared to carry on.

MR. BLUNDELL: Is the guarantee worth anything?

THE ATTORNEY GENERAL: Well, you shall see.

With regard to the opportunity for promotion, the hon. Member for Kiambu asked whether there were not Africans capable of filling higher posts than those in which they are serving at present.

There are a number of Africans which we hope will be available for promotion to higher posts but not yet has there come forward anyone, any African Inspector, who is qualified in all respects for advancement to gazetted rank. We agree the desirability of this advancement and, in fact, are taking steps to encourage Africans of good standing and superior education to join the force as cadet inspectors in the hope that we shall find amongst them good material for the African officers of the future. Much the same considerations apply to the question of the promotion of Asian officers.

I was asked about street lighting. A survey of street lighting in Nairobi has been carried out, and, a short time ago, the Assistant Commissioner of Police, Nairobi, wrote to His Worship the Mayor on this important subject and that matter is no doubt now under consideration by the City authorities. The Commissioner and I both regard this as a matter of importance.

The hon. Member for Nairobi South mentioned the incidence of burglaries in one area. As I pointed out when moving the motion, one gang of two or three men can do all that he mentioned and I pointed out the number of persons guilty of offences against property who are released each month, and who have, unfortunately, under present conditions nothing to do but steal again. I can only assure the hon. Member that we will continue to do our best to control this type of crime.

I would also point out with regard to his remarks about inexperienced officers being in posts of serious responsibility

[The Attorney General] that we know only too well that that is so. I mentioned in opening the debate that 17 per cent of the police stations are commanded by officers with under three years' service. That is, unfortunately, the case. We do our best but we have—owing to a number of resignations two years or more ago, and to the very large intake involved in increasing the establishment of the force—we have a very high proportion of inexperienced officers.

As regards the scrutiny of newspaper articles, I can assure the hon. Member that that topic is not overlooked, and I wish, with him, that we could get off this subject of race relations.

I mentioned, in opening the debate (and have not now time to deal with it again) the question of specialized training for urban police work but I will give the information he requires to the hon. Member. It will be put before the Law and Order Committee very shortly. I am glad that the increase in the personnel of the C.I.D. is supported. I think the hon. Member for Central Area, Mr. Madan, drew a somewhat exaggerated picture of conditions, but I am glad of his support for the financial expenditure involved. I might say that, of course, the police do not, in fact (any more than any other department) get all the finance that they ask for and that their estimates are of course considerably pruned before they reach this Council. The police have to take their share with the other departments of the amount of money which is available. As regards the City Park, the hon. Member's remarks will be passed on to the Commissioner. As regards politeness, I can say that that is a constant subject of instruction in the Training School and elsewhere.

The hon. Member for African Interests, Mr. Jeremiah, introduced a number of points of some detail regarding ranks and promotions. I was not able, I am afraid to hear everything he said and as I had had no notice of them beforehand, I cannot possibly answer some of them now, but I will give the hon. Member an assurance that these points will be considered and we will do what we can, so far as we can. I would like to challenge one remark in which he said, if the intention was to make the police force unattractive to Africans and make it

attractive to non-Africans, he regarded it as a crime. I do not know whether it would be a crime or not, but I think it would be quite silly to have any such intention and quite impracticable to carry it into effect. I can assure the hon. Member that there is certainly no such intention in my mind, or in the mind of the Commissioner, or of anyone else, to do as I am aware.

I think that I have already dealt with the question of a separate branch of Court Prosecutors and with the question of reporting which were raised by the hon. Member for Mombasa. I would say that so far as possible, the provisions regarding reporting are strictly enforced and the Commissioner of Prisons assures me he has no hesitation at all in cancelling licences if they are not kept to. There is, of course, also the reporting by superviseses but that is a separate and different subject which I ought not to embark upon now as I see that my time has expired.

Sir, I hope that I have covered all a most of the points raised in the debate and I can only apologize to some hon. Members that I was not present when they made their speeches but I did study the Hansard afterwards and I hope that I have picked out all the points (Applause.)

The question was put and carried.

THE ATTORNEY GENERAL: May we take the items in this Head, Sir?

THE CHAIRMAN: To-day? I think they have had enough.

THE CHIEF SECRETARY: In that case I beg to move: That the Committee report progress and seek leave to sit again.

The question was put and carried.

THE SPEAKER: Council will resume.

ADJOURNMENT

Council rose at 12.55 p.m. and sat adjourned till 9.30 a.m. on Wednesday, 29th November, 1950.

Wednesday, 29th November, 1950
Council assembled in the Memorial Hall, Nairobi, on Wednesday, 29th November, 1950.

Mr. Speaker took the Chair at 12.12 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 28th November, 1950, were confirmed.

BILLS

SECOND READING

The East African Power and Lighting Company, Limited (Validation and Licensing) Bill

Mr. HAVLOCK: I beg to move: That the East African Power and Lighting Company, Limited (Validation and Licensing) Bill be read a second time.

Sir, the reasons for this Bill are explained in general in the Petition which the Company laid before this Council, and which was accepted by this Council, and the Bill itself also explains more or less what is required. The schedules attached to the Bill give the actual places where certain mistakes, or omissions, have been made by the Company in asking for, seeking licences for the machinery plant.

The 1920 Electric Power Ordinance, Sir, did not prohibit the installation in an existing generating station of plant of a type and character different from that already installed provided the necessary permission were obtained. There were amendments to the Ordinance made in 1944 to clarify the position as regards the advertising of the permission which had been sought and it did seem that, at that time, both the Company and the Government were not quite clear as to the actual procedure which should have been taken and, in general, if one reads the Petition and Bill, I think it will be plain to Members that the Company is only not at great fault in not having obtained the requisite licences and permission, but it is absolutely essential that the matter should be clarified and the Company should be put on a proper basis and the only way to do that is by an amending Bill, of which I am moving the second reading to-day.

Sir, no doubt hon. Members will require to study the matter more carefully and although according to the Standing Rules and Orders it is necessary to move the second reading of this Bill on the day of the sitting of Council after the first reading has been moved, I do hope that Council will allow this actual debate to be adjourned for a few days after I have moved it.

Sir, I beg to move.

MAJOR KEYSER seconded.

MR. COOKE: Sir, I beg to move the adjournment of this debate until next Tuesday so that we can get on now with the Production and Supply.

MAJOR KEYSER seconded.

The question was put and carried.

THE SPEAKER: The debate stands adjourned. Council will resume in Committee of Supply.

COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951

Council went into Committee of Supply on the Draft Estimates of Expenditure for 1951.

Group 3—Head 4

THE ATTORNEY GENERAL: Sir, I beg to move that Group 3-4, Police, Head (1), Kenya Police be now approved and in moving this motion, Sir, I should like if I may to take the opportunity of answering one question which was put to me yesterday, which is largely covered by the items in this Group and that is in regard to the working of the superviseses system. The question was put by the hon. Member for Mombasa. There are a great number of persons at large under supervision; he asked how the system was working and, in reply, I would say that on the whole it works well, but in districts where there are a great number of superviseses it is very difficult to keep effective supervision over all of them.

Sir, I beg to move that Group 3-4, Head (1), Kenya Police be now approved.

THE CHAIRMAN: I am a little lost about the arrangements of the Heads and so forth this year having only resumed the Chair yesterday. Could I be informed please what the "3" stands for, then

[The Director of Establishments]

from April, 1950, the Commissioner of Police thought it would be to the advantage of the force if that group was split up into three parts: Corporal, running from £60 x £3 to £69; Second Grade Sergeant, running from £72 x £3 to £81; First Grade Sergeant, going from £84 x £3 to £93.

Now, Sir, I do not think there is any disadvantage to the people concerned because there will be promotion from one grade to the other. We will not insist on any rigid establishment in any particular grade, so that promotion will be freely made from one grade to the other. It might be to the advantage of the individual, because a Corporal might be elevated to the higher grade £72 to £81, Second Grade Sergeant, before he had gone through the scale of his own grade. So, Sir, I cannot see myself that there is any hardship or injustice to the people concerned.

THE CHIEF SECRETARY: Mr. Chairman, with all due respect, there is a great deal in what the hon. Member for the Coast says, that, if it is not to be misrepresented and if it is not to be felt that there are great injustices, it is obviously desirable that matters like this should be carefully explained. Now, part of our system in dealing with the Budget this year was that questions should be raised first in discussion with the Member concerned outside this Committee so that all matters of this sort should be properly investigated and an adequate answer given. In fact, what is happening is that questions are being sprung at very short notice on the Council, and naturally the Government gives the best answer it can in the circumstances: but it is possible that, at short notice like this, all the facts cannot be ascertained, and a satisfactory and adequate answer cannot be given. Therefore, I do suggest, Sir, with all due respect, that if Members have questions of this sort that they wish to raise, it is not only to their advantage, but to the advantage of the Government, and of the public as well, that they should be raised in advance in the proper place in accordance with our agreed procedure.

MR. HAVELOCK: Mr. Chairman, I do suggest, Sir, that this is a matter of policy, and the hon. Member, Mr.

Jeremiah, I think raised it in the police debate. I feel, Sir, that the matter could be much better dealt with, if the hon. Member would see his way to follow my advice, as suggested by the Attorney General, and that would be by special motion at a later date. I do not consider that in this particular moment, in the Committee, is the time to raise this matter. It has been raised by the hon. Member before and I suppose that the hon. Member for Law and Order has taken note of the suggestion and will put it into it. But I do hope the hon. Member, Mr. Jeremiah, will withdraw his amendment now so that we can thrash the matter out in more detail and deal with it under a special motion.

MR. JEREMIAH: Mr. Chairman, I would only like to correct the statement by the hon. Director of Establishments when saying that the people concerned as corporals and sergeants, are going to benefit, that is not so actually, and that no harm is done to that scale. Now with your permission, I will quote exactly the scale of salaries as laid down by the Salaries Commission:

Sergeant: £66, which was abated to £60 to £93.

Senior Sergeant: From £105 to £120.

Now, Sir, the maximum proposed in this Budget is £93, so how can we conciliate that with these statements?

THE CHAIRMAN: You are beginning now to get on to very dangerous ground because you are in effect proposing an increase, which cannot be done.

THE ATTORNEY GENERAL: Sir, I think that the hon. Member, by quoting the Salaries Commission recommendations, is creating quite an erroneous impression. I was not here at the time and I speak subject to correction, but I understand that all the recommendations of the Salaries Commission were subsequently scrutinized, and were debated in this Council and considerable changes were made in them—and this, I understand, is one of those changes. With regard to the suggestion that injustice is being done, I do not accept that suggestion, and I must strongly protest against these matters of policy and of considerable moment being introduced in this way. The hon. Member did make a passing reference to Africa

Attorney General]

which I was unable fully to understand, therefore, could not properly be raised in the main debate on the subject. But I do not recall that he said anything with regard to African Sergeants Corporals. I stand to be corrected if I get anything about them; but I do not say anything about them; but I do not say that in fact no injustice is being done. As has been pointed out, there is to be a very considerable increase in the non-commissioned ranks of the Force and that will be of advantage to non-commissioned officers, and not to commissioned officers, and not to Sergeants. If the hon. Member means to say where any individual is being benefited by being put on a lower salary in the scale he is on at present and if I will bring it to my notice, I will take it up and see what can be done. I do not think that general accusations of injustice should be made on little grounds as far as I can see, no grounds at all. I would repeat that if the hon. Member had done what was the undertaking that he should do and had come beforehand and sought information about these particular items, I should have been very happy to have given it to him and we should have avoided all this business today. Sir, I must oppose the amendment.

MR. KEYSER: I would say that an increase had been done as a result of this creation of new posts, had any individual been demoted or lost pay through it. I think the hon. Member could tell us whether any member of the force has been demoted or lost pay through it. It is possible for him to do so—I do not know.

THE ATTORNEY GENERAL: I regret, Sir, that it is not possible for me to do so. So far as I know there are none. I have heard of none. But if the hon. Member is making these charges will ascertain that anybody has been victimized, I have already stated, I will try and see if I put right. It is for him to support his charges.

MR. JEREMIAH: Mr. Chairman, in my view the charge, if it may be called so, it is quite plain that an introduction of an intermediate scale which was not laid down is of a disadvantage, because if some people were fit for promotion to the next rank, or something else, it should be

to Chief Inspector, and that would be a higher salary than the Senior Inspector.

MR. COOKE: Hon. gentlemen, the contention seems to be that, by putting in an intermediate grade, we have in effect put the people who might have been promoted to a more senior grade to a disadvantage. I would suggest that the common-sense way is for the hon. gentleman to bring a motion in later on, and I, for one, would be quite prepared to vote for him, if he makes out a good case; but it is very difficult to follow his argument at the moment.

The question was put and negatived.

THE CHAIRMAN: The motion before the Council of course is still to approve item 1. Shall I put the question on item 1?

MR. MATHU: Might I ask a question on sub-item 2? I will perhaps be told that I ought to have done this before, but I have done it more than once, and in the Standing Finance Committee, so Government knows my view on this matter. My question is whether Africans serving in the Force, who are posted in the Northern Frontier and Wakamba (?) are entitled to a family separation allowance. If I get the answer to that then I will put a motion to move in regard to that item.

THE ATTORNEY GENERAL: I understand, Sir, that the answer to the hon. Member's question is that they are entitled to family separation allowance if they are prohibited from taking their wives and families with them; but that is a matter which was raised by the hon. Member and which is undergoing at the moment very careful consideration in order to be able to see what can be done to meet the hon. Member's point.

MR. MATHU: Mr. Chairman, in view of what the hon. Member has said I do not want to propose a reduction in the vote on this one, but I would like to ask most sincerely that this matter receive favourable consideration because I do feel that Africans who have been brought up in the Highlands find it very uncomfortable to go with their wives in the Northern Frontier, and I have cited cases in the Standing Finance Committee, and I can still produce cases, where Africans, members of the Force, find it impossible to have their wives liv-

[Mr. Mathu] ing with them in the Northern Frontier. I would like to recommend most strongly that the matter be given favourable consideration.

THE ATTORNEY GENERAL: I have already given the hon. Member an assurance that the matter is under consideration with a view to seeing most carefully what can be done.

MR. COOKE: I would suggest, Sir, the initial mistake was in ever paying the allowances. It is a matter now of racial discrimination. Now in my view separation allowances should never have been paid at all. A man is either fit to do his duty in this country or he is not. He should be ordered to go to do his duty anywhere that he is required without whining and asking for family separation allowances. I think the initial mistake was made then. It does not help the present case, I admit.

The question was put and carried.

MR. SALTER: Sir, I was on my feet before you put that question.

THE CHAIRMAN: I cannot see everybody at once. You see what the feeling of the Council is, that they were quite prepared to approve item 1, but if you wish to insist on your right to speak I will not say anything.

MR. SALTER: May I put this point on item 1, sub-item 39, very shortly? Sir, that asks for an increase of 34 Asian clerks, and there are several hon. Members on this side of the Council at any rate who are not satisfied that 17 of those are strictly necessary. It has been stated that they are provided to assist in the clerical work in the Provincial, District and Divisional Headquarters. If I may use the hon. Member's words, Sir, the senior superintendents and superintendents of police "are much too tied to their desks and have much too great a volume of paper work". In my opinion an increase in establishment is not the answer, but a reduction of the paper work is the answer. Nevertheless, Sir, I would not move an amendment to reduce the proposed establishment if the hon. Member will give an assurance—first, that a careful inquiry will be made into methods whereby the paper work can be reduced, and, secondly, that only

so much of the proposed increase establishment will be implemented as he is convinced, as a result of that inquiry, is strictly necessary.

THE CHIEF SECRETARY: Mr. Chairman, I only want to make a small point on the question of nomenclature. The Secretary to the Treasury has explained why the heads now have a double number. The Head we are discussing is 3— I think there is also confusion regarding the items. As is explained in the first paragraph on page 5, Sir, the items do have a double number, so that it is strictly correct to refer to sub-item 3 which is the subject of the proposed amendment. The item is 1—39.

MR. SALTER: I am very much obliged for the correction, Sir.

THE CHAIRMAN: I am afraid that the Members will be tempted to use strong words than "dash". (Laughter.)

The debate is still continuing.

THE ATTORNEY GENERAL: Sir, I am glad to see that at any rate I have been allotted a lucky number, even if it is a double one. Three, I believe, is supposed to be lucky.

With regard to the hon. Member's intervention, I am not quite sure what I am in order in replying to it, but I understand that this group of—while they are—(Laughter) has in fact been approved by the Council, but I would like to assure the hon. Member that I will make another careful inquiry into the number of 17 Asian clerks. I have already gone into it to some extent. I do assure hon. Members that I am quite convinced that more typing and secretarial assistance is necessary for these senior officers—some of them have to sit down and type their own letters, and so on, which is not but a tie to their desks, which ought not to continue. If, of course, paper work can be reduced, no one will be more heartily glad of it than I am. The Commissioner of Police and the officers concerned. I will go into the matter.

THE CHAIRMAN: I think we will let the motion stand and we will pass this now. That is item 1 disposed of with all its dashes.

MR. HAVELOCK: Sir, would it be convenient for hon. Members to move to

Mr. Havelock] expand as it grew because of a proposal to establish next door to it, in the same part of the forest which was excised for these purposes, the Survey Field Headquarters of the Survey Department and also a Training School. Representations were made to me that, if those plans were proceeded with, the development of the Duke of York School in years to come might be restricted. We have, therefore, decided that we should not proceed with the plans to establish the Field Headquarters of the Survey Department next door to the Duke of York School but to seek a suitable site elsewhere. We have, I hope, found a suitable site elsewhere though it has not yet been finalized, but I would inform hon. Members that the site originally reserved for this Field Headquarters and the Training School will now be available for future expansion of the Duke of York School.

MR. HAVELOCK: Sir, I beg to move that Head 3-4, Police, sub-head 3—East African Railway Police, that the items and amounts under that sub-head be approved.

The question was put and carried.

MR. HAVELOCK: Sir, I beg to move that Head 3-4, sub-head (3)—Port Police, items and amounts be approved.

The question was put and carried.

MR. HAVELOCK: Sir, I beg to move that Head 3-4, sub-head (4)—Loya Police Reserve, be approved.

The question was put and carried.

MR. HAVELOCK: Sir, I beg to move that Head 3-4, sub-head Non-recurrent be approved.

MR. MATHU: May I ask what the '50' stands for behind the Non-recurrent? To what does that refer?

ACTING SECRETARY TO THE TREASURY: I would refer the hon. Member, Sir, to page 5 in the Draft Estimates.

The question was put and carried.

MR. CHAIRMAN: Are you proposing to continue with 7-4 Education?

MR. CHIEF SECRETARY: Yes, Sir. When was that last before the Council?

LADY SHAW: Friday.

MR. CHAIRMAN: The matter was a motion to be considered.

Group 7—Head 4

MR. CHIEF SECRETARY: Mr. Chairman, I think I should intervene very briefly to refer to the remarks made by the hon. Member for the Coast about the site of the Duke of York School as I was principally responsible for the selection of that site. My hon. friend the Member for Development dealt generally with that point and like him, I am not aware that there have been any serious criticisms of the site, but I think that the hon. Member may have had in mind complaints which were made that there might not be room for the school to

expand as it grew because of a proposal to establish next door to it, in the same part of the forest which was excised for these purposes, the Survey Field Headquarters of the Survey Department and also a Training School. Representations were made to me that, if those plans were proceeded with, the development of the Duke of York School in years to come might be restricted. We have, therefore, decided that we should not proceed with the plans to establish the Field Headquarters of the Survey Department next door to the Duke of York School but to seek a suitable site elsewhere. We have, I hope, found a suitable site elsewhere though it has not yet been finalized, but I would inform hon. Members that the site originally reserved for this Field Headquarters and the Training School will now be available for future expansion of the Duke of York School.

MR. COOKE: May I just ask, Sir, will the playing fields be adequate?

MR. DEPUTY CHIEF SECRETARY: I have not heard—as a result of the arrangements that have now been made—I have not heard that the playing fields are inadequate.

MR. CHAIRMAN: If no other Member wishes to address the Council, I will put the question.

MR. MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I think that hon. Members would wish, Sir, that I did reply to some of the points raised in the debate, Sir.

MR. CHAIRMAN: But I understand I am in committee. I am not empowered to call upon you strictly to reply because they can speak again after you have spoken. They can go on indefinitely until the thing dies out. That is my impression. That is why I simply said, I have no other Member is going to speak. I will put the question. I cannot put the question till everybody has stopped speaking.

MR. MADAN: Nevertheless, we should like to hear the hon. Member on some of the points that have been raised.

MR. MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, during this debate, there have been one or two points raised, Sir, to which I think answers should be given.

[The Member for Education, Health and Local Government]

The hon. Member for Central Area, Mr. Nathoo, Sir, dealt with the question of the considerable difference in the cost of a child in a Government school and in an assisted school, stressing the adverse effect, that he felt this would have on the assisted school. This difference in cost arises chiefly, Sir, from the fact that there is a great shortage of qualified teachers, owing to the fact the training centres have only been opened during the past two years and only a small number of Asian students have so far offered themselves for training. It is the opinion of the department that as the number of qualified teachers increases, the cost per child in the assisted schools will increase proportionally.

Sir, the hon. Member for Eastern Area, Dr. Rana, dealt with the desire for the division of schools on a linguistic basis. This matter, Sir, is being gone into, no decision has as yet been made, but I can promise the hon. Member that before any decision is made, the hon. Asian Elected Members will be consulted and I shall endeavour to meet their wishes as much as possible.

With regard to the hon. Member for Western Area, Sir, and the question of the Government girls school at Kisumu, the Department considered that the need for the junior school at Kisumu was of greater urgency and therefore priority was given to the junior school. Work has already begun on it and it is hoped that it will be open during the first half of 1951. With the money available, it means that the erection of a girls school at Kisumu will have to be one of the projects undertaken at a later stage. At the present moment, Sir, it is not the intention of Government to take over the assisted schools now functioning at Kakamega, Kericho and Nyeri. They are all, I think, on the grant-in-aid basis and the question of the adequacy of the present grants-in-aid will, of course, be considered. During my tour of the last two or three days, I have, however, had representations from the Indian Association at Thomson's Falls and I have given an undertaking that I will go into their case personally.

As I listened, Sir, to the Acting hon. Member for Eastern Area, Dr. Karve,

I was reminded of the proverb "There was an old woman who lived in a shoe she had so many children she didn't know what to do". That, Sir, is the position of the Member for Education at the present moment, but you can imagine the feeling of that old woman if someone suddenly told her she was going to be presented with a surplus population as well.

MR. HAVELOCK: What did she do with them?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Either the shoe expands or she does not accept the additional responsibility.

With regard to the hon. Mr. Nathoo, Sir, and his dealing with what he thought I said in the main speech; if he will read the Hansard, which I have just picked up, on page 171, he will see that I made the following remarks:—

"The hon. Asian Members recognizing the situation have in the past pressed for a policy of assistance on a grant-in-aid basis rather than see the available money spent all on direct Government schemes . . ."

and I think if he looks back at what I have said, he will see I had already set his point. I hope he will feel that it is a satisfactory answer.

Dealing with the hon. Members for African Interests, Mr. Ohanga and Mr. Mathu—Mr. Ohanga complained the not sufficient, had been dealt with of African Education. I think, if I understood him correctly, he was not referring to the speech that I had made but rather to the fact that the expenditure of African District Councils on education was not apparently shown in the picture of education expenditure. That, Sir, is exactly the same basis as all other local Government expenditure on all other subjects. It is shown separately in the accounts of the Local Government bodies concerned and only if a survey of overall educational finance were published would it appear. The reason, Sir, that I did not deal at greater length with African education was, as I explained at the beginning, that we had just had a full-scale debate on the Beecher Report and I felt it unnecessary to take up the Council's time with complete repetition of the arguments then put forward.

The Member for Education, Health and Local Government] accepted, or refused according to one's point of view.

The hon. Mr. Mathu, however, Sir, did raise one or two specific points. He raised the question of the employment of Africans in an inspectorial capacity in the Education Department. The Government Ministry has this under consideration and when Government has had time to consider the position, I shall be able to give Mr. Mathu a more definite reply.

With regard to the suggestions about fees for teacher training, there will be no fees charged in 1951, in any case, Sir, and that will give us time to consider the possible modification of this particular proposal before the 1952 Estimates are placed before this Council.

With regard to the four increments increase, the present salary scales will remain in force for 1951 and Government proposals with regard to a possible modification of those previously put forward. Of course, hon. Members will understand that considerable finance is involved and that my hon. friend the Member for Finance must have a very great deal of time to consider this particular point because of the large amount of finance that is involved. It is not a matter of hundreds of pounds, it is a lot more than that.

With regard to the hon. Member for African Interests, Mr. Jeremiah, and his request for more education for African students in the Coast, the hon. Member was aware I toured the Coast about six weeks ago. There is provision for an extension of primary schools in Mombasa. The new Coast Regional Board will be responsible for the development plan and will consider the needs of African students in Mombasa and I hope that the hon. Member will place his views very strongly before the Coast Regional Board.

With regard to the hon. Member for Kisumu, Sir, I must point out that the reduction in the net cost of European education in 1951 is to some extent due to the greatly increased payments which will be received from adjoining territories. The hon. Member referred, Sir, to the question of Makerere College and discipline and value for money. We have,

Sir, during the past year received no complaints regarding the discipline at Makerere, no official complaints. I understand that the position regarding discipline there is greatly improved. And now, Sir, comes the question of value for our money—the level of medical progress which was referred to by one or two hon. Members. It takes time, Sir, to develop a University. Makerere is improving its standard of medical education and has made recent appointments to the Chairs of Medicine and Surgery which I think may be taken as the first step on the next stair to progress. The objective must be to improve the standard, before the Makerere Diploma could be registered, perhaps only locally in the first place. I am sure the hon. Mr. Mathu knows perfectly well we have no control over the British Medical System and if the medical fraternity in Great Britain do not consider the Makerere standard is high enough to gain registration, then all that we can do is to see that the standard is made high enough because only by that measure can we achieve the objective that the hon. Member is striving to gain and one with which I have very great sympathy, that a man should not be expected to spend quite so many years of his life in qualifying for a degree of this kind.

I think I have covered now all the points. If I may cease to be serious for one moment, Sir, I would refer to the one hon. Member who said something about "cut out the sob stuff". During the weekend, Sir, I had the privilege of looking at the glossary of an American politician—that, Sir, was the only place where I could find a definition of "sob stuff". The definition was "sob stuff—the words used by your opponents to win an argument which when used by yourself become logic". I trust, Sir, the reply, as become the point of view of the hon. Member, will be regarded sufficiently logic to enable this motion to be passed.

MR. NATHOO: I would like the hon. Member to say something on the Hartwell Report.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: The question of the fiscal policy which is what the hon. Member is referring to. I think the hon. Member knows perfectly well we have had one or two meetings on the

[The Member for Education, Health and Local Government] question of the Hartwell Report. The hon. Members asked that the debate on this particular Report should be deferred and they asked for information. We have, Sir, supplied them with all the information available. The definite decision that they require is, of course, one from the Planning Committee. But the information, Sir, that they have been supplied with is all the information that we have been able to obtain.

MR. MADAN: Do we take it from that answer, that the Report might be discussed in the near future?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: If the hon. Members, the Asian Members wish the Report to be debated, I can repeat what I said in their presence before—Government is prepared to take this Report at any time.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move: That Head 7-4, Sub-head 1, be adopted.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move: That Head 7-r, Sub-head 2 be adopted.

There is, Sir, an error that I must point out in the Estimates, that is sub-item 8—Members will note that in the line above that there is a deletion of three posts. Those three posts are now included in the "30 Education Officers" shown. Twenty-seven of those officers should be at the scale as printed, and three should be on a scale of £876 by £36 to £984. I wish to place this on record, Sir.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move: That Sub-head 3 on page 180 be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move, Sir: That Sub-head 4 on page 181 be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move, Sir: That Sub-head 5 on page 182 be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move, Sir: That Sub-head 6 on page 183 be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move, Sir: That sub-head 7 on page 184 be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move, Sir: That sub-head 8 on page 185 be approved.

MR. OHANGA: Mr. Chairman, I have just one or two points on this one—items 14, 15 and 16. I do not think I had an explanation from the hon. Member. Could I have one?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Yes, Sir, I regret having omitted to deal with the hon. Member's point as to why these teachers have been reduced in number. It is due to the fact, Sir, that as schools are taken over by African District Councils the teachers disappear from this particular head.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move, Sir: That sub-head 9 on page 187 be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move, Sir: That sub-head 10 on page 189 be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move, Sir: That items 1 to 10 under the heading "Non-recurrent expenditure" on page 189 be approved.

The question was put and carried.

THE CHAIRMAN: That completes 7-4. There is nothing on the order paper about another item but possibly you will move

THE CHIEF SECRETARY: The next item, 7-5, is the Development and Reconstruction. I will take about half an hour I think in moving it. As it is quarter to seven we could either adjourn now or wait until it is convenient if we adjourn later?

THE CHAIRMAN: Would you not care to be in the middle of it? (Laughter.) I think it is rather inconvenient if we do not remain fast to the 11 o'clock rule about my opinion.

MR. HAVELOCK: This side of the Council is quite prepared to adjourn now. The CHAIRMAN: Then we will resume at 11 o'clock.

Committee adjourned at 10.45 a.m. and resumed at 11.03 a.m.

The Development and Reconstruction Authority

THE CHIEF SECRETARY: Mr. Chairman, I beg to move: That the Draft Estimates of the Development and Reconstruction Authority, which are printed separately in a small booklet, be now considered.

First of all, Sir, with apologies to you and other Members for taking up the time of the committee, but because I believe there is still a certain amount of misunderstanding, I would like to say a few words about what the Development and Reconstruction Authority is and what its functions are. Proposals for the re-organization of the machinery of the Government of Kenya were set out in Sessional Paper No. 3 of 1945 and were fully debated and approved by this Council. As a result, a non-political authority was set up to undertake the execution of approved development projects. I would underline two words—"execution" and "approved". The Development and Reconstruction Authority is not responsible for planning nor is it responsible for finding funds outside those which have been provided for development purposes. It is only responsible for the execution of approved plans.

It is true that there was a recommendation in the Development Committee's Report that the Development and Reconstruction Authority should set up a planning committee to revise development plans but, for the reasons which I explained last year, this committee has now been reconstituted as a Standing Planning Committee. People sometimes tend to refer to it as the Develop-

ment and Reconstruction Authority Planning Committee. There is no Development and Reconstruction Authority Planning Committee. The Planning Committee and the Development and Reconstruction Authority are two quite separate bodies. The only connexion between the two is that I am Chairman of both.

Secondly, Sir, many people appear still to be under the impression that the Development and Reconstruction Authority has large sums of money made available to it for any purpose that it may think fit; and that all you have to do if you have a pet scheme is to go to the Development and Reconstruction Authority and to get its sympathy and approval, and you can be provided with unlimited funds to carry it out. As I have said, that is a misconception. The Development and Reconstruction Authority only has funds made available to it for specific purposes, i.e. to carry out approved plans. That is plans which were included in the Development Committee's Report or which have been approved and added to the development programme since.

I should like to take this opportunity too of pointing out that the Planning Committee proposes but this Council disposes, and that apart from the new proposals which are included in the Planning Committee's Interim Report and for which provision is included in the Development and Reconstruction Authority Estimates this year and which the Committee is now being asked to approve, all our schemes have been approved by this Council.

Now, let me say a few words about the Planning Committee. The first is that it is no function of the Planning Committee to decide how much money can be made available for development. The Planning Committee has to work within the funds which are made available to it. The funds which are made available to it, and as is pointed out in the Interim Report which is before hon. Members, those funds fall far short of being able to meet all desirable projects.

Now, Sir, the hon. Member for Rift Valley did suggest that we should explore other sources of funds for development and in particular he mentioned Economic Co-operation Administration. I am glad to be able to inform this Committee that we have made application to the

[The Chief Secretary]

and a boy" is excessive overheads. I only hope that the boy can make a sufficient contribution himself. I do know what hon. Members have in mind and that is the staff which appears on page 16, the General Works Staff. I would point out in that connexion that the majority of those officers are actually employed on works and it would not be realistic to regard them as overheads. Nevertheless if hon. Members have questions to ask on that subject my hon. friend, the Special Commissioner of Works, will be ready to answer them.

Finally, Sir, it would be too much to expect that hon. Members will agree with all the individual items. I would merely say that these Estimates have been very carefully prepared, the various components have been carefully selected and balanced, and I submit that the whole represents a co-ordinated programme designed generally to conserve and develop the natural resources of the Colony, to increase communications and to raise the standard of living of the people.

Sir, I commend the Development and Reconstruction Authority Estimates to this Committee.

THE CHAIRMAN: It is proposed that the Development and Reconstruction Authority Estimates be approved.

MR. COOKE: Mr. Chairman, I am unlikely to be more than ten minutes but I crave your indulgence if I exceed the time.

Mr. Chairman, as the estimates discussion unfolded, it became obvious that what we are suffering from in this country is, as the poet said, "That eternal want of pence that vexes public men". Now, Sir, if that can be applied to the estimates, it can be applied even more strongly to the Development and Reconstruction Authority estimates. As my hon. friend has so lucidly pointed out, we cannot blame the Development and Reconstruction Authority executive or the Planning Committee for lack of money. In fact, Sir, the Planning Committee has been given the invidious task of trying to take a quart from a pint measure. You may say it seems an impossible task, but I am going to show you, without being guilty of any "Irishism", that indeed you can take a

quart from a pint measure! Now, Sir, the blame for the position in which we find ourselves to-day, and that is a lack of money, must mainly be sustained by this side of the Council. If it had not been that since the war we have indulged in political speeches and in rather— I am talking now about all races—vapid and somewhat foolish political demands, if we instead of that had concentrated on the economic recovery of this country, I think we would have done more for the people of this country than we have been able to. Now, Sir, it was even that rather arch political theorist, Professor Laski, who pointed out that, "without economic security, political liberty is not worth having". (Hear, hear.) Therefore, I want to reinforce the point that it is this country is to go ahead, and I am sure a lot of people will agree with me, we must get rid of the successive political campaigns and concentrate more on the economic advance of this great land of ours. (Hear, hear.)

Now, Sir, there are two points of view, two ways which I am going to suggest of refilling this pint measure. One is this question of loans. Now I quite agree with my hon. friend, the Member for Finance, that we are very largely in the hands of the pundits of His Majesty's Treasury and it would be foolish for us to lecture those men who have known more about economics, and have forgotten more about economics, than we on this side of the Council can ever expect to know. But my contention is that perhaps the Treasury, which comes to these conclusions, is not sufficiently provided with the data on which to form its conclusions. Now, have they, for instance, when they talk about the loanability of this country, the loan-worthiness of this country, considered as security for loans, the sterling balances which are held at Home? Now it is over several months since I asked my hon. friend a question about those sterling balances and it is evidently causing him a certain amount of difficulty to provide the answers, but I do say, Sir, that, although all those sterling balances may be frozen, they should act as a security against a loan.

Also I would like to put another point of view. Are the people in the Treasury aware of the large amount, potential amount, which this Government holds

Mr. Cooke] the matter of Crown Lands. In one small portion of Nairobi alone, the Crown Lands have been valued at £1,000,000; and it probably would not be an exaggeration to say that the Crown Lands of this country, at present unalienated, are worth £1,000,000.

Now is that £10,000,000 not a good security for a loan?

I could, Sir, mention other securities but I will not at the moment occupy the time of this Committee. The point I wish to make is, before we can accept the decision of His Majesty's Treasury, we must be fully confident that they have all the data in front of them. Of course, some people seem to forget that even if we spend £2,000,000 on, for instance, land (I am coming to this later), on silos, that that is as though we have put that money into an old barge and sunk it in the sea. Of course, those silos are still there as security, as an asset.

Now Sir, I come to this vexed question of surplus balances. My hon. friend, the Member for Finance, told us that of the surplus balance of roughly £6,000,000, £1,000,000 is on loan to the Development and Reconstruction Authority; and my hon. friend boasted, or at any rate claimed, that by using that surplus balance in such a way, we were saving ourselves interest on a loan. Surely my hon. friend is under some misconception here because any interest he has saved on payment on a loan, he is losing by the fact that this surplus balance itself has not been invested as an interest-earning asset. It is really six of one and half a dozen of another. I hope my hon. friend will answer that point when he gets up.

Now, Sir, I am going to make a suggestion which I am sure will gladden the heart of my hon. friend the Member for Development and Reconstruction, I am going to make a suggestion; Sir, that these £1,000,000 on loan to the Development and Reconstruction Authority should be given to the Development and Reconstruction Authority as a gift, and that the £1,000,000 should be used for productive purposes, productive expenditure. My hon. friend has very well said that it is very difficult to define "productive expenditure" but there is a negative way of defining it and that is that "a penny saved is a penny gained" or a "pound

saved is a pound gained", and, therefore, if we can save money by any kind of project, we can regard it as money gained.

Now, Sir, the Associated Chambers of Commerce of Eastern Africa, as my hon. friend the Member for Commerce will bear me out, on Monday met, and, as you know, it is a very representative body composed of distinguished commercial gentlemen of the three territories, and that Association unanimously passed a resolution that this £3,000,000 should be paid into the Development and Reconstruction Authority and that a portion, it would certainly be a large portion, should be definitely hypothecated for the building of grain silos.

Now I am coming to this point of grain silos again because I do not think many of us realize the difficult position we are in at the moment. There are dark and menacing clouds brooding over the international situation. My hon. friend told us the other day, my hon. friend the Member for Agriculture, that we were in a fortunate position in that we were able to provide storage for 1,000,000 bags at the present moment. But does he realize that if the international situation did change for the worse, he might lose a good deal of those hangars and other storage facilities which he is at present enjoying. Therefore, Sir, I think that it should be made a measure of absolute priority that we should without any delay start building grain silos.

Now, to give you an instance of money saved and money gained, we are at present, we have up to the present, on good authority, paid well over £1,000,000 away either on grain wastage or in buying bagged grain, importing grain into this country. We have wasted that sum of money over the past few years. We have also, indirectly of course, wasted the number of gunny bags in which, at present, the grain must be put in order to be stored and there is one small point, it sounds a small point, but when the Nakuru, Nairobi, Kisumu road was used last year for bringing famine maize to this country, to the Ukamba country, those heavy lorries did a very great amount of damage, whereas if the grain had been stored in a silo in Nairobi it could have been conveyed to the Ukamba country without that terrible destruction which was done to the road. That is only one small instance.

THE CHIEF SECRETARY: How would you get it to Nairobi?

MR. COOKE: By rail.

THE CHIEF SECRETARY: I asked the hon. Member how he would get it to Nairobi in order to store it.

MR. COOKE: The answer is easy. You get it to Nairobi during the season in which the railway is not so much occupied as it was occupied at that particular time in bringing cotton from Uganda. The railway could be used to bring grain to Nairobi, where it could be put in the silos and then, of course, conveyed by lorries over a road on which no possible amount of lorries could possibly do any damage because it is so bad at the present moment! The hon. and gracious lady, Member for Ukamba, uses it every day and knows.

LADY SHAW: My fault!

MR. COOKE: Now, Sir, I do submit that it is only one instance. Another way in which, of course these surplus balances could and, in my humble contention, should be used is for the immediate construction of a technical college. And also, my hon. friend tells me this is being done, for providing office accommodation in Nairobi, on which we are losing at present an amount something like, at a guess, between £20,000 and £30,000 a year. It is a large sum of money whatever it is and would be enough to service a loan to build new offices as has been pointed out before this.

Now, Sir, I have not been critical of my hon. friend to-day; and I must say so far as I am competent to judge, the Development and Reconstruction Authority have been extremely efficient over the past year or two and it is not as my hon. friend pointed out, their fault, or the fault of the Planning Committee, that the money is not there.

Now, I think, there are a certain number of my own colleagues on this side of the Council who do not see eye to eye with me in this matter, but I feel that if this country is to go ahead, we must be prepared even to go to revenue in order to provide the funds for capital expenditure in this country.

Now, Sir, the position is that we are beaten all along the line by the little Colony of Uganda, and I warn this

Council that if this goes on the commercial houses, the banks and the insurance companies and others must be strongly tempted to move their headquarters to Kampala as the years go by.

MAJOR KEYSER: We cut a rail track

MR. COOKE: Cut a rail route between here and the Coast would be more disastrous! We should lose those visible exports without which, Sir, the economy of this country cannot be sustained. Those matters are matters we must keep in view. We must, as I have said more than once here, and other people have said, be courageous and bold in building up the economy of this new country of ours.

Sir, I beg to support.

MR. NATHOO: Mr. Chairman, in the first place, I should like to take up again the point about the Planning Committee and the Development and Reconstruction Authority on which, Sir, the other sections of the community are represented by Members of this Council, and, Sir, is the Asian Elected Members are the accredited representatives of the community and, as far reaching and very important decisions are taken in these committees, it is essential that one of these accredited representatives should be on these bodies.

Sir, I would like to make it quite clear that in making this demand, we do not wish to cast any aspersions on the personnel of the present committee and particularly the person who represents the Asian interests, but I do maintain, Sir, and I beg of the hon. Chief Secretary to take this into consideration and see if he can so arrange that one of the five Asian Elected Members could be put on these committees and, if necessary, we can easily arrange our affairs in such a manner that whole-time attention would be given to be work on these committees.

I also notice, Sir, that in the Development and Reconstruction Authority there is not a single non-European Member and I think that, Sir, is one of the points which the Government should take into consideration and do something about it.

Sir, I beg to support.

MR. MATHU: Mr. Chairman, just to clear, I think, one point that might be

(Mr. Mathu) concerned from the remarks of the hon. Member for Development and Reconstruction Authority itself, to the Development and Reconstruction Authority and not to the Committee because all communities are represented on the Planning Committee of the Development and Reconstruction Authority but if he referred to the Authority itself, I think it would still be true that the Asian Members are not represented on the Development and Reconstruction Authority itself. Is that correct?

MR. NATHOO: They are.

MR. HAVELOCK: Mr. Chairman, may I ask the hon. Member for Development to tell us if these tractors which the E.C.A. are presenting to us are going to cost us anything, or are they a free gift. I am afraid I am not very clear on the question of the E.C.A. Do we have to pay anything at all for them or not? Does the hon. Member wish to reply now?

The other thing is this matter of Mackinnon Road. I should like to know how much we have spent through the Development and Reconstruction Authority round Mackinnon Road really essential on the occupation of that area by the military and now that it is being abandoned and the military are leaving that area, as has been announced, are we to get any compensation in any way at all? It is quite obvious, Sir, that we would not have spent certain moneys on Mackinnon Road-Mombasa Road itself, if there had not been a camp established there. Is that just one of the sacrifices that we have to make for the Imperial Government.

I would like to take advantage, Sir, of the offer of the hon. Member that the hon. Special Commissioner might consent for us on this matter of personal emoluments or the cost of works staff as compared with the money spent by that staff. According to rough calculations, it seems to come to something like 20% is spent on personal emoluments of the people doing the work, 20% of the money spent on the jobs themselves. Is that a reasonable figure? I am told from other people in private enterprise that it is a very high figure and I would be grateful for the comments of the Special Commissioner on that aspect.

I would like once more, Sir, to repeat what I said in the policy debate and that was the matter of our being very careful about how the money, which we have available is spent. I have gone through the Development and Reconstruction Authority Estimates and it does seem to me that what I would consider developmental projects are slightly under half of the total. The remainder being slightly over half, being what I suggested might be called consequential capital investment. That is the building of extra schools, police stations, etc., consequential on the increase of population mostly, and as the hon. Member will remember, I did suggest that if we might try even now to adopt his suggestion, of some years ago that we say to ourselves, "we have so much money, whatever it may be, £10,000,000 or £8,000,000" that is, to be argued which will be spent only on direct wealth-producing developmental projects. I have been trying to give this matter further thought and it would seem to me that projects of that sort would fall into categories of research experimental work and the creation of new schemes, such as, of course opening up agricultural areas, that is an easy one, also the provision of water supplies but not the provision of water supplies just for a growing town, provision of water supplies either for the opening up of industrial areas or an agricultural area, in other words, something which will bring into earning more of the potential assets of the country which are lying dormant. On the other hand, I believe that the establishment of a technical college would also, and could also, be considered a developmental project, because we have never really tackled that side of education in this country. I am sure that to provide ourselves with more technicians from our own people that that is a developmental project. I consider that that should be included. But if you take that should be included. But if you take ordinary education—we have accepted that naturally for a long time through the different Ordinances and so on—the principle of ordinary academic education of all races, therefore, the increase, Sir, required, the buildings required to house the instructors and the pupils for this academic education is, I think, a genuine consequential expenditure and should rather turn to the revenue, to the ordinary general revenue; and that the Development and Reconstruction Authority

[Mr. Havelock] should concentrate on the developmental side. I know it is a very tricky subject but I do hope that more thought will be given to it during the coming year. Sir.

I would also like to bring up this point—I think I mentioned it before—of, when we are spending our money on consequential capital investments such as the provision of new offices, provision of new schools, police headquarters and those sort of things, that we should try to arrange it so that we build those buildings first which will return, through this curious in and out accounting system, which will return actual cash to the revenue in a short time. The hon. Member for the Coast has touched on that point. And, for instance, if we do build Government offices, there is no doubt that the vacating of the present premises will result in land for sale and a definite windfall increase in the revenue if we sell that land. Therefore, we will have more money when we have sold that land to continue building other things which are required of this sort.

Sir, I beg to support.

MR. BLUNDELL: Mr. Chairman, there is a little upon which I want to comment in this Estimate.

First of all I would like to join with the hon. Member for the Coast in the remarks he made to the hon. Member opposite about the works being undertaken for the Development and Reconstruction Authority. I think very few people realize the amount of burden he must have been carrying in his capacity not only as Chief Secretary, but as hon. Member for Development. He knows, Sir, that I have in the past been critical of that dual set-up and the fact that he has himself said—I was not quite sure whether he was referring to himself as the man or as the boy—but he himself said there were two men and a boy in the overheads—I hope that consideration will be given if possible to the separation of the two posts, because I do consider that it is too much for one individual to carry.

Secondly, I want to say a few words on the point made by the hon. Member for Kiambu on developmental, as opposed to consequential, expenditure. We have gone into that on the Planning Committee, and I expect when he was

a member of that Committee he went into it as well. My own view is that although it is attractive to attempt to separate them, in effect, it is impossible and you are faced with either moving the whole of the Development and Reconstruction programme into the Ordinary Budget of the Colony or treating it as it is at the moment, which is attractive to keep it as a developmental set-up only. In effect I believe the distinction between developmental and consequential expenditure is impossible to draw.

I also wanted to refer to the point which the hon. Member for the Coast has touched constantly on the surplus balances. I do not find myself in agreement with him on one respect. As I see it, his suggestion if carried out, would, over a fairly short period of time, freeze the surplus balances in that they would immediately become fixed assets in one form or another. They would become either grain silos or technical colleges, and we would lose the fluidity we now have in them. In this stage of our development I believe there is no better use of surplus balances than the use to which the hon. Member for Finance is now putting them, which, as I see it, gives flexibility in the apportionment of the money at the use of the balances in allotting them to various projects without being compelled immediately to raise a loan. Whether we should freeze those surplus balances at a later date when our loanable capacity possibly is exhausted is another matter, I think, for discussion then, but at this stage I believe that we could use those surplus balances in a better way than we are at the moment.

From that I should like to go to the question of grain silos and ask whether some Member on the opposite side could answer the point which the hon. Member for the Coast has put up. I am correct in saying that the Planning Committee has made a block allocation of £2,000,000 in addition to the present amount of £3,000,000 which is carried under the expenditure head of the Member for Agriculture and Natural Resources, and the only way that I can see finance being found for those grain silos is out of that block allocation. There is no other way, unless we do indeed tamper with the surplus balances, or are able to raise more loans, which we have been told

Mr. Blundell] or we are prepared to suffer the greater taxation to provide the capital with which to finance the silos. Short of those three things, the only manner in which that money can be found is out of cash now in sight which has been allotted to the Member for Agriculture. As far as I know, however, in the schemes, which the hon. Member is possibly gestating, I am considerably doubtful whether a sum of the magnitude necessary for grain silos has been set on one side.

Next Sir, I want just to sound a word of warning. It is this. We are now considering the Estimates for 1951 and I think I am right the present Development and Reconstruction Authority programme ends in 1955. There is a taper in the amount of capital moneys which we are putting into circulation within the Colony each year down to, I think, 1955. It would, I think, be difficult for the economy of the Colony to sustain a complete cessation of that money which is now being put into circulation in the form of capital development, and it will be necessary for us after 1955—it is not so very far remote now—it will be necessary for us to consider in what way we are going to gear our economy either down to what will then be the lesser moneys going into circulation or on the same level by the provision of new finance. Again on the question of E.C.A., which the hon. Member when moving touched upon, I do not think I said E.C.A.—I think I said the President's fourth point in the programme, which is not—I think I am right—E.C.A. It is suggestions for the development of the backward areas of the world, and I do think there is a possibility, if we could not put up a completely worked out concrete constructive suggestion, there is a possibility of our probably obtaining the finance under the fourth point.

Lastly, Sir, I just want to touch upon one aspect of the Development and Reconstruction Authority estimates which is not, I think, sufficiently considered by the hon. Members on this side and by people in this country generally. It is this. A great deal of our capital expenditure has been provided under the Colonial Development and Welfare Vote, and I believe that most of the people generally in this Colony are not conscious enough

of the debt which we owe to the people of Britain who are themselves extremely stretched financially, not only by the exigencies of the situation after the war but also by reason of the rearmament programme. We are not sufficiently conscious of the debt that we owe to them for the providing of these moneys for the development of our own backward areas. (Applause.)

With these words, Sir, I beg to support the motion.

LT.-COL. GHERSIE: Mr. Chairman, I think the hon. Member did say that as far as certain detailed figures were concerned the hon. Special Commissioner for Works would probably give further detailed information. I appreciate we had an opportunity of discussing these matters with the hon. Chief Secretary.

THE CHIEF SECRETARY: May I suggest, Sir, that that information should be given when we come to the Heads? We will be happy to give it, but we are discussing the principles now and I should prefer to give that when we come to the Head, unless, of course, it affects the principle.

THE CHAIRMAN: I am afraid I am responsible for this because I took the motion as being one of approval, not one of consideration.

THE CHIEF SECRETARY: That it be "considered" was the motion.

THE CHAIRMAN: I am sorry—it was my fault.

LT.-COL. GHERSIE: As you wish, Sir. The point I want to make really is that whereas there has been about £25,000 reduction in this particular Head, that is General Works Staff, three of the major active sections of that organization, namely the buildings, roads and hydraulic sections, have been reduced by £47,000, but the administration has gone up by £17,000, but if you prefer that I bring it up under the particular Head I will do that.

THE CHIEF SECRETARY: The Special Commissioner for Works will answer that now, Sir.

LT.-COL. GHERSIE: One other thing I wish to add to that, Sir. That is the Head, Mechanical. I am sure the hon. Chief Secretary will remember that a query was raised on this particular Head and he did intend to give us a reply at a later date—that applied particularly to the workshops. Thank

[Lt.-Col. Gherstie]

covers personal emoluments and other charges, which are more or less unproductive, and that particular item has gone up by £11,321. I am trying to make a comparison between the active sections of this organization, namely buildings, roads and the hydraulic departments which have been considerably reduced, and I should have thought the administration would have been reduced proportionately though, as I say, it has gone up by £16,211.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, there are two points that have been raised by hon. Members both dealing with the question of expenditure shown on page 16 under the Head 15—2. First of all, Sir, on the question of overheads, may I explain that under the simple "in and out" system which my hon. friend the Secretary to the Treasury has explained, all expenditure on emoluments goes into one head and it looks an alarming figure when compared with works expenditure figures elsewhere. But, Sir, I would point out that on those total emoluments, many of those individuals, as the hon. Member for Development has explained, should be directly charged to works, and would normally be so charged by any contractor working to the normal works system of accounting. That is one point, Sir.

Now if I may quote from some notes prepared by me in August last when we were working on these estimates I would like to make one or two other observations which I hope will explain the position and show that it is nothing like so serious as hon. Members have suggested. The total establishment for the Development and Reconstruction Authority in the 1951 Estimates is shown as £469,597. Well, Sir, as hon. Members know, the Roads side of it has recently been taken out of these estimates and will be dealt with separately under a Road Authority Head. Therefore, if I may, I will take out not only the Roads expenditure on establishment but also the Roads expenditure on works. The Roads expenditure on establishment amounts to £70,000 for direct Roads Branch staff, and services provided by other branches in the department amount to a figure of £73,000 or a total

of £143,000 in round figures. Taking that from the figures shown in the Estimates, this leaves us with a figure of £326,597 total emoluments. Now, Sir, I have deducted from that figure the number of staff who ought to be charged directly to works amounting to a sum of £28,000. That brings the total cost down to just under £300,000. That figure, I suggest, we should use to check up on what we are doing. Now, Sir, eliminating the Roads Division, and therefore including only buildings and hydraulics, we have a total expenditure of roughly two and a half million pounds. Now added to that we will have, during the coming year, nearly half a million of additional expenditure covered by work that we shall be doing for other organizations and departments, that are not directly under the control of the Government machine. Those outside the Government will pay to us what we call agency fees covering the head of expenditure; that we have provided. So we will get a total figure of nearly £3,000,000 worth of work that we have to carry out with what could probably be called an overhead expenditure of about £300,000—roughly 10 per cent. That is not a bad figure taking everything into consideration. I could, if hon. Members wished it, give the breakdown as between branches. But I think, possibly, that explanation will give hon. Members all they need in speaking to this particular motion.

Now, Sir, as regards the criticism that the works expenditure has gone down in one or two cases but administrative expenses have gone up, we have in the past not been fully staffed to do the work we are called upon to do and we have been filling up our organization so as to equip us to do that work properly and economically, but I would like to say that the total overhead figure of 10 per cent which I have quoted to you is, in my view and the view of people in my department, a very reasonable overhead expenditure. I hope that gives hon. Members all the information they require on that particular point.

MR. HOPKINS: Sir, I wish to make a few remarks on agriculture, they concern agriculture and agricultural policy more than they do the overhead policy of the Development and Reconstruction Authority. Am I correct in supposing, Sir,

that I will be able to say what I wanted under the main Agricultural Head?

THE CHAIRMAN: Granted that it is a matter of policy and not a matter of fact. On this motion, there is no detail. It will come later when the other items are moved. It is all right as far as you are on the broad ground.

MR. HOPKINS: Sir, do you think I need do it now?

THE CHAIRMAN: As far as I understand I cannot anticipate what an hon. Member is going to say by an outline of a speech lasting about three lines.

MR. HAVELOCK: I think the difficulty is that, Sir, as we are going to have a policy debate on the different Heads under the Development and Reconstruction Authority Budget, or are we to take it up now?

THE CHAIRMAN: I should have thought it taken as one block.

MR. HAVELOCK: We will take policy during to any department now.

THE CHAIRMAN: I would have thought myself but if you can assure me the present or convention is otherwise, I am open to correction.

MR. HAVELOCK: That was my understanding, Sir, that we should take policy in selecting any department within the Development and Reconstruction Authority budget at this stage.

THE CHAIRMAN: That is so. It will not be in order now.

MR. HAVELOCK: Yes, Sir. The hon. Member wishes to speak on agricultural policy as applied to the Development and Reconstruction Authority under this head, Sir.

THE CHAIRMAN: That is what I meant the first time. Please continue.

MR. HOPKINS: Well, Sir, when I was sitting under the main agricultural vote last week, and when, in spite of the patience and tolerance of the Chairman I was finally got down by the red light, I remained one matter to which I wish to refer. With your permission, I will deal with that now. For a long time now, with very indifferent success, I have been endeavouring to draw attention to the speed with which bush encroachment is taking place over grasslands. This problem exists also

in South Africa where it is calculated that something over a million acres a year are lost by bush encroachment and the thickening up of bush in areas into which it has already intruded. This encroachment of the bush is a phenomenon which has appeared very largely in the last quarter of a century, and it is considered by those who have studied the subject to be due mainly to the more intensive and constant use of our pastures and to the cessation of the fires which used to sweep through most of the grasslands in Africa each year.

These two factors, Sir, seem to have tipped the balance in favour of bush and enabled it to establish itself in areas where previously pastures predominated to the exclusion of everything else. Those who have eyes to see will realize that in Kenya the bush is creeping out of the gullies, spreading out beyond its own perimeters in all directions and travelling down wind to areas where grass previously reigned supreme. This process seems to be going on rather faster in the medium and low rainfall areas, but is nevertheless taking place everywhere, and to those who have not realized it, Sir, I would suggest that when they drive home they observe along the side of the road—it is taking place everywhere.

Now, Sir, it is, of course, unthinkable that we should revert to the widespread grassy fires which used to take place every year in order to control our bush. But the matter is, I believe, one of such urgency and of such magnitude that I consider that the Agricultural Department and Government generally should take steps as soon as possible to carry out propaganda, and to disseminate information on what is taking place. This should be done, Sir, I believe through the various agricultural schools and through the Sub-committees of the Board of Agriculture and generally in the Press.

Also, Sir, I believe that in any scheme of pasture research, provision should be made for investigation into other means of controlling the spread of the bush and of eliminating it. And to this end, Sir, I believe that we should keep in closer touch with what is being done in the territories to the south of us, where they seem to have a better realization of what is taking place than we have here in Kenya.

THE FINANCIAL SECRETARY: Mr. Chairman, I rise to answer some of the points raised by the hon. Member for the Coast in his stimulating suggestions concerning provision of finance. I think the hon. Member started by asking whether the whole Treasury was in fact fully aware of how we were situated here, and precisely what our loanable capacity was; I take it from that, Sir, that the hon. Member is apprehensive that the Treasury does not know the whole picture. I take this opportunity, Sir, of saying that nothing has been left to the imagination of the Home Treasury. A most exhaustive analysis of the situation was in fact presented to His Majesty's Government in this behalf and, indeed, so exhaustive was it that it drew an exclamation of appreciation from no less an authority than the Secretary of State.

Sir, he asked in particular whether His Majesty's Government was aware of our sterling balances held in London and whether these could not be used against which we could borrow moneys. Now, Sir, I do express regret to the hon. Member opposite that the question that he asked, admittedly some time ago, has not yet been answered, but when the hon. Member asks a question we have to be extremely careful how we answer, and it is because we are undertaking a meticulous examination into his question that the delay has occurred. I assure him, Sir, the answer will be forthcoming very shortly.

On this question of sterling balances the balances themselves are composed mainly of balances held by banks; the sterling cover for the East African Currency and our own Savings Banks Balances. Now, Sir, it is quite clear that all those balances are held against—they have liabilities already against them; the liability to repay the clients by the banks, the liability of the Savings Bank to repay the depositors and, of course, in the case of the East African Currency Board, the liability against the currency issue in the East African Currency basic. Once you have already got a liability against an asset it is very difficult, in fact quite impossible, to create another liability.

MR. COOKE: The point was—it has been done by Australia—that moneys withdrawn, brought back to the country, could be borrowed from the people or the Banks or whatever it may be.

THE FINANCIAL SECRETARY: The question of making use of any is under consideration and we may have an opportunity later of explaining to hon. Members opposite what has been the result of the examinations.

The hon. Member also suggested that we might use the Crown Lands as an asset against which to borrow. I remind the hon. Member, Sir, that when we borrow money it is under the authority of an Ordinance passed by the Council, and in the standard form of that Ordinance that on the money borrowed the loan is secured on the revenues of the country. Now, the revenues are derived from our assets, and among those assets are the Crown Lands. Now, Sir, you cannot, having borrowed money against all your assets, then borrow money against all the individual assets separated out. The hon. Member's manner and I hope that this County certainly want to know precisely how this process was going to go, and indeed I would suggest if we attempted to do anything like that our credit on the London market would very rapidly diminish.

MR. COOKE: I give you that!

THE FINANCIAL SECRETARY: Suppose we did in fact separate a block of Crown Land worth £10,000,000 and borrowed £5,000,000 for 20 years against it and supposing in those 20 years we wanted to do something with the Crown Lands, supposing we wanted to build a new Secretariat, we should be entirely stopped from doing it, and very grave restriction would be placed on our development.

The hon. Member went on to say that I think he used the word "boast" but I think he did withdraw it—we are doing very well with our surplus balances in lending to the Development and Reconstruction Authority for the purpose of deferring the raising of loans. He suggested that it was not quite so rosy because in fact we could have lent that money and got interest on them, so that really equals nought. I will remind the hon. Member, Sir, that what I said at the time I moved the motion to go into this Commission was that we actually used those moneys either to discharge, early discharge of onerous indebtedness or to defer the incurring of heavy service charges. If we have not got this liquid position which was referred to by the hon. Member for

D.A.R.

LADY

Financial Secretary] Valies, you will be compelled to go to the market willy nilly at any time, and possibly the most unfavourable time, and really the use of surplus balances.

Now, I think the hon. Member then went on to make a very important suggestion which was very much applauded by my hon. friend the Member for Mombasa, that we should not regard the £10,000,000 at the moment advanced to the Development and Reconstruction Authority as an advance, but in fact it should be voted off as a complete expenditure against the Colony account. I must say, Sir, I must invite the hon. Member's attention to remarks I have made on several occasions in this regard, that it is my intention to advise the Government to make as much money as possible to development as possible. I intend to continue that policy of advising in the same manner and I hope that this County will be prepared to vote those moneys that that advice is forthcoming. I cannot possibly at this stage advise the Government to make the £10,000,000 which has been advanced to the Development and Reconstruction Authority should in fact be voted off as an outright grant. I think it would be much happier, Sir, in any suggestion of that kind if we had in fact a substantial reserve, but I think there is a considerable difference of opinion on the other side of this question in respect of this question of reserve.

I think the hon. Member for Kiambu suggested that we could make more money available to the Development and Reconstruction Authority when, for instance, we sell up the lands free in Lugard Avenue.

MR. HAVELOCK: My suggestion, Sir, is that those particular projects should be done under the Development and Reconstruction Authority, but should be financed through the ordinary finances of the Colony.

THE FINANCIAL SECRETARY: I misunderstood the hon. Member. I thought he said that we should, in searching for ways and means of making more money available for development, we should regard the sale of such lands as may become available in Lugard Avenue as a windfall and therefore should be made available to develop-

LADY SHAW: To revenue.

MR. HAVELOCK: Yes, Sir, that is correct, but my idea is that that should not be handled by the Development and Reconstruction Authority, all that sort of development should take place through the normal financial means of the Colony, that is through the hon. Member himself and the Standing Finance Committee, etc.

THE FINANCIAL SECRETARY: Sir, I think we are slightly at cross purposes. I was referring to the proceeds of the sale of any land which may become available by freeing such important and extremely valuable areas like Lugard Avenue and I understood the hon. Member to say that we should regard that as a complete windfall and therefore not absorb that in the general revenues of the country, but make it available for development. If he did not say that, then I have nothing further to say, but if he did, I was going to say this—(Laughter.)

MR. BLUNDELL: Which did he say?

THE FINANCIAL SECRETARY: I was going to say this, Sir, that it ties up with remarks I have already made in this behalf, that the policy that I shall recommend is to make as much money available to development as possible. I shall advise the Government in that sense and if it is possible that we can make moneys available to it from the sale of any particular asset we shall do so, but nobody can foresee what the position can be when we make that sale; beyond that I cannot say.

Well, I, like anybody else, am compelled to answer to the red light, and under those circumstances I must sit down.

MR. PRESTON: In company with my hon. friend for Nairobi North, I also am a bit concerned about the administrative and general cost. The hon. Member—the hon. Special Commissioner for Works did offer to give us a breakdown of the figures of this item, and I hope, Sir, that he will do so, because I myself thought I understood him to say we had already removed, or were about to remove, the Roads Branch, and in spite of that we find our administrative and general costs have gone up. I think, Sir, some explanation of this

[Mr. Preston]

would be very much welcomed on this side of the Committee.

There is another matter, Sir, on which I would seek further information, and I should be very grateful if the hon. Member for Development would give some indication as to what is happening with the money devoted to improvement of aerodromes, whether this is solely devoted for the maintenance of very large aerodromes or whether it is intended to reopen and keep going some of the existing landing strips of the Colony which are so very useful at times when anybody has to make a forced landing.

There is only one other point, Sir, and I would ask that information could be given as to whether mechanical bush-clearing units are or are not contemplated in connexion with the clearance of bush where it is desired to eradicate the tsetse fly.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, there are one or two points which have arisen which I would like to reply to. The first one is by the hon. Member for the Coast, who renewed his debate we had the other day on the question of silos. Actually, there is no provision for silos in these Estimates, but the hon. Member is always very persistent, and I must admire his persistency, especially when he is advocating a thing which I personally have advocated for some time past. However, Sir, the hon. Member must, I feel, keep the question of silos in proportion to the perhaps rather bigger question of storage as a whole. The amount of maize alone, the turnover of maize alone in this Colony amounts to about 24-million bags, that is, in and out. At the moment we have storage—I am repeating this because the hon. Member gave a different figure—for 1,394,000 bags, and when the new scheme is adopted which we are putting in at the moment, which is a movement of existing stores to more suitable geographical positions on the railway whereby we hope to be able to take into store 50 per cent of the crop in each producing area, we shall be able to store about 1,750,000 bags. Now, Sir, the hon. Member suggested in the event of war we should lose some of those stores. I think probably what he had in mind was that we were using a number of hangars of aerodromes which

would in the event of war be required for aircraft. That, Sir, is no longer the case: Most of the hangars have either been purchased and rebuilt, some of the stores which we bought from the Army have been moved and rebuilt, and I do not anticipate myself that by next year any of the buildings which we are now taking for storage would in the event of war be taken from us. Now, Sir, that does not mean that I am in any way against the hon. Member is well aware, the question of silo storage; but the total proposal for silo storage at the moment for 325,000 bags of wheat and 200,000 bags of maize, and the object of it is to be able to store without loss and in a convenient place the surpluses which we have to carry over from year to year. The bulk of the grain which we move in this country and consume in this country is moved within the period or should be moved within the period of from six to seven months, and that in any case I think will have to remain a problem of bulk storage in bags. I can give the hon. Member a most definite assurance, as I did before, that every possible attempt is being made to come to a definite conclusion as to where the silos could be erected and how the finance is going to be found to put them up. The preliminary investigations are well in hand, we are consulting engineers who are providing us, I hope, with the information we need and the cost that is likely to be incurred. But I will warn Members that the cost even for silo storage of the size to which I have just referred, it is likely to be a very great deal more than people think, generally imagine.

MR. COOKE: On a point of explanation, those assurances have been given for the last ten years, not necessarily by the hon. gentleman. The last definite assurance was given in August 1948 fifteen months ago.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: That is so, but the reason, Sir, why this delay has occurred, is not Government's fault. It is entirely the fault of those who are screaming for silos. Hon. Members must be aware that we tried to introduce a method of silo storage and, indeed, we have had a great deal of financial assistance in putting them up, I think I am right in saying, six years ago, and it was

D.A.R.A.

519

Member for Agriculture and Natural Resources]

and down by those who felt that high storage could meet the situation. I agree with hon. Members opposite that one has to consider these things, and the cost of storage and everything else, and I am very glad to see now that we are unanimous in our opinion that silo storage for a limited amount is an essential part of the storage part of a problem.

MR. BLUNDELL: Was the hon. Member referring to Sir Charles Lockhart?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I was referring to the Kenya Farmers' Association at that time.

MR. COOKE: It was Sir Charles Lockhart's Committee that turned it down.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: And perhaps we need see the composition of this Committee. The fact remains it was turned down, and now I am glad to see that the hon. Member have changed their minds. But it is good saying that there was nothing to be done in the past when there was a very good reason for no action being taken. I repeat that everything that can be done is being done about silos.

The other matter was raised by the hon. Member for Aberdare, who asked whether anything was being done in regard to dealing with the problem of bush encroachment. The hon. Member has just assured that that particular problem is being dealt with and is part of the programme for our Pasture Research and Investigation Service which is coming into being for next year.

Lady, Sir, the hon. Member for the Coast asked about bush clearing units. The hon. Member for the Coast, Sir, the question of providing bush clearing units in connexion with tsetse eradication is under consideration. Of course, as I think the hon. Member is aware, it is very easy to talk about bush clearing units, they are very expensive, their range is limited, and there is always a problem of their operation and above all of keeping them working. But it is very much under consideration, Sir, and if it is decided that they are economic I have no doubt something will be done about it.

MAJOR KEYSER: The hon. Member for Agriculture said that the delay in silo construction was due to hon. Members on this side, and subsequently talked about the Kenya Farmers' Association. I am the only Member who was a director of the Kenya Farmers' Association and perhaps he was referring to me, but, Sir, the directors of the Kenya Farmers' Association never turned down the scheme at all. It was the Lockhart Committee that recommended against silo storage. What the directors of the Kenya Farmers' Association did do—they very thoroughly and I think, wisely went into the question of the siting of the silos. People here do not realize that silos are a most expensive form of storage and in most countries are not used for storage over any length of period at all. They are really used where there is a big export or bulk movement of grain and are used for storing grain for loading and unloading quickly. That is their main function. If you are going to store over a great length of time, they are a most expensive form of storage and I am very glad to hear the hon. Member say that the silo storage scheme will be limited, because otherwise the storage of the grain that is kept in this country would be prohibitive.

The other point, of course, is the question that I referred to before and that is the question of siting. It is most important they should be sited in the right place. If you site them in the wrong place somewhere between the point of production and the point of consumption, it may be necessary to load and unload and transport, which again adds to the expense so that really a bringing into effect of a silo scheme does not merely mean bringing—let us say we will have one silo there at blank and one somewhere else and carry on with that. One might easily find unless very grave consideration is given to the siting, one has introduced a very expensive form of storage which might easily be quite unworkable. That is the point, Sir, where we differed—the Kenya Farmers' Association differed from the hon. Member's department over the question of siting, and I believe that the siting put up subsequently by those directors was accepted by the hon. Member's department.

THE CHIEF SECRETARY: I make it about eight minutes to go. I will take a

(The Chief Secretary)

little longer than that and also there are some points on which I would like to get further information. I suggest that we might adjourn now.

THE CHAIRMAN: Will you move to report progress—do you think it advisable to adjourn?

MR. HAVELOCK: We have no objection on this side of the Council, but I would remind the hon. Member when we were in the same predicament the other day we were not allowed to adjourn.

THE CHIEF SECRETARY: I am entirely at the disposal of Members in that connexion, if they wish to continue.

THE CHAIRMAN: It is entirely a matter for the Council. If some Member moves that we report progress, we will stop the Committee and go back into Council.

MR. COOKE: I move, Sir, that we report progress.

THE CHAIRMAN: I will move that we report progress and beg leave to sit again.

The question was put and carried.
Council resumed.

ADJOURNMENT

Council adjourned at 12.35 p.m.

Thursday, 30th November, 1950
Council assembled in the Main Hall, Nairobi, on Thursday, 30th November, 1950.

Mr. Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 29th November, 1950, were confirmed.

SESSIONAL COMMITTEE REPORT

THE CHIEF SECRETARY: Mr. Speaker, before we proceed with this Bill, I would like to take the opportunity of reporting to the Sessional Committee has appointed the following Select Committee on Entertainments Tax Bill. The following hon. Members:—

The Member for Education, Health and Local Government (Chairman), the Chief Native Commissioner, the Secretary to the Treasury, Lt.-Col. G. G. Gheris, Mr. T. R. L. Preston, Mr. C. Madan, Mr. Sheriff Abdulla Salim and Mr. J. J. K. arap Chemallan.

BILLS

FIRST READING

The African Poll Tax (Urban Areas) Bill

On the motion of the Attorney-General, seconded by the Solicitor-General, the following Bill was read for the first time:—

The African Poll Tax (Urban Areas) Bill

Notice was given that all subsequent stages would be taken during the present session.

COMMITTEE OF SUPPLY

ON THE DRAFT ESTIMATES OF EXPENDITURE FOR 1951

Council resumed in Committee of Supply for consideration of the Draft Estimates of Expenditure for 1951.

The Development and Reconstruction Authority

THE CHIEF SECRETARY: Mr. Chairman, the sympathetic reception of these estimates have received is naturally very encouraging to those who have taken their part in drawing them up.

(The Chief Secretary)

The Member for the Coast has raised a number of important points. My hon. Member, the Financial Secretary, has already dealt with some of them but there are others which still require answer. I would be the first to agree with him that if the Colony is to be fully developed, we need to adopt a forward policy and what he has said in that connection is quite right. I am, however, a little surprised to find the great emphasis which has been placed on the raising of additional loans in order to provide further funds for development, and I would suggest that we should place rather more emphasis on additional loans and perhaps greater emphasis on additional contributions from Revenue. I do not suggest for a moment that that is not the hon. Member for the Coast has suggested. I think that is what he has in mind, but I would suggest that it should be borne in mind that the amount which we can raise by way of loans has a very direct relationship to the Revenue. In the first place, the amount of our credit depends to some extent on Revenue and, secondly, and perhaps even more important, the amount that we can actually raise by way of loans depends very largely on our ability to meet the service charges on the loans. I would also suggest, Sir, that a great deal of our troubles and difficulties now are due to the fact that in the past we have very often adopted a mistaken policy. For instance, at the first sign of a recession, there are many who immediately suggest a policy of retrenchment and economy. That, as is well known, was done in the twenties and the early thirties. Not only did it give an added stimulus to the slump, but in our case it resulted in all capital development being suspended and that is one of the main reasons why we now have such a very large building programme to make up. It seems to me extraordinary that in a Colony of the size and importance of Kenya, we have no Central Government Offices and many departments are housed in old wood and iron buildings and that is one of the great reasons for, Sir, a certain lack of efficiency in some of these departments.

I agree with the Member for the Coast when he has attached importance to a scheme for silo storage and the

Planning Committee, I know, will give very careful thought to such a scheme when it has one placed before it. The hon. Member referred to the need for a Technical Institute and hon. Members will be glad to see from page 29, item 38, that provision has been made to make a start on that project. I ought to say, however, that planning has only just started on the building and it will take some time to complete.

Now, the hon. Member for Central Area, Mr. Nathoo, referred to the composition of the Development and Reconstruction Authority and the Planning Committee. As I have explained, both those are small expert non-political bodies. The persons on them have been appointed on account of their personal qualities and not on any grounds of politics, race or creed and I feel it would be a mistake, at this stage, to alter the composition. I have great sympathy with the hon. Member in his point of view. I know what his anxieties are. I would suggest to him that there is no real need for any anxiety because, if any Members have proposals which they wish to put to those bodies, the correct method is not a direct approach. Neither the Planning Committee nor the Development and Reconstruction Authority sets out to short-circuit Members, or the Membership system, and if hon. Members have any schemes which they think ought to be considered, then I would suggest that those schemes ought to be put to the Members concerned so that the Members can consider whether they should submit them with their plans which are made either to the Planning Committee or to the Development and Reconstruction Authority.

The hon. Member for Kiambu asked whether with regard to the machinery which we are getting from the Economic Co-operation Administration, is a free gift or whether we have to pay anything towards it. Originally, it was the intention that we should have to pay five per cent of the cost into what is known as the Counterpart Fund which was in the United States expenditure tended to meet United States expenditure in the United Kingdom. The latest information is that it will not be required so that, apart from cost of transport and any commission fees, as far as I know at present, it will be a free gift.

(The Chief Secretary)

He also asked what was the total Development and Reconstruction Authority expenditure in connexion with Mackinnon Road. The total Development and Reconstruction Authority expenditure up to the end of 1950 will be in the region of £430,000. Under the present arrangements with the War Office, we expect to receive about £75,000 towards the cost of the road as it is earmarked but, of course, as hon. Members will realize a new situation has arisen at Mackinnon Road and we will, of course, take up with the War Office the question of an adjustment.

The hon. Member for Kiambu also referred to the fact that less than 50 per cent of the Development and Reconstruction Authority expenditure next year was to be spent on what he called developmental work and I think he went on to suggest that far too much was being spent on things like schools and hospitals. Well, the Development and Reconstruction Authority does give very careful consideration to the balance of expenditure, but I would point out to the hon. Member that what is spent on things like hospitals and schools is determined by Government policy and the Development and Reconstruction Authority has to implement that policy. The Development and Reconstruction Authority is not in a position to change Government policy. If it is the policy of the Government to provide certain educational facilities, then there is an obligation to provide the schools in order to give those facilities and I would suggest to the hon. Member that it is no good criticizing the Development and Reconstruction Authority for building too many schools when that is the result of Government policy. If he wants the Development and Reconstruction Authority to build fewer schools, then I would suggest to him that the proper course for him is to put down a motion recommending to the Government that the compulsory educational requirements should be repealed, and, if he does that, Sir, then that matter can be thrashed out and following the decision, the Development and Reconstruction Authority policy can be altered accordingly.

Now—

MR. HAVELOCK: If I could make myself clear. The point I made was, I considered such expenditure should not

come from the Development and Reconstruction Authority but, if possible, from Revenue and through the ordinary Revenue sources. I did not say, as yesterday there were too many schools or too many hospitals being built there were too many being built from the Development and Reconstruction Authority funds. I hoped we could find it so they could be built from Revenue.

THE CHIEF SECRETARY: Mr. Chairman, I accept his explanation, but I do not really see how it alters the position. Whether you build the schools out of one pocket or whether you build them out of the other. (MR. COOKE: Sir, it does not seem to me to matter very much, especially when the funds come originally from the same source.)

Now, Sir, the hon. Member for East Valley suggested that the post of Chief Secretary and Member for Development should be separated because under the present arrangement, the Member is overburdened. Whilst I appreciate the point of view and am naturally very grateful for the kind remarks he has made, I feel that it would be difficult at the present stage, to create another Member and also that there are, at the present time, great advantages in having the Chief Member responsible for development. I would suggest that the answer really lies in the provision of adequate staff which can take the burden off the senior Members of the Government, because I should be the last to say that any greater burden falls on the Chief Secretary than does on any other of the Members.

He also made a good point about what is to happen after the present development period, and suggested that at the end of 1955 we cannot just suddenly cut a halt to development. I would agree entirely with him and I think we must then try and provide a new development programme. We hope that the results of the present programme will help towards providing the wherewithal for the new programme and my best friend the Member for Finance has already suggested that the reserve which he is trying to create, and which is a misunderstanding in some quarters, might provide a nucleus for the next stage of development.

(The Chief Secretary)

The same Member, Sir, went on to say that the amount of assistance which is being given to us here by the taxpayer in the United Kingdom is very great. I agree and, with him, I hope that a proper sense of appreciation will develop in the Colony.

I do not by that mean to suggest that there is no sense of appreciation. I merely mean that I hope everyone will be aware of the actual amount of assistance we do receive.

The hon. Member for Aberdare had a good deal to say about pasture research. It was not quite clear to me why his comments were made on the D.A.R.A. estimates, and not on the Agricultural Department estimates.

MR. HOPKINS: Sir, on a point of explanation, the reason is that you, Mr. Speaker, told me to talk on it there. I did raise the point when I got up.

THE CHIEF SECRETARY: Well, Sir, I am sure that you did not mean to suggest that he should cut himself short on the Agricultural Department in order to make his comment on the Development and Reconstruction Authority. All I was going to suggest was that the Development and Reconstruction Authority does not decide the policy for a research station. That policy is a matter for the Member for Agriculture and for the Director of Agriculture. The Development and Reconstruction Authority's function is to provide the buildings and the means for research to be carried out, but the actual details of the research which is carried out in buildings provided by the Development and Reconstruction Authority is a matter for the departments concerned.

The hon. Member for Nyanza asked about the amounts provided for aerodrome construction, and whether some of that money was spent on maintenance. The answer to the last part of the question is in the negative. The money provided for the development of aerodromes is capital expenditure. As I have frequently pointed out, there is insufficient money to do everything we would like to do, and the money which is provided for expenditure next year is mainly for improvements to Eastleigh and Mombasa Airports.

Lastly, Sir, the hon. Member for Nairobi North asked a question with regard to item 146—I think, "Upkeep and Operation of the Transport Depot". That money is for the operation of the Transport Depot which provides transport for stores and personnel, not only for the Public Works Department, but for all departments. Actually an amount of £4,650 has been provided in the Revenue Estimates and I think £3,340 in the Development and Reconstruction Authority Estimates. These sums represent a division of what we think is the appropriate division of the facilities which are provided for services on the Revenue Estimates and facilities for services to Development and Reconstruction Authority. The costs cover the funding charges on the vehicles operated by that Depot.

Sir, I think, as far as I can, that I have answered all the points raised.

Sir, I beg to move. (Applause.)

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15-1 be approved (on page 10).

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15-2 (on page 16) be approved.

MR. HAVELOCK: Mr. Chairman, the hon. Member for Nairobi North, I think, yesterday brought this matter up of the reduction in the amounts for the people who are actually doing the work—that is the buildings branch, hydraulic branch, etc.—as against a slight increase, not so slight, of what one might call the true overheads, that is Administrative and General Branches, the Accounts Branches and Stores. I realize that the Accounts Branch has been reduced but, taking those three together, there has been an increase of some £18,000. Now, Sir, we have gone into the Appendices which explain these particular Heads and Items, and it is realized that quite a lot of this extra expenditure is due to ordinary incremental increases—the increments for the staff. But it does seem, in general, that if the people who are really doing the work on the particular projects, wherever they may be, if they are reduced then one would think that the administrative and

[Mr. Havelock] overheads could also be reduced. Although the hon. Special Commissioner did yesterday say that he calculated that his overheads were in the region of about 10 per cent, still this picture, which is shown by this year's Estimates, does seem a little bit illogical and I would be grateful if the hon. Special Commissioner could comment on those remarks.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, if hon. Members will turn to page 34, they will see Appendix A, where this particular item is dealt with in detail. I tried to explain yesterday that much of the increase is due to the fact that posts which were shown in last year's Estimates have been filled and that those officers will function. Now, that has led to two main items of increase: Item 17, for example, Deferred Emoluments of Contract Personnel, a net increase of £5,000. Now, that is an important item but is in fact necessary for these personnel who have been engaged in the establishment. Another big item again is under Item 19, where another sum of £5,225 increase is shown, and that again is due to the fact that these officers that we have engaged will have to travel and carry out their duties, Sir. Well, that accounts for over £10,000 of the net £16,000 increase. There is a further fairly large item of £2,000 increase shown under Item 7, which is due to an increase in the Asian Clerical Staff. That has been found necessary to enable us to carry out the work of the department. Now, another large item, Sir, is Item 28: £1,500 increase under the Head, Housing Allowance. That again, of course, directly results from the number of additional officers employed. I think those four items, Sir, will account for the major part of the increase, the others being more or less small items which are inescapable. That explains how this total increase comes about, Sir, and I would again stress that the total overhead cost is reasonable, as I explained yesterday.

LT.-COL. GHERNIE: Mr. Chairman, I quite appreciate what the hon. Member said, of course. The Estimates are self-explanatory, but would he agree with the principle that if your active branches of the work are being reduced, that you should reduce your administration pro-

portionately. Is it not reasonable for us to expect that?

THE SPECIAL COMMISSIONER FOR WORKS: That would be so, if the original organization was adequate for the programme. But that was never so, a hon. Members know. It was only this year that we have begun to have an organization that is adequate for the work that we are about to do. In future, if the work programme is reduced, I would then undoubtedly expect to see a reduction under this Head; and in fact we have been able to make certain reductions, but not in the main items of staff.

MR. HAVELOCK: If I may ask the hon. Special Commissioner one more question. Does the reduction in the actual working staff of the Buildings Branch, Item 1, quite a considerable reduction, does that mean that more work is going to be put out to contract?

THE SPECIAL COMMISSIONER FOR WORKS: No, Sir. We are not contemplating that the department should put out more work to contract because we have found—that this is extremely expensive. When I say put out to contract I am referring of course to the design—architectural—work and to quantity survey work. The actual construction is normally put out to contract. Most of our building work is put out to contract but we are not proposing to put out normal programme work, as far as the design and architectural work is concerned. We would of course put out any additional work which may be given to us with a high priority which we are not able to handle in our own department. Then that type of work would have to go out.

MR. PRESTON: Sir, the hon. Special Commissioner for Works did say yesterday the Roads Branches were coming out and going on to the Road Authority. Well, if that be so, Sir, how is it that we will still require the same staff under Administrative and General? He said there is to be no reduction there.

THE SPECIAL COMMISSIONER FOR WORKS: I do not know whether I can answer the financial part of that, Sir, but the Roads Branch is meant to implement the road policy of the Colony, and the cost of it is shown here, but there is a corresponding credit item on some other head.

THE CHIEF SECRETARY: Sir, it is quite true, as the hon. Special Commissioner for Works has said, that the Roads Branch will still continue to be employed on road work and they also will get some assistance from the other branches, such as administration and stores. If hon. Members will look at page 11, the Revenue Estimates, they will see that under items 10 and 11 there is a reimbursement there from the Road Authority for—

- (a) the cost of the construction branches personal emoluments;
 - (b) the cost of the ancillary staff personal emoluments and other charges.
- The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15-3, Agriculture (on pages 17 and 18) be approved.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15-4, Miscellaneous (on page 19) be approved.

MR. HOPKINS: Sir, Item No. 1, Improvements to Aerodromes. Would it be possible for the hon. Mover to inform me whether included in this item of £31,000, is provision for the completion of the Nyeri Landing Ground. I understand that it was intended to complete this work this year, but urgent work on the Nairobi West Aerodrome and Port Reitz, resulted in deflection of funds, which would have been spent at Nyeri. As there is a school and a hospital now at Nyeri, the matter seems to be of some urgency and I would like to have information on this point.

THE CHIEF SECRETARY: What the hon. Member has said is partly true but it is hoped out of the provision made to construct a serviceable dry-weather runway at the new aerodrome at Nyeri.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15-5 (at the bottom of page 19) be approved.

The question was put and carried.

THE CHIEF SECRETARY: I beg to move that Head 15-6 (at page 20) be approved.

The question was put and carried.

THE CHIEF SECRETARY: Sir, I beg to move that Head 15-7 be approved.

MR. COOKE: Sir, with regard to Items 4 and 15 of 7, I would like to suggest that £20,000 be taken from Item 15, Makueni Settlement and transferred to No. 4, Machakos—

THE CHAIRMAN: Out of order. You cannot transfer anything from one vote to another according to the rules.

MR. COOKE: I was only suggesting, Sir, not moving.

THE CHAIRMAN: You must keep it a bit more abstract.

MR. COOKE: Sir, the Makueni Settlement has, at a very great cost it must be admitted, been proved a success for small holdings but the time has now come when, having proved that it is a success, the future clearing should not be done by the State, but by the individuals themselves. I suggest that this £20,000 should be transferred to the Machakos Betterment Scheme and increased, if necessary, and indeed it will be necessary, to move the Wakamba from the very eroded areas around Machakos to the areas I suggested to my hon. friend, the Member for Agriculture, a few days ago. Now, Sir, with the very greatest respect, when my hon. friend said that the country was very poorly watered I must join issue with him. The greater Kiboko River has standing pools. The lesser Kiboko River has at least one cusec of water flowing perennially and, eight miles away at Makindu River, that perennial stream has at least one cusec going to waste from the railway pipe line. Close to Makindu Station is a large swamp which I think is perennial and above all, although I have not visited that land, I am informed by a person who knows it better than anyone else in this country, the land which used to belong to the Church of Scotland Mission and has now been taken over—something like 30,000 acres—is well-watered land because the streams from Chyulu Hills, which go underground, come up there and provide something like two or three cuses, which is a lot of water. It is my contention that the time for talk about doing something else for Machakos is finished. We have had from the American author, Negley Farson, some very pungent remarks about Machakos terracing and he says it is a good thing to show to visiting

[Mr. Cooke] politicians! But the terracing there is merely a palliative and it is not really a solution to the terrific problem of soil erosion. We had the other day an article by Mr. George Brown in the *Kenya Weekly News* which must have been a shock to a good many people.

I therefore suggest that this scheme should be inaugurated at once without any further delay. The Wakamba of that part of the country, to which we owe a great deal, because they were the people who during the war did more fighting than any other people in the country, with the exception of the Nandi, taking population into account, and they are faithful servants of the police force. As Vice-President of the British Legion I must say that unless something is done and done quickly—and this is a threat—we will have to bring to bear in England pressure that something will be done in this matter. There should be no further talk about it. We have been talking now for ten years and the matter is getting worse and worse, and the Machakos area is getting more and more eroded. Before we know where we are we will have a very difficult political situation. We will have our *Mau Mau*, and all the rest of the societies which are vexing the spirit of my hon. friend the Member for Law and Order. One of the best ways of dealing with such societies is to give a square deal to those concerned.

THE CHAIRMAN: Before we proceed further, could anybody create, or phrase, a definition of what is policy and what is detail when we are in Committee of Supply.

I listened with great interest, I always do, to the hon. Member for the Coast especially as he has so many interesting things to say, but I then have to try and consider from the point of view of the Chair, what is policy and what is detail; as I understand it as we are supposed to be only now dealing with detail but the matters which the hon. Member raised are matters of policy. I may be quite wrong, therefore, I would like to be advised if possible. I do not wish to needlessly interrupt any hon. Member.

MR. COOKE: I may have gone a bit far in the policy side, but the details of the Makuani Settlement—£27,000 and the

Machakos Betterment—£16,000, I would like some adjustment made in those details. I gave the reasons why I wished for the adjustment.

THE CHAIRMAN: I quite agree—now interesting too, but the difficulty of the Chair is not got over. I ask hon. Members please to take care to keep to detail only when we are on these particular votes.

MR. OHANGA: Mr. Chairman, before the reply is given to the point raised by the hon. Member for the Coast, I should like myself to give him my very warm whole-hearted support because I feel also that Makuani has been successful only in a pilot scheme. But as a private scheme it cannot be the whole answer. The general process should be the development of the African areas as such, for example as has been suggested in item 4, the Machakos Betterment. The improvement of the land on which the people live at the moment should generally receive much greater attention than some of the special settlement schemes.

Whilst on my feet, I should also like to ask for information or elaboration on a few items. I refer particularly to item 6, but the principle I think could be carried down to quite a few other items, to name, 18, 25, 29 and 33. The main thing here, Sir, is that certain sums have been allocated to specific schemes and long before any expenditure has been shown in the expenditure column, great reductions are made and I should like to have some information on that point. How it is that many allocations are reduced before they are expended.

MR. HAVELock: May we hear the hon. Member for Agriculture, Sir.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am afraid I did not quite understand what the last speaker said, he said reductions are made after the expenditure has been approved. Could you kindly explain because I really do not understand what I have got to answer.

MR. OHANGA: Item 6 in particular—Kitui Soil Conservation. For that year we see a decrease of £2,683. No expenditure is shown. Item 18, the Esgeri Lands, it had an allocation of £8,114.

[Mr. Ohanga] expenditure is shown, a decrease of £2,683 is shown. That is what I mean.

THE CHIEF SECRETARY: Mr. Chairman, there seems to be some confusion. The hon. Member, I think, is comparing 1950 estimates with the 1951 when he says great reductions have been made. I do not see how he can assume that so expenditure has been incurred, and is suggested that if, for instance, a sum of five or ten thousand pounds is approved for the scheme, thereafter that sum must be spent every year in perpetuity, so that the following year there can be no reduction on expenditure.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, in regard to the point made by the last speaker I think that has been answered by my hon. friend the Chief Secretary. Of course, before these schemes are put into operation, accurate estimates have to be made and they require approval and the schemes cannot be all carried out in one year. A certain amount of money is spent the first year and perhaps more the second and less the third according to how one gets on with the scheme and I think that is how these figures arise which have rather puzzled my hon. friend who has just spoken, it is the natural way of dealing with these schemes.

As regards the recommendation of the Member for the Coast, I cannot believe it is really serious if he suggests we cut down the Makuani Settlement by £20,000 and job-it-on-to Machakos Settlement, presuming it is going to pay the lorry freight of the apparently willing people who are going to move from certain eroded areas in Machakos to areas which, on several occasions, the hon. Member in this Council suggested should be used. The hon. Member knows quite well that I am in great sympathy with his scheme and I have already told him everything that can be done, will be done, to move these people into that area which he has suggested is a suitable area for settlement. But, Sir, I do hope that he can show the Makuani Settlement to go on and I will give the hon. Member an assurance that out of schemes which may be approved in 1951 or out of further moneys, such expenditure as is necessary in this coming year in trying to do something to move people into the area,

which the hon. Member has outlined, will be done, and I hope, Sir, that will satisfy the hon. Member.

MR. COOKE: Mr. Chairman, on a point of explanation, there is no necessity of train fares, or motor lorries, or anything of that sort. People will infiltrate if they are permitted. They are only too anxious to do so and all that is necessary is to put an agricultural officer to see they do not misuse the land.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: A lot of that area is their own land—they will not infiltrate.

MR. COOKE: They are infiltrating at the moment. That is the trouble.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: There is no water. The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move: That Head 15—8 be approved.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move: That Head 15—9 be approved.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move: That Head 15—10 be approved.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move: That Head 15—11 be approved.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move: That Head 15—12 be approved.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move: That Head 15—13 be approved.

The question was put and carried.

THE CHIEF SECRETARY: That completes the Development and Reconstruction Authority.

Part B—High Commission Services

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That Part B, Contributions to the High Commission Services be considered.

[The Financial Secretary]

Sir, this is a composite Head and hardly lends itself to an opening speech on policy by any particular Member of this Government. I also remind hon. Members opposite that the activities represented by these items are not within the portfolios of any Member of this Government. To the extent, however, that these activities may be said to impinge on those portfolios, hon. Members on this side will do their best to answer any points raised by hon. Members opposite.

I beg to move.

MR. BLUNDELL: Mr. Chairman, I rise to ask your guidance. I want to speak on one specific subject within the High Commission. Would I be in order, Sir, in dealing with it under policy—it is a general subject? I am moving a reduction in the office of the Administrator.

THE CHAIRMAN: My advice is that every Member should take every advantage he can in the debate on the motion to consider; he is not prevented from referring to the items, but he is not to go into detail. When we come to deal with items, the debate is then strictly confined to detail.

MR. BLUNDELL: Under Contributions to the Cost of the High Commission I wish to refer specifically to the services provided by the East African Posts and Telegraphs. Now, Sir, I realize that that can well be raised by the Members of this Council who are in the Central Assembly but I think it is proper that at this one stage in the year, the great dissatisfaction which is held up-country over those services should be voiced in this Council, so that the hon. Member opposite who is our liaison with the Central Assembly may be aware of our views.

Now, Sir, everyone knows that all businesses are at the moment in the process of expansion and that process of expansion often involves one in considerable inefficiencies and difficulties of the moment, but I do want to call attention, Sir, to two facts. We are now being asked, I believe, to accept an increase in the postal charges for the services under the High Commission, actually in the telephone and telegraph

charges. I wish to say that in rural areas—I believe especially in regard to the telephone facilities—that the increase in charge is absolutely unwarranted. If anybody lives, as I do, on a party line in a rural area twenty miles from a town, they will then realize the absolute—also I would call the acme of frustration which anybody suffers when they attempt to use the Postal Telephone system. There has been recently, I believe, a deterioration in it. Some time ago, when the Bill was moved in this Council placing the Posts and Telegraphs under the High Commission I spoke then on the inefficiency of the service. It subsequently improved, but in order that hon. Members may have an idea of the sort of thing I mean, the other day I lifted the receiver, dialled "0" to obtain a trunk call and I heard the bell ring in the Directory Office more than forty-five times before I received an answer. I do submit that any service which is arranged so that the bell has to ring forty-five times before an answer is given, such a service is inefficient. I speak, Sir, with a certain amount of heat, because, although the officials themselves in the Posts and Telegraphs in my experience are courteous and have done their best to give me service, nevertheless the general service provided up-country in rural areas more particularly, and especially on telephones, is steadily deteriorating. I think it is the proper duty of somebody on this side of the Council to express dissatisfaction with the present situation. I hope having said that, that the hon. Member will be fired with the spirit that I am trying to put into him in order that this matter may be brought to the notice of the High Commission.

MR. NATHOO: Mr. Chairman, I would like to support the hon. Member for Rift Valley and say that the same inefficiency is obtained in towns. The other day, Sir, I timed the actual time it takes to get the operator by dialling "0" and I do, I think, almost hold the record of eleven minutes. Sir, nobody replied. I think whilst it is appreciated, that the postal authorities are labouring under great difficulties of materials and manpower, and if other businesses can organize themselves to an efficient standard, it is high time that this Department did something about it and particularly,

Mr. Nathoo
Sir, in view of the fact that a rise of as much as 25 per cent is asked for, the public is certainly entitled to ask for better service.

MAJOR KEYSER: Mr. Chairman, I entirely agree with the criticism that has been made of the Post Office so far, and to add also, not only to the criticism of the Telephone Department, but of the actual letter service. The time taken for delivery from, say, a country town to Nairobi is unbelievable. I have actually posted a letter the day before an aeroplane left my home village and found that it had not been delivered seven days later in Nairobi. Now, Sir, that is a shocking state of affairs and I think it existing today right throughout the whole branches of the Posts and Telegraphs Department. Telegrams come registered, there is delay in delivering them, there is delay in putting them into post boxes even. Letters, telephones and telegrams are handled in a most casual manner in this country. I think it is quite the most inefficient service we have in the Colony today.

Now, Sir, there is one other matter that I would like to deal with over this question of policy, that is, the question of allocation of funds from the various territories towards the expenses of the High Commission. I wonder, Sir, if, before we go much further with the debate, the hon. Member on the other side (the hon. Member for Finance) would possibly tell us what the basis of the allocation of those funds is. Is it based on any particular principle or is it merely another example of the great simplicity of the Financial Secretary's Department? I think, Sir, it would help us, because there is going to be in this debate a certain amount of criticism of the allocation. I wonder if the hon. Member would give us that explanation now, Sir, before we go much further with the debate.

MR. MADAN: Mr. Chairman, Sir, in asking to what has already been said may I ask, Sir, why is it that the commercial communities are unable to get telephones? They are asking for additional instruments and for some unknown reason they never seem to arrive in the Colony. In so far as the time it takes when you dial "0", personally I

think the reason is this: you dial "0", the figure is zero and the result is "Nil".

MR. COOKE: Sir, I find myself in the invidious position of having to defend a Government Department. (Laughter.) Now I have got to confess that I am a Member of the Posts and Telegraphs Advisory Board. (Shame.) I think you will be saying something else by the time I have finished.

With regard to higher rates, I am informed that my hon. friend the Member for Trans Nzoia is asking for a higher price for maize, because the price of agricultural machinery has gone up.

MR. BLUNDELL: He has not got it.

MR. COOKE: He has. My hon. friend says maize farmers have not got it. He is not very well acquainted with the position of the maize farmers because I can assure him that the farmers have got a rise in the price of maize. However, the alleged absurdity, therefore, of the Posts and Telegraphs Department asking for a rise in the rates of telephones and telegrams, etc., is exposed. There is nothing absurd about it. It is related to the cost of living and the high prices reigning today.

Now, everything my hon. friend the Member for Rift Valley and my hon. friend Mr. Nathoo has said has really been in defence of the policy of the Post Office because one of the reasons for the raising of the rates is to provide better facilities for the public. (Laughter.) Now, the public are always complaining that they have not got proper counter accommodation in Nairobi and that the rural telephones are out of action very often. As my hon. friend the Member for Reconstruction has said, time after time, you can have the best services of time, you can have the best of the country—if you pay for them. You can have the best roads, the best telephones and the best everything else and that, Sir, I think, is sufficient justification for the raising of the rates. All that we have to do is to see that the money is efficiently and productively spent.

MAJOR KEYSER: The hon. Member for the Coast I think probably has forgotten that not many years ago the territories that not many years ago the Post derived great revenue from the Post Offices. That has now been foregone by the territories to allow the Post Offices to

[Major Keyser]

be run more efficiently, so that they have a great increase in the funds at their disposal already.

MR. USHER: May I add two accounts to the indictment of this Department. Both of them concern the letter delivery service. The loss of letters is a very serious matter, and it is frequently occurring and those letters do not come back through the Dead Letter Office.

The second is in regard to the Postal Package Service. It is within my experience I have sent postal packages in the normal way and they have not been delivered. I am told that it is necessary to register them. Is that reasonable in a properly conducted department?

LADY SHAW: Mr. Chairman, I also wish to add my voice to this cry. I have quite a considerable fan mail and it is almost entirely on the subject of Posts and Telegraphs, that letters posted in the middle of the week arrive in Nairobi at the beginning of the following week. Telephone complaints are even commoner. I am not going to go into the whole details of all the complaints because I spend a great deal of my time in putting them into envelopes and sending them on to Mr. Bouwer hoping that he will represent our case in the Central Assembly. There is no possible doubt, as the hon. Mr. Cooke says, you can have the best possible service in the world if you pay for it. Wise words, Sir, but one of the most notable things in this country is the amount you pay for the postal services in this country and the wretched, rotten service you get for it.

MR. PRESTON: Sir, I would like to congratulate the Posts and Telegraph Services, on the rapidity with which they got out the amazing document which was sent to Nairobi subscribers only the other day, not like the maize growers, asking for an increased price, but virtually demanding it. It was more or less on the lines of "Dear Sir, Unless... we shall remove your telephone."

MR. HAVELOCK: At the risk of repetition, I would like to add my word because I want to make it quite obvious that I think the great majority of hon. Members on this side feel very strongly indeed on this matter. As far as my constituency is concerned, they are in

bad a way as anyone else is. The Letter Post Office, the Kiambu Post Office telephone services are just as bad. On the whole I suggest, Sir, that the circles that has been circulated by the Postmaster General, which the hon. Member for Nyanza mentioned, says, demanding an increase, "should no reply be received from you within fourteen days it will be assumed that you do not require telephone services at the increased rate and will be cut off" etc. That is the attitude of the Post Office towards the public today. It is to my mind the most rude, abrupt and bureaucratic letter that I have ever received (applaud) and I believe, Sir, that we are doing the only thing we can do for our constituents in underlining and emphasizing the complete dissatisfaction we have for the Post Office services at the moment. It happened when it became a self-accounting service and it does seem that, when they become self-accounting, they think that they can get away from this Council and do what they like.

MR. HOPKINS: Sir, I feel I am the only one left to speak. (Laughter.) I feel I can add my contribution. I would like to complain against the defeatist attitude in regard to the possibility of improving matters at all. Not so very long ago I had occasion to make a complaint because a telegram which I had handed in I found three days later on the counter being attended to, only then I made a complaint and suggested it might be a good thing if some disciplinary action was taken against this man or even if he was moved or dismissed because they had also been other complaints. The reply was "It is no good us doing anything or dismissing a man like this because the next man will probably be worse".

MR. OHANGA: Mr. Chairman, my own connexion with the Post Office, and in general, that the African community is very small, and very few cases. Telephones and things of that kind do not affect us very much and therefore the grievances which are general to the Telephone Services do not usually apply to us.

But there is an aspect, a function of the Post Office which affects us very much. I refer to the Registered Letter service particularly in Nairobi we find it very

Mr. Ohanga] was only last week when I received a blue slip at the Post Office which appeared with a blue slip at the Post Office, duly signed and dated, and I refused my registered letter. It was demanded of me that I should first of all produce the kipanale and at the same time, in addition to my signature, to put my fingerprint. I explained carefully that I did not possess a kipanale because I have the Identity Card instead and that, since I could write, I assumed there was no need to do it. I signed it before then but I still had to get another witness to get my letter delivered. That was my case in Nairobi. The case of other people is worse. They are illiterate and they have got to get people to sign these slips for them. In the first place they have to go to their Chiefs to put his rubber stamps on to the slip, against that they have to get someone to write their name, they have to produce their kipanale and, if they have not got them, produce some witnesses, one or two, and say other thing they can bring to show they are actually the people concerned with these letters. While I appreciate the position generally, that registered letters have to be delivered with the utmost care, I submit the Post Office is not doing it at the moment. I do not see any real need for requiring all that of a person taking delivery as they have to do at the moment. Even then they say, "we want a man we know". I think that is a very unfair situation and should like to see some improvement in that service.

LT.-COL. GHERSIE: Mr. Chairman, I think the Post Office has been adequately dealt with and I do not propose to make any reference to it. In fact, I have always been a strong advocate of the High Commission. I always regarded it as the nucleus of an organization which would absorb many other services and coordinate them on an economic basis; but, Sir, on an examination of these Estimates, Sir, I should be very reluctant to see any expansion of the East African High Commission whatsoever because, from the financial aspect, I consider that the interests of this Colony are not properly safeguarded. Also, there are a number of Heads in the High Commission Estimates and the Colony's Estimates which do not tally. Certain adjustments have been made and Mr. Mundy,

the Finance Member of the High Commission, very kindly explained them to me. I am only mentioning it, Sir, because in respect of certain figures I may quote later, it may be possible that some hon. Members may not understand the exact figures. I shall deal with these, Sir, at length when we deal with the actual items.

Now, a few weeks ago the High Commission Estimates were tabled. To-day we are debating the Colony's Estimates but in the interim period the High Commission Estimates have been approved by the East African Central Assembly. Now, Sir, that is rather putting the egg before the chicken, because supposing to-day we do not approve the proposed contribution to the High Commission—and I submit, Sir, and I sincerely hope the tabling of these estimates is not a mere formality and the contribution is not *fait accompli*, as is so often the case with the Post Office and Railway Estimates, because I am convinced that we are entitled to a reduction from that contribution of not less than an amount of £122,000—

THE CHAIRMAN: I hope the hon. Member has not misunderstood my remarks. I have said that on policy, it is quite possible to refer to details in support of the arguments which the hon. Member is using and I fear somehow that you have misunderstood and have cut away half your speech.

LT.-COL. GHERSIE: Thank you, Sir, I think I will have an opportunity of dealing with them later.

THE CHAIRMAN: If I do not rule you out of order!

Very well, if no Member wishes to pursue the matter I will have to put the question.

THE FINANCIAL SECRETARY: I thought I was going to be called upon to reply.

As I explained, Sir, to hon. Members opposite, there is no Member on this side of Council, who is responsible by his portfolio for the Post Office.

MAJOR KEYSER: Lucky, aren't we?

MR. BLUNDELL: It might be worse.

THE FINANCIAL SECRETARY: I have listened with great care to what hon. Members have had to say and these

[The Financial Secretary] representations made across the floor of this Committee will be considered by the Government and, to the extent they are agreed with, representations will be made to the Postmaster General, and if necessary in the Central Assembly of the High Commission.

I would, however, like to point out to the hon. Member for Rift Valley that if one enjoys the delightful amenities of living twenty miles from a town, it is hardly to be expected that you could enjoy also the amenities of the town itself.

MR. BLUNDELL: But I have got a telephone. Surely it ought to work. What is the good of having it if it does not work?

THE FINANCIAL SECRETARY: I think the hon. Member wishes to interrupt me.

MR. BLUNDELL: Sir, I do live in the countryside I admit. I pay for the telephone and when I lift it, it ought to work. What is the good of having a telephone if when I lift it, it does not work? (Laughter.)

THE FINANCIAL SECRETARY: Sir, I agree with the hon. Member. (Laughter.)

With regard to the increase in charges, which has been imposed recently, I would also remind hon. Members opposite that the charges for telephones and telegrams have remained the same since the middle thirties, notwithstanding the fact that equipment and material generally has gone up by as much as 300 per cent in that period, not to mention the very considerable increase in the level of salaries and wages.

Now, Sir, I would also point out that notwithstanding the exceedingly inefficient service to which the hon. and gracious Lady refers, she does appear, however, to get her fan mail. There must be some discrimination!

LADY SHAW: After a week or two.

THE FINANCIAL SECRETARY: I think I must also refer to a remark made by the hon. Member for Trans Nzoia about the fact that, before the Post Office became a self-accounting service, we appeared to get a very considerable revenue. Sir, I must say, having now seen the results of the costing exercise by the Post Office, since becoming a self-financing

and, therefore, a quasi-commercial concern; I must express the view that the revenue which appeared to accrue to the Kenya Government was, in fact, not apparent, possibly that appearance was produced by the beautiful simplicity of the Colony's accounts, otherwise known as the "In and Out" system! (Laughter.)

I think the hon. Member for Kiambu pointed out that, since the Post Office became a self-accounting service, we had been nothing but complaints, and that since they have gone over, all our control seems to have gone. I would like to refer to that point because it does seem to indicate that, in spite of the criticism by hon. Members opposite, control of these institutions by this Government is not so bad after all!

MR. BLUNDELL: Because they are offered.

THE FINANCIAL SECRETARY: Now, Sir, I come to the question raised by the hon. Member for Trans Nzoia concerning how expenditure is distributed over the various territories. I must say, Sir, that there is no exact formula for this purpose. It is based upon what is generally considered to be the best which each individual territory can enjoy from that particular service. I would also remind the hon. Member that in most cases His Majesty's Government makes the largest contribution. In some circumstances, His Majesty's Government, through the Colonial Development and Welfare Vote, produces the whole of the capital cost and half of the recurrent cost, and the remaining current cost is divided, as I have said, between the territories on an assessment of the benefit each is likely to receive from that service. Hon. Members will appreciate that, in circumstances of this kind, an exact mathematical formula is quite impossible to produce. I would also remind hon. Members opposite that these proportions have existed for a very considerable time and have been proved year by year by this Council, and to that extent have been accepted. Nevertheless, Sir, I will say this, merely because a thing has been accepted and stands, there is no reason why the Treasury of this Government should necessarily accept that representation as a fair proportion for ever, and, if, in an

[The Financial Secretary] the fact would appear that that proportion is not fair, this Government is prepared to take the matter up.

Finally, Sir, I think the hon. Member for Nairobi North raised a very important constitutional point which has been raised before in this Council concerning the position of the voted High Commission Estimates as compared with the Draft Estimates of this Government. The position is, of course, that when decisions are voted by the High Commission Assembly in respect of the High Commission Budget, it does not in any way commit this Council, which is sovereign in that respect—(hear, hear)—and naturally the passing of those estimates in the Central Assembly presupposes that they will be passed here, but it is by no means any committal. Of course, if this Council refused to pass the Estimates concerning the contributions the High Commission expects in its own Estimates, the only answer to that would be that the services which these moneys are required to provide would just not be forthcoming.

I hope I have answered all the questions that have been put. I do re-emphasize as far as the Post Office is concerned this Government does undertake to take note of the remarks made by hon. Members opposite and, to the extent that those are considered justified, the necessary representations will be made to the Postmaster General, and, if necessary, the matter raised—in the Central Assembly.

LT.-COL. GHERSIE: Mr. Chairman, in view of the hon. Member for Finance's reply to the hon. Member for Trans Nzoia, it is appreciated, of course, that the contributions made by the Tanganyika and Uganda Governments are reflected in the High Commission Estimates. I take it, Sir, that when I have taken an extract of these, you will find it as correct. As I pointed out there are one or two erroneous figures in those Estimates and just so that Members will realize that there are one or two figures they may not understand, I will quote them. The High Commission Estimates show Kenya's contribution as £668,859 whereas the Kenya Estimates disclose their contribution as £705,461. There are one or two small errors I can see and

will disclose them when I refer to these figures later on in this debate.

THE FINANCIAL SECRETARY: Sir, I am sure that this Council will prefer in their Member for Finance an ability to see the trees rather than be confused by the wood. I quite confess that I have not checked the arithmetic of every figure in these Estimates, in fact I do not think I could possibly find the time to do so, but if there are, in fact, arithmetical errors, the hon. Member for Nairobi North can assume that errors in arithmetic of that kind would not be translated into factual expenditure.

LT.-COL. GHERSIE: What I am pointing out is that there are discrepancies between the High Commission Estimates and the Kenya Estimates. I am not blaming you, Sir, at all, but they do exist and they are confusing when one compares them.

THE FINANCIAL SECRETARY: May I ask the hon. Member opposite if he is referring to the Draft Estimates or the Approved Estimates because there is there, naturally, a very considerable difference?

LT.-COL. GHERSIE: I am referring, Sir, to the Draft Estimates, and as I pointed out earlier, Mr. Mundy informed me that the adjustments had been made as a result of the Approved Estimates. I appreciate that; but the adjustments are not reflected here.

MAJOR KEYSER: Referring to a remark made by the hon. Member, we are very grateful to know that hon. Members on the other side of the Council will take this question of the Post Office up with the High Commission, but in doing so, would the hon. Member for Finance remember, in view of a remark that he made about the fact that Post Office charges had not risen for some very considerable time, that even those charges are as high as, say, the General Post Office charges in England and, in certain cases, are very much higher; for instance, over telegrams, that letters in England are delivered and that, I understand, the General Post Office in England still contributes something to the revenue.

THE FINANCIAL SECRETARY: Sir, the hon. Member certainly got away with it on a point of explanation in making a third speech. However—

MAJOR KEYSER: I did not rise on a point of explanation at all. I rose on a point of criticism. (Laughter.)

THE FINANCIAL SECRETARY: In that case he has just simply made a third speech. I shall certainly take note of the hon. Member's remarks, Sir.

The question was put and carried.

Committee rose at 11.05 a.m. and resumed at 11.23 a.m.

MR. HAVELOCK: Mr. Chairman, I beg to move: That Item No. 1, East Africa High Commission, be reduced by £996.

THE FINANCIAL SECRETARY: Mr. Chairman, we have not yet begun to move the acceptance of various items.

THE CHAIRMAN: I have not got a substantive motion yet that it be approved. We had better have one to approve it first and then we have the other by way of amendment. I will propose it from the Chair then.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move: That Item 1 be approved.

MR. HAVELOCK: I beg to move: That Item No. 1 be reduced by £996.

Sir, I have two reasons for proposing this reduction. The first one is that by reducing the office of the Administrator by this amount will, I hope, mean that the Administrator himself, who presumably is responsible for the Post Office, will take note, and real note, of the criticisms that hon. Members of this Council have raised against the Post Office service and also take action. I will not repeat all the arguments but the two main points that have been made, I think, by hon. Members in this Council are general inefficiency and the increase in telephone charges.

Sir, the other reason why I wish to move the reduction by this amount is because of a feeling on this side of the Council that the allocation of the expenses to the different territories of the East Africa High Commission Administrator's office is unfair as regards the other territorial contributions, and I am sure that my hon. friend the Member for Nairobi North will explain in further detail the reason why this particular contribution here is considered to be excessive.

I beg to move.

THE FINANCIAL SECRETARY: Mr. Chairman, would the hon. Member kindly explain the significance of the figure £996.

MR. HAVELOCK: I would ask the hon. Member for Nairobi North to explain that significance.

THE FINANCIAL SECRETARY: Sir, is this in order?

LT.-COL. GHERSIE: I have very little to add to what the previous speaker has said. Merely this, that the total contribution of the three territories to that particular item is £51,851 and I consider a proper proportionate contribution should be a third of that amount which would, of course, amount to £17,283 whereas we are contributing £18,200. Now, Sir, by mere deduction it means that we are paying £996 more than is justified.

MR. BLUNDELL: Mr. Chairman, we actually are paying slightly more than that because I think in calculating the contributions to the High Commission, Zanzibar, I think has a small proportion which it pays. Perhaps the hon. Member opposite will tell me if I am right but if that is so, it is worse than you imagine. (Laughter.)

THE CHIEF SECRETARY: Mr. Chairman, my hon. friend will reply on the question of the allocation of cost as between the territories. I would merely like to say a few words about the propriety of moving a reduction in the office of the Administrator because of the criticisms of the Post Office.

Well, now, Sir, we have heard a great many criticisms of the Post Office this morning and the Government has undertaken to pass those on to the Postmaster General. I would submit, with all due respect, to hon. Members opposite and in doing so, I have no wish whatever to try and derogate from their right to criticize the Post Office, that the best place in which to raise these points is the Central Assembly. There you have the Postmaster General, who is the Member responsible, to answer the criticisms, and there is no reason why Members should not do that, because each group is represented in the Central Assembly by a Member and so there is no difficulty whatever in getting any representation made. In addition, there is an additional Member to represent the whole of the

of Sir

(The Chief Secretary)

I would suggest that a much more feasible way of bringing this matter to the person concerned is to bring it in the Central Assembly.

The other point, Sir, is, that in the Central Assembly and in the High Commission they have a system which is very analogous to the membership system in Kenya. They have a Member who is responsible for the postal services and I would say that it is being very unfair, because of criticisms of the Post Office, to move a reduction in the office of the Administrator; that the Administrator is not responsible for the Post Office and, as I have said, I think, it would be much better to make these criticisms in the Central Assembly and let the vote of the Member concerned.

MAJOR KEYSER: Mr. Chairman, I think Sir, that if we are going to be attacked by a question of whether it would be of more propriety with regard to moving a reduction or not, then the whole of the submission of these Estimates to this Council becomes a farce. I think we should examine them and criticize them in a far more realistic manner than that. Again, Sir, I think that we must—we are always told that if we had any criticism or any action to take, if we were displeased with the manner in which the High Commission was carrying out its duties, that the time to do it was in this Council and that we could do it through voting for a reduction and I think, Sir, that this is the correct manner in which to do it. But, of course, there is another reason why, which was explained by both the hon. Member for Kiambu and the hon. Member for Nairobi North, as to why we want this reduction of £996 and that is because we feel that our contribution is too much by that amount of £996. So, those are the two reasons generally why we want this reduction.

MR. COOKE: There may be a good deal in the complaint of the hon. gentleman but I must say that I agree with my hon. friend the Member for Reconstruction. I always held that view. We have delegated to our delegates, as they are in the High Commission, and we would be derogating from that authority if we raised in this Committee all the

points of detail. I, personally, agree that the right and proper place to raise these points is by our own delegates to raise them in the Central Assembly itself.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, while one sympathizes with hon. Members opposite in their exasperation on this matter, Sir, I do suggest that it is something to which we should give somewhat responsible thought.

What, Sir, in fact, this Council is now proposing is to take unilateral action in the reduction of its proportion rather than accept a method of negotiation as to the proportion that a territory shall contribute. Now, Sir, let us suppose that the same principle is adopted in the other territorial legislatures. Let us suppose that in the Legislative Council of Tanganyika, and of Uganda, the same unilateral action is taken and they reduce their proportion by the amount that they consider is right and just. We should, Sir, I think, arrive at a somewhat farcical position in the final conclusion. I think, Sir, there is no Member on this side of the Council who does not realize that this is the point at which hon. Members wish to express their dissatisfaction with the method on which certain services are carried out. I suggest, Sir, that the very placing before this Council of the motion that we have just had is sufficient indication of that dissatisfaction. But I suggest, Sir, that if the High Commission is to continue, it must continue on a basis of a negotiated share of these services, not on the basis of a unilateral action which, willy-nilly, without consultation of the other parties to the financial agreement, reduces one's own particular share. That, Sir, I feel is something that we should try to avoid, whilst at the same time, Sir, as the hon. Member for Development has said, not wish to stifle criticism from the other side of the Council on the conduct or financial cost of the services involved.

THE FINANCIAL SECRETARY: Mr. Chairman, Government opposes the motion of the hon. Member for Kiambu. In the first instance, he has referred to the Post Office and the complaints against it.

Now, Sir, in the policy debate on this head of the Kenya Estimates, the Government did undertake to represent to the Postmaster General, to the extent they regard them as valid, the complaints

[The Financial Secretary]

raised by hon. Members opposite and the Government also went further and said that, if necessary, they would be raised in the Central Assembly. I think that this Government can give no further assurance than that.

Sir, with regard to the actual figure of reduction, I would point out that if hon. Members will refer to page 26 of the draft estimates of revenue and expenditure of the High Commission, which have been laid on the table of this Council, they will observe that the head which we are now discussing is made of a number of items. Now, on every item but one, the share of the three territories, Kenya, Tanganyika and Uganda, is identical. The only difference lies in the item—Kenya's share of the Cypher Office and the Reception Officer. In that particular item, the Kenya payment is higher than that of the other territories for the simple reason that the services rendered to the Kenya Government by that office and the Reception Officer is very much greater than that rendered to the other territories. That, Sir, explains the complete difference of 1996 which the hon. Member seeks to reduce from this vote.

In these circumstances, Sir, I hope on that explanation, the hon. Member will withdraw his motion.

MR. BLUNDELL: Mr. Chairman, there is much in the argument which the hon. Member for Education put forward. There is not so much, I feel, in the argument the hon. Member for Development put forward. It must be now three years that Members of this Council have expressed dissatisfaction with the Post Office authorities, and the choice lies, I may say, between a blow by proxy and a blow direct. We are not in any way casting aspersions on the vigour of hon. Members opposite in putting forward our complaints if we ask for a small reduction in the office of the Administrator, but there is no doubt, whatsoever, that this is the most forcible way of bringing to the notice of the High Commission the extreme dissatisfaction which exists on this side of the Council over the postal services. To date, the oblique approach by proxy by hon. Members opposite and our Members on the Central Assembly has not resulted in any improvement.

MR. HAVELock: Mr. Chairman, I think the hon. Member for Rift Valley has put the case very well, but I would like to refer to the remarks of the hon. Member for Finance when he said the Government undertook to represent the complaints, if they think they are not. That is what was very disappointing to hon. Members on this side. We consider complaints should be represented, whatever they are, to the High Commission, and if the High Commission in turn can answer the complaints, all well and good. We do not see why hon. Members on the other side should investigate our complaints first without passing them on to the High Commission. We should like to pass them on straight away as they have been made. That is one of the reasons why I wish to underline the satisfaction of hon. Members on this side by reducing this particular vote.

THE CHIEF SECRETARY: Mr. Chairman, in order that there should be no misunderstanding, the Government will pass on to the Postmaster General the complaints that have been made by hon. Members opposite, and I should like to assure them that those complaints have been well understood and will be properly presented.

There is one point in connexion with what the hon. Member for Rift Valley had to say, with regard to the question of bringing home forcibly the complaints to the officers of the High Commission. As I have said, we can fully appreciate the sense of frustration and exasperation that has animated the hon. Member in making their complaints, but I feel that the last thing that this Council would want to do would be to appear to be unfair in any respect, and I do suggest that a method of seeking redress by reducing the vote of the Administrator is not strictly fair. After all, there is a system analogous to the Members' system, and if, for instance, in the Council, hon. Members have complaints to make about the department of the Member for Agriculture, I do suggest that to cut the vote of, say, the Chief Secretary, would not be a fair method of seeking redress.

I do feel sure that hon. Members themselves, on reflection, will agree that the last thing we would want to do in this Council is to raise any suggestion that

the Chief Secretary) method of seeking redress is not strictly fair and appropriate.

MR. BLUNDELL: Mr. Chairman, could the hon. Member for Development—if he were to follow out his suggestion—tell us under which of the many Heads here we can move the necessary reduction in the Head of the Member under whom the postal services come. I think the correct term "Office of the Administrator" would cover it.

THE CHIEF SECRETARY: Sir, I have already made that suggestion. The hon. Member is represented in the Central Assembly by a Member. May I suggest that he briefs him to make a reduction in the salary of the Postmaster General.

MR. MATHIU: Mr. Chairman, when one gives a proxy to one's manager, or one's representative, I think one does not give up one's right to take action if one feels that the representative has not been able to do what one wanted him to do, and I think, Sir, under those circumstances, the action we are taking is the only one that is left open to us, unless it is shown from the other side under what Head we can move a reduction in the postal vote.

MR. COOKE: This debate has degenerated into a covert attack on the High Commission. I have been a Member of this Council for over twelve years and it is quite untrue, and quite inaccurate, to say that the dissatisfaction with the Post Office has sprung up since they have been taken over by the High Commission. Every year, I think the record of Hansard will show, there has been very severe criticism of the Post Office. I do not think we are going the right way about it now, and I do think my hon. friend the Member for Development is correct in saying it should be done through the Members of the Central Assembly. We have delegated them that power.

LADY SHAW: There is no doubt about it that in this country there is very considerable dissatisfaction with many of the services of the High Commission, not just the Post Office. We are continually being spoken to about it. We frequently ask Members of Government at meetings, such as the Standing Finance Committee, questions on this subject. I have been told over and over again—

that we have the ultimate power of the purse; that we eventually can maintain the control through the territorial legislatures through the powers of the purse. Now the one occasion, and the one opportunity, we have of expressing our dissatisfaction and of using this power of the purse is in this Budget debate when we are discussing the High Commission Estimates. Now, if we have not been fobbed off (if that is a parliamentary expression) with all sorts of suggestions that we still maintain this power of the purse, why is it inappropriate for us to try to exercise that power when the opportunity arises? Personally, I feel that if this suggestion, this assurance which has been given to us over and over again, means anything—that we in this territorial legislature, hold this ultimate power over our share anyhow, of the High Commission's expenditure, that we exercise it through the power of the purse—if this means anything, this is the occasion and the opportunity for us to exercise it. I cannot see any lack of propriety in our attempting so to do.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, the difficulty I find myself in at the present moment is to understand what, in fact, is the motive of the reduction. Is the motive of the reduction a feeling that Kenya is contributing too much to the High Commission services? If so, Sir, I suggest that this is the wrong method by which to arrive at a negotiated settlement with the other territories, and I think, Sir, that the other territories, and I think, Sir, that having expressed that feeling it should be left to the Government to negotiate. If it is, Sir, an expression of dissatisfaction, then I suggest that the most that is needed is a token vote, and I suggest that the figure that is moved, having regard to the total of expenditure, cannot be regarded as a token vote. I think, Sir, the hon. Members opposite should make clear to us just exactly what is the object.

MR. MATHIU: Mr. Chairman, I rise to support the motion moved by the hon. Member for Kiambu, because I think there is strong reason why we should get this motion through. As hon. Members have said, it is high time that we made it very forcible to the High Commission that certain of these grievances, at any rate, should be settled quickly.

(Mr. Mathu)

There is another reason, Sir, from our point of view, the African point of view, why we would like to draw the attention of the High Commission to this matter. I refer to quite substantial dissatisfaction obtaining among Africans serving in the Post Office for a long time. Quite a number of them have actually resigned because they are not satisfied with the terms of service, and all the constant representations they make do not meet with their satisfaction, and for that reason, Sir, I think we ought to support this motion and have this reduction made so that, as the hon. Member for Ukamba has said, at any rate we may know that we have ultimate control of our finances.

I support.

MR. HAVELOCK: Mr. Chairman, having listened to the hon. Members opposite and on this side of the Council, I think Sir, that the hon. Member for Finance has satisfied us as regards the fairness of the contributions of Kenya as a territory towards this particular item, and therefore, Sir, on those grounds, there is no reason for this motion. On the other grounds, Sir, the criticisms of the Post Office under the High Commission, I think it has been substantiated that the majority wish on this side of the Council that some form of objection and definite criticism should be upheld. Sir, may I ask your permission to alter my motion from reducing the amount by £996 to reducing the amount by £5, which I suggest is a token vote, to substantiate the arguments and the criticisms of the Post Office which have been brought to Council on this side of the Council.

THE CHAIRMAN: As far as my permission is concerned, yes, but it is a question for the Council generally. Is there any general objection to that course being taken? There apparently is not. I will now reframe the amendment and repropose that Item 1 be reduced by £5.

THE CHIEF SECRETARY: Mr. Chairman, I do not think there is anyone on this side of the Council who does not fully appreciate the feelings of hon. Members opposite and if I may say so, I think they have made out a very good case for an improvement in the services to be provided by the Posts and Telegraphs Department.

The hon. Member for Ukamba said that assurances had always been given by the Government that, as regards the High Commission services, hon. Members would retain the present strings. That, of course, does not apply to self-financing departments, and as I have said, I feel that the most appropriate place in which to voice criticisms of those two departments is in the Central Assembly, where the Members have a full right to make reductions in the vote and I have suggested that it would be the best course in this case to brief our representatives in the Central Assembly to do so.

I have already, on behalf of the Government, also given an undertaking that we will bring the representations made fully to the right quarter, but I would make, Sir, one final plea, that we should not make the reduction in the office of the Administrator. Everyone in East Africa in their heart of hearts really agrees that the High Commission is necessary, and that the High Commission must be made to work. (Hear, hear.)

MR. BLUNDELL: That is what we are trying to do.

THE CHIEF SECRETARY: I am glad to hear, Sir, that that is what the hon. Member opposite is trying to do, because I must confess I had considerable reservations on the subject. There is no doubt, everyone agrees that the High Commission must be made to work. Now, unfortunately everyone, I feel, also agrees that there is a tendency, which I should hasten to add, is undesirable, for many people to snipe at the High Commission, and I feel sure that nobody really thinks that it can be made to work if we adopt a policy of the sort.

Now again, I have done my best to point out that I do not really think it is either the best way or a fair way of bringing pressure to bear upon the Post Office by making a cut in the vote of the Administrator, whether it is a token vote or not; and also I feel that my hon. friend, Mr. Mathu, will agree that if there are grievances with regard to the terms of service of Africans in the Post Office, this also is not a fair way of bringing pressure to bear on the Postmaster General.

I would say, in conclusion, Sir, that I do not think it really fitting with the

(The Chief Secretary)

to make a cut of this kind. I feel that so far we have demonstrated to the country as a whole this year, in connection with the Estimates, that we are really out for the best of all services throughout Kenya, and I feel that it would be a pity if our feelings, however strong they may be, on a subject of this sort, resulted in making a recommendation which really we would find it hard to justify as absolutely fair. (Hear, hear.)

MR. HAVELOCK: There is only one point I wish to make, Sir. I think it is the general view of hon. Members on this side of the Committee that I should not withdraw this motion as a token reduction, but I merely wish to state that as far as making the High Commission work, it is certainly the view of the hon. Members this side that it should work in the way that the hon. Chief Secretary was meaning, but we also wish to make them work hard in the particular departments that are concerned, and that is the reason for this particular motion.

THE CHIEF SECRETARY: I do not dispute that, Sir.

DR. RANA: Mr. Chairman, there has been enough said regarding the Post Office and the High Commission, Sir.

I want to emphasize merely one or two points, and that is the reason that I am going to support the hon. Member for Kiambu, not particularly over the Post Office, but the whole set-up of the High Commission with all those high hopes when it was created. I am sorry to say, it has been frustrated, Sir. It is not only the Post Office but I must say that various other East African services, the Customs Department, all those departments are taking a certain attitude; it appears they are not responsible to anybody. It has been pointed out to us that we have got representatives. There is no doubt, Sir, when originally the discussion took place in which the European Elected Members sent representatives on their behalf, the Asian Elected Members sent one and one was a Government Member, during all these three years that have passed I have never seen those gentlemen ever consulting the Unofficial Members' Organization, on whatever they are doing there. I really

cannot understand this set-up of the High Commission. When we really require something—I really appreciate and I feel sympathy when the Government benches tell us that we have got representatives in the Central Assembly—from those representatives, those people—we have sent do not want to see our faces even. I really cannot understand the whole position, Sir. If the Legislative Assembly is going to work, those Members must be responsible to each constituent, and I take it that the group who have sent those representatives, must have some sort of liaison. Once we have given our vote and they are sent, they say, "We don't care for you, we have been sent here for four years and we don't ask anything". I quite agree this discussion would not have arisen if those gentlemen had done their duty. In my opinion, they had taken upon themselves a high dignity and they go there and just show their faces and come back.

With that point of view, I would emphasize that the Post Office—naturally I quite agree with the hon. Member for the Coast—every year since I was here the High Commission has been the target. But the question of the economy and expenses of the High Commission are increasing year by year, and I would submit that, by moving this cut, it will show the feeling of the whole of this side of the Council, that we are not satisfied with the present position of the High Commission. And, with that point of view, I support the hon. Member for Kiambu.

I would suggest if it could be brought under one class and finished with, instead of taking each and every item, or leaving the Administrator out, Sir, I quite realize he is not the only man to blame. It is the whole set-up.

MR. MADAN: Mr. Chairman, Sir, I feel that, as the Member who was temporarily appointed to the High Commission in place of Mr. Patel, in spite of the fact that I had a cursory glance at the High Commission for two days only, I must join issue with the hon. Dr. Rana.

DR. RANA: Yes, naturally. MR. MADAN: You must expect it if you say those things. But, I must join issue with him, Sir, because he has said to this Council that the Members who

[Mr. Madan] represent us in the High Commission or the Central Legislative Assembly do not care to consult the Unofficial Members or do not bother to take into account the feelings of the people of Kenya. That, I feel, Sir, is most unfair to gentlemen like Sir Alfred Vincent.

DR. RANA: On a point of explanation, Sir, what I said was that we have sent them—I did not say the Kenya public. But we sent them. But as it is we are never represented.

MR. MADAN: I thought we represented the Kenya public. I think it is hardly fair to Sir Alfred Vincent and I think Mr. Bouwer is the other Member. I think it also hardly fair to the Asian representative, Mr. Patel. From what I know of the working of the Assembly, sometime about two months ago a meeting of the Assembly was held in Nairobi. That meeting was publicized as much as possible and opportunity was available to responsible people to make their representations to the Members of the Assembly, who represent them on the Assembly from this side of the Council. I am, Sir, not aware of any one person who approached me in connexion with the Estimates that were approved by the Assembly at this last meeting. I am only speaking of the Unofficial Members, Sir. While I fully share the grievances that we feel against the Posts and Telegraphs Department, one must be logical and one must also be responsible. I am only speaking about myself, now. And if we try to do that I feel you can hardly dispute the argument put forward by the hon. Chief Secretary when he tells us that to bring pressure upon the Post Office, why go for the High Commission. We have representatives in the Assembly who are quite capable, who are eloquent, who are experienced in these matters, and I believe, Sir, it is our fault if we have not pointed out to them that these grievances exist, that remedies must be sought and the High Commission must be asked to remove the complaints that the public has against this Department. For those reasons, Sir, I would feel compelled to vote against the motion. But, in view of the assurance given by the hon. Chief Secretary and in view of the fact that we have our representatives on the Assembly, I would once again appeal to the hon. Member for Kiambu

to withdraw his motion. The hon. Member will be even—he has made his point and I have no doubt it will be considered.

MAJOR KEYSER: Mr. Chairman, I would like to make it quite clear that this motion is in no way a criticism of either the hon. Member Mr. Patel, or Sir Alfred Vincent, or Mr. Bouwer, who are on the High Commission. In fact, Sir, we have discussed these matters at great length with them, and it is because we feel that their representations and their attempts to improve things have failed that we are moving this motion. But at this stage of affairs I do think we have expressed our views and notice has been taken of them and I feel that sufficient publicity has been given to the complaints on this side, and I would like to suggest to the hon. Member for Kiambu that he can now withdraw his motion and we are satisfied that action will be taken in this matter.

MR. HAVELOCK: I am afraid there has been rather a swing in the last few minutes. Last time I got up I said I was quite sure the majority of the hon. Members on this side of the Council did not want to withdraw the motion. But I feel the opinion has swung and, in view of the assurances given by the hon. Chief Secretary, that this matter will be taken up very strongly by Government and also, Sir, in view of the fact that this motion might be taken—though the hon. Member of Trans-Nzoia has made the point clear—it might be taken as a strong criticism of our own Members of the Central Assembly, which I would like it to be taken as. In view of those two points, Sir, I beg to withdraw.

The motion was withdrawn.

THE FINANCIAL SECRETARY: Mr. Chairman, I do not know whether hon. Members wish to debate any of the other items. If they do, perhaps they would say so. If not, I will move the whole lot in one.

MR. HAVELOCK: Would the hon. Member move item by item, please, Sir.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 2 of Part B be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 3 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 4 be approved.

LT-COL. GHERSIE: Mr. Chairman, I beg to move that Item 4 be reduced by the amount of £5,063. My reason for moving this, Sir, is that I regard a locust allowance as not peculiar to Kenya. It should be treated as an inter-territorial problem. Locusts do not originate in Kenya any more than in the adjoining territories. On the other hand, Uganda grows a quantity of maize and other crops. Tanganyika also grows a large quantity of crops and for many years Uganda and Kenya have helped to feed the communities in that territory. Had we not done so, Sir, a good deal of that produce could have been sold overseas at a much higher price. Now, I maintain, Sir, that the contribution to any locust control should be on an equal basis when borne by these three territories. Whereas, from the Estimates we have before us, the total cost to these three territories, Sir, is £30,376 and a third of that would be £10,125. If you refer to the Estimates, you will see that Kenya is asked to contribute £15,188, therefore we are paying £5,063 more than I consider is justified.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I did draw the hon. Member's attention to the fact that this service is merely a Desert Locust Survey, and is really not entirely implicated, if I may say so, with the campaign that is at present being carried out.

As regards desert locusts, Kenya is particularly susceptible to attacks from the desert locust. In fact, attacks of the desert locust only affect the very northern province of Tanganyika and they certainly affect this country very much more than Tanganyika. The hon. Member will also be aware that there is a migratory locust which also attacks East Africa, but very seldom does very much harm in Tanganyika. It attacks Uganda and the lake shores of Kenya. There is also the red locust which really does not affect Kenya at all, but nevertheless all three territories do help each other and so does Southern Rhodesia in these locust services.

In regard to this particular service it does affect Kenya far more than the

others and for that reason Kenya pays a slightly higher proportion of the cost.

LT-COL. GHERSIE: Mr. Chairman, I still maintain that, even if it did affect Kenya more than the other territories, the fact that we are producers, we are the granaries of these three territories, they are depending upon us and the contributions should be treated as an insurance premium and they should be on an equal basis. Did I understand the hon. Member to say that the red locust did not affect Kenya, because we are contributing, quite apart from this figure, a sum of £8,586 for the control of red locusts, and you will find it on page 115 of the Estimates.

THE FINANCIAL SECRETARY: There is one point which I should like to bring to the hon. Member's notice while the hon. Member for Agriculture is thinking of the necessary reply. (Laughter.) That is, to point out that, in this locust survey, the three territories, Kenya, Tanganyika and Uganda, by no means pay the total bill between them. By far the greater part of the bill is paid by His Majesty's Government.

MR. HAVELOCK: That is beside the point.

THE FINANCIAL SECRETARY: Sir, I cannot regard this as "beside the point" when His Majesty's Government is prepared to put down no less than 64 per cent. It is not as if Kenya is being asked to meet even one-third of the share— which might be suggested by the hon. Member.

MAJOR KEYSER: Sir, the question of the contribution of His Majesty's Government does not come into it as it is that we all. What really comes into it is that we are being asked to vote moneys towards the expenses of the High Commission and we do not know the basis on which that allocation from the three territories has been made. Now, the hon. Member for Finance in a previous speech said, I for Finance in the past this Council has thought that, in the past this Council has voted this money in these proportions, and he probably was a bit surprised that we now bring up this question. But it has been brought up in the past also, and no satisfaction has been received. No one body has attempted to explain to us the basis on which these moneys are allocated. What we want to be told is what the basis of allocation really is.

[Major Keyser]

I do not believe myself, Sir, that the hon. Member for Finance himself knows whether there is any definite method of allocation, or basis on which this is made. Sir, the fact that the desert locust has not done damage in Tanganyika or Uganda in the past is surely purely fortuitous. Is there any guarantee that they will not do any damage in the future? I mean, I do not know enough about it, there may be very good scientific reasons why they have not, but I should say that they were lucky to get away with it before and because they were lucky to get away with it before and we were not, they are asked to pay much less than we are going to. There must be some better allocation than that.

MR. HOPKINS: I would be most grateful if I could be informed who it is that carries out these negotiations as to the proportionate amount to be paid by each territory and why the wishes which have been voiced in previous debates, and in previous years, of this Council do not seem to be regarded in any way? It seems to me that I can remember these protests being made last year and the year before. They seem to have effected nothing at all and it would now appear that the only way of achieving our intention of having this proportion drawn up more fairly, so far as Kenya is concerned, is to move these reductions.

THE FINANCIAL SECRETARY: Sir, it may interest the hon. Member to know that, where it is decided to enter into a scheme of this kind, the proposals for the sharing are discussed between the territories. Usually the proposals emanate from His Majesty's Government, but they are very carefully considered by the three territories and in the case of this territory, talking of the desert locust itself, the matter was put before the Standing Finance Committee of this Council and was recommended in those proportions.

MR. OHANGA: Mr. Chairman, I think my remarks will only amount to a question for explanation. I should like to know a point of detail as to what is exactly done with the sums put aside for these investigations, because, having seen two or three destructions by locusts in this country, it seems to me that locusts are such a force that once they fall upon you, you require an army of the whole

world to fight them; and how the £100 amounts of money of this kind are put aside year by year for their prevention and so on—to an ordinary Africa, it does not seem very clear. I do not dispute the principle of trying to do something that will help towards their prevention but large amounts of this kind to prevent locusts, which, if they were to come, would come, and would have to be faced as locusts I do not quite see. Before the British came to this country, one of our greatest fears was the failure of rain and we used to have certain men called rain-makers who in any case did not know the way the rain came—I think the locusts are in much the same position and the rain-makers used to say the rain is coming and we want something from you—so many cows, so many goats, so many sheep—in order that the rain may come, and the rains did not come. They had no control over the rain. Now exactly what this campaign is going to do when the locusts come I do not know and I should like to be told.

THE FINANCIAL SECRETARY: On a point of explanation, I think I did suggest in the main Budget speech that it would be a good thing to have a reserve to meet the type of calamity to which the hon. Member referred and as far as I remember in his own Budget speech, he disagreed with that principle.

MR. COOKE: Sir, there is one aspect of this matter which so far has not been noticed, that is, although Kenya is a much bigger danger from locust invasion and, therefore, perhaps, could be argued we should contribute more, it is also forgotten that the headquarters of the section, at any rate, is in Kenya and a great deal of their money is spent in Kenya itself and contributes very greatly to the economy of Kenya.

MR. HOPKINS: I quite understand.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think there is a certain amount of loose talk about this especially in view of what the hon. Mr. Ohanga has just said. There is no doubt, Sir, that periodically this part of the world and the whole of Arabia and Iraq and even the northern frontiers of India are subject to attacks by the desert locust. During the war, we had not only a survey but we had a campaign which was probably the most successful campaign

The Member for Agriculture and Natural Resources]

against locusts that has ever been carried out in history. Why we were able to do that, when I say we, that is the Allies, were able to do that was, of course, largely because they had at their disposal a mass of transport and a mass of personnel which was provided by the Allied forces. But I do not think that probably hon. Members are quite aware or quite appreciate the dangers or the extent or the magnitude of the threat which existed during the latter part of the war years. We did not anticipate that there would be another cycle of the desert locust invasion for some time to come but a rough survey was being kept of the position not only in East Africa but throughout the areas affected; that is right from the northern frontiers of India through Iraq and Iran, Palestine, all the countries to the north of us, Arabia—of course very much so, Ethiopia and our own frontier. Owing to abnormal weather conditions, there is no doubt that locusts are again upon us and it was necessary therefore to increase the survey staff and to keep track of what was happening and, as far as this particular survey expenditure is concerned, only a proportion, a section of the survey work that is being carried out throughout the part of the world I have just mentioned, and most of these people are in fact occupied in Ethiopia and Arabia and not in Kenya at all, but it is an East African survey. I will again repeat that the desert locust—to answer the hon. Member for Trans-Nzola—the desert locust has, for what are thought to be good scientific reasons, never been known to invade further south than the Northern Province of Tanganyika. In the same way, the migratory locust has never been known to come further than the shores of Lake Victoria in Kenya. In the same way, the red locust has never been known to come further north than the northern frontier of Rhodesia. There is no doubt as far as the desert locust is concerned, Kenya is far more susceptible to attack, than our two neighbouring territories. I do think, Sir, if one wants to pick a particular example of dissatisfaction on the division of expenditure as between the three territories on a particular service which is administered by the High Commission, if I may say so, you could not possibly have picked a

worse example. That is why I feel it is a pity to move a vote—(a) reducing the expenditure on a service which is absolutely vital which is being carried on at a time of crisis, which you know is a crisis, and (b) to use it as an example, which is probably the worst example you could have possibly picked in the whole of these estimates.

MAJOR KEYSER: May I repeat, Sir, what we really are getting at is we are dissatisfied with the method of allocation. Since I spoke last—I have looked up the Hansard of last year's debate and, Sir, I said myself that in the first instance—would it be possible to tell us on what basis the contributions to the High Commission from the various territories are made and went on to elaborate that. I am correct in saying we have brought this matter up before; I believe the year before we did exactly the same thing, yet Members of this Council have never been told what that basis is and I do think there should be some explanation. Later on—to go on to, if I may refer to a matter further down, you get the question of malarial research and again Kenya pays a very much greater contribution either than Uganda or Tanganyika. Are we going to be told that we are more susceptible to malaria in this country than either Tanganyika or Uganda? There are several votes in which the allocations seem to have some sort of anomaly in them. That is really the reason why we have brought this motion.

THE CHIEF SECRETARY: Mr. Chairman, the hon. Member for Trans-Nzola says that this Council has never been informed of the basis of the allocations of this vote. May I refer him to page 36 of this vote. May I refer him to page 36 of the Draft Estimates of the High Commission which have been laid on this table for the information, amongst other people, Sir, of the hon. Member for Trans-Nzola, and may I also remind him that these divisions are usually referred to Standing Finance Committee for its approval.

MAJOR KEYSER: I am sorry, Sir, I have not got my draft estimates with me. Would you read it out, Sir. I cannot remember it all. Sir, page 36 gives a percentage you see. It says—Desert Locust Survey—His Majesty's Government, 64 per cent, Kenya 18 per cent, Tanganyika nine per cent, Uganda nine per cent.

[Major Keyser]

That is exactly what I am complaining of. I want to know on what basis those percentages were allocated. There must be some basis. Is it population? Is it area? Is it susceptibility?

THE CHIEF SECRETARY: The hon. Member for Agriculture has just explained at great length.

MAJOR KEYSER: I am sorry, Sir, I must be very dense. He did not explain it at great length. He said it was due, as I understand it, to the matter of susceptibility but surely, Sir, area, acreage, population, other factors of that sort must come in—it is not only a question of whether the desert locusts will go half down to Tanganyika or not, that half way down to Tanganyika may involve a far greater loss to Tanganyika than an invasion of the whole of Kenya by the desert locust. There must be other factors in it besides that. It is not only, as I said, over the question of the desert locust, there is a whole allocation of these sums of money and I say, Sir, that page number 36 gives no clues at all as to what the allocation of these funds is.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I must say I feel if the hon. Member or any hon. Member on the other side of the Council—I may add, I have a great deal of sympathy for their point of view. (MAJOR KEYSER: Hooray—we are getting somewhere.) On this particular one, supposing you were, for instance, representing the Uganda Legislature, you might very well say: "Why on earth should we pay anything towards this, almost a hundred to one we shall not be affected"; but under this arrangement we have got the agreements of the other territories to contribute quite a considerable proportion to the services in which they are possibly not rightfully interested and vice versa. I think it is quite right we should sometimes do the same to them in the same way that we do, to some very small extent, contribute to the red locust campaign and from that we get a certain amount of information available to us for our experience, though we ourselves do not suffer from the red locust and never will as far as we can tell. I do think there is some reasoning in the break up of the percentage contributions to these services and I still repeat, I think, much as I sympathize with the general basis of

the argument put forward by the hon. Member opposite, they happen to have picked on a very bad example on which to fight their case.

LT.-COL. GHERSIE: Mr. Chairman, at a point of information, the hon. Member just stated we do not suffer as a result of the red locust, but we are equally beminded in agreeing to subscribe to the cost of the locust control. As you will see from the Estimates, we contribute £8,586 for a thing for which we have nothing to be afraid of.

MR. HAVELOCK: The hon. Member for Agriculture said the other territories do not rightfully interested because they may not be vitally affected. Surely, Sir, if we in this country did not take the measures to kill off the hoppers and to destroy the locusts, Uganda and Tanganyika would be vitally affected. Is that not the case? What the hon. Member for Finance said—I remember, Sir, I think I was in his speech before going into the Committee—was that we had to make a decision whether to spend the money on trying to destroy the locusts or allowing the locusts to come and to keep the money in trying to offset the effects of the destruction. We decided to spend the money to destroy the locusts. Surely we had not done that then the expenditure of the other territories would have been greater than 18 to 9 to 2 for Kenya compared with the other territories to the west and south.

MR. HOPKINS: Following up what the hon. Member for Trans Nzoia said about taking all the factors into consideration I would like to know if, in assessing the percentages, notice was taken of the very big sacrifice which Kenya will have to make in the contribution of the locust which is very urgently needed for other purposes in the Colony.

THE CHIEF SECRETARY: Mr. Chairman, I feel sure everyone appreciates the anxiety that hon. Members may have as to whether we are in fact paying more than our appropriate contribution. As hon. Members have already pointed out, there is no exact basis for calculating the divisions between the territories where there are many factors involved. I think the best that can be done is to negotiate these divisions taking into account all the factors involved. Hon. Members have expressed anxiety as to

SI Supply

[The Chief Secretary]

whether we are not paying more than our share. I feel sure that when it comes to negotiating any divisions in the future, it is to re-negotiating the present division. Those Members who have to carry out the negotiations will bear in mind what has been said.

LT.-COL. GHERSIE: May I point out that there is a very exact distribution as far as the various Colonies' contributions are concerned. 50 per cent, 25 per cent and 25 per cent. I understood the hon. Member to say there was no exact distribution.

THE FINANCIAL SECRETARY: He said "no exact basis".

THE CHIEF SECRETARY: Sir, I said "no exact basis". I did not say it was not possible to arrive at a clear-cut division. What I meant was that there was no one factor which determined an exact division.

LT.-COL. GHERSIE: I am sorry, I misunderstood.

MR. HAVELOCK: Mr. Chairman, may we ask the hon. Member, the hon. Chief Secretary, if he will give an assurance that as regards this particular item, the allocation of the moneys for next year will be gone into *de novo*, the allocation from each territory, in view of the remarks made by hon. Members in this debate.

THE FINANCIAL SECRETARY: Mr. Chairman, the hon. Member opposite who has just spoken may assume that before any such ratio is accepted by the Government of Kenya, the basis on which that suggested ratio is made is very very carefully investigated. Nevertheless, as hon. Members ask for an assurance, then on behalf of the Government, I will give it—that the matter will be again gone into and placed before the Standing Finance Committee, some time in the coming year.

MAJOR KEYSER: Mr. Chairman, the hon. Member for Kiambu mentioned an assurance over this item. Now, Sir, there are several items over which Members on this side are dissatisfied, over the inter-territorial allocations. I think it would save a lot of time if the hon. Member for Finance, or the hon. Chief Secretary, could give us an assurance that all details in their territorial alloca-

tions will be examined, and that this Council will be informed of the basis on which the allocations have been made or are made. We would then have an opportunity of expressing our dissatisfaction or satisfaction of that basis, but here, Sir, we are being asked to vote certain moneys and we are not happy about the basis of allocation. If that assurance could be given, Sir, I would like to ask the hon. Member for Nairobi North to withdraw his motion on this particular item and not to move the ones on the other items. But I do feel that we are entitled to know what that basis is and what it is going to be in the future.

THE CHIEF SECRETARY: Mr. Chairman, there are very many expenses which are shared between the territories. I think I am correct in saying that, in each case, the division is the subject of negotiation between the territories. I feel that it would be difficult to give an assurance that every single one will be re-examined, but, what I can do, quite happily, is, if the hon. Members will advise us of any ones about which they are not happy, or not satisfied, we would examine those. The difficulty is, Sir, that as I have said, there is no exact basis for calculation of many of these costs. It needs men of goodwill and it needs give and take on both sides. If Kenya immediately begins to quibble about the division of every single expense, obviously the other territories will do the same and any hope we have of reaching a satisfactory settlement in an atmosphere of goodwill will be destroyed. Many of the divisions require protracted negotiation; as I have said, it requires goodwill. We are the largest territory and I feel that we ought to set an example in that respect to the others. Therefore, Sir, I would much prefer, unless hon. Members wish to press for it, to give the undertaking to examine those items which Members inform us they have doubts about.

MAJOR KEYSER: Yes, Sir. We have got a list of them and the hon. Member for Nairobi North, perhaps when the items are called out, would inform the hon. Member which items we want. But, Sir, I do feel that there is a red locust being drawn across this track, because it is not a question, Sir, so much of goodwill or illwill. Here, today, we are negotiating with the other territories; what we are criticizing is the basis which has been

[Major Keyser] agreed to by hon. Members on the other side. We want to know what that basis is; it is not a question of illwill, Sir.

THE FINANCIAL SECRETARY: Sir, it has also been agreed to by hon. Members opposite.

MAJOR KEYSER: We did not make the negotiations, Sir, did we? I do not remember having entered into negotiations with the other territories.

MR. MATHU: There is just one point that was raised by the hon. Member for Development. He said, that in addition to goodwill, we are the largest territory. I am not quite sure what he meant by that because I think that by population Tanganyika is definitely the largest. On that basis, they ought to contribute more.

MR. HAVELOCK: It is the basis, you see.

THE CHIEF SECRETARY: Mr. Chairman, I stand corrected, I meant the leading territory. (Laughter.)

MR. BLUNDELL: Mr. Chairman, in the spite of assurances which we have asked from the hon. Member on the other side, may I ask one more? I would like to have an assurance from him that as a result of the re-examination and the renegotiation we shall not get landed with an additional cost in any individual item.

THE FINANCIAL SECRETARY: No, Sir, but with considerably more paper.

THE CHAIRMAN: Do I propose this motion, or is it withdrawn?

LT.-COL. GHERSIE: In view of the discussion, I would like to point out that I have got 12 items of this nature.

THE CHAIRMAN: Again, I would say it would have been much better if you had brought it up on the policy debate. It would have saved a lot of time and you would have got an answer quicker.

LT.-COL. GHERSIE: Well, Sir, it involves an amount of £122,995 on the 12 items. I would suggest to the hon. Chief Secretary that it is hardly a quibble when you are dealing with £122,000. These figures have been extracted most sincerely, and I consider, for myself, that we have been unjustifiably taxed with a

very heavy contribution to the High Commission.

In view of what has been said, Sir, with your permission I will withdraw the motion.

THE CHIEF SECRETARY: On a point of explanation, Sir, if I suggested that the hon. Member was quibbling, I withdrew it. There was no intention to do so.

THE CHAIRMAN: As the motion is now withdrawn, and if there is no further debate on the approval of Item 4, I will put the question.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move: That the Committee report progress and ask leave to sit again.

The question was put and carried.

Council resumed.

ADJOURNMENT

Council rose at 12.50 p.m. and adjourned till 9.30 a.m. on Friday, 1st December, 1950.

Friday, 1st December, 1950

Council assembled in the Memorial Hall, Nairobi, on Friday, 1st December, 1950.

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, 1950, were confirmed.

COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951

Council went into Committee of Supply on the Draft Estimates of Expenditure for 1951.

Part B.—High Commission Services—(Contd.)

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that Part B Item 6, East African Industrial Council be approved.

MAJOR KEYSER: Mr. Chairman, before we proceed with discussing these items, yesterday I asked for an assurance from the hon. Chief Secretary, which he gave, I asked would he give an assurance that all details of the territorial allocations would be examined and this Council would be informed of the basis on which these allocations would be made or are made.

THE CHIEF SECRETARY: I am sorry, we could not hear exactly what the hon. Member said.

MAJOR KEYSER: I said, yesterday I asked for an assurance from the hon. Chief Secretary which you agreed to give. The assurance was that all details of the territorial allocations would be examined and that this Council would be informed of the basis on which these allocations were made or are to be made. That is what I asked for yesterday and I understood that you gave us that assurance. What I wanted to ask today, Sir, was obviously unless that examination takes place fairly early in the year, and this Council knows early in the year what it is, it will not be possible for the Council to move, say, a block reduction in the High Commission Vote, should

the proposed Amended Rule 91H to our Standing Rules and Orders be agreed to by this Council at this Session when it comes up. Under that 91H, in February this Council may move a reduction in the Vote of any Head for the following year's Estimates so that we would like this examination to take place before February to enable us to move a reduction in the High Commission Vote in February if we feel it is necessary to do so. So would the hon. Member give us an assurance that that examination will take place before February, otherwise it will mean we will not have an opportunity to move a reduction if we think fit.

THE CHIEF SECRETARY: Mr. Chairman, the hon. Member for Trans Nzoia said I gave him an assurance that the basis of every allocation would be examined. I think, in fact, what I gave was something slightly different. I did suggest, Sir, that if the hon. Member would inform us what particular Votes required examination we would examine those Votes, because I feel it is very difficult to examine *de novo* the whole of the allocations of all the inter-territorial organizations.

MAJOR KEYSER: Yes, Sir, I agree to that. I cannot find it in my Hansard, but I did say we would, as the items came up, indicate which the items were we wanted to examine.

THE CHIEF SECRETARY: Sir, in that case the Government will do its best to comply with the request made by the hon. Member. I cannot give him an assurance that every allocation can be examined and re-negotiated before February because that may not be possible, but what I can do is before February to give hon. Members information as to the basis on which the allocations are assessed if that he wants.

MAJOR KEYSER: Thank you, Sir.

THE CHAIRMAN: I will put the question on "6" that Item 6, East African Industrial Council be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 7 be approved.

LT.-COL. GHERSIE: I beg to crave your indulgence just for a moment, Sir. I

[Lt. Col. Gherisie]. . . . you'd like to clarify a remark I made yesterday because I understand certain hon. Members were under the impression that these Estimates were, in fact, from the point of view of arithmetic incorrect. That was not so, Sir. What I tried to convey was that the Draft Estimates of the High Commission, and I say advisedly the Draft Estimates as I have not seen the Approved Estimates, differ materially in certain respects so far as they relate to Kenya's Estimates.

Now, Sir, this is one of the items which I think we are being grossly overcharged in respect of our contribution and I will quote the figures for the benefit of the hon. Member for Finance. The Kenya contribution is £10,942, that of Tanganyika is £325, Uganda £10,616, the total contribution from the three territories is £21,883, of which one-third is £7,294, which I maintain should be the contribution of each particular territory. Therefore, Sir, we are overcharged with an amount of £3,648 and that is one of the items we hope the Chief Secretary will have investigated for the benefit of this side of the Council in due course.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I may, perhaps, be able to explain some of the background leading up to the figures at which the hon. Member has arrived.

The East African Industrial Research Board was established in 1943 and was given certain terms of reference which were to explore the utilization of local raw materials and to conduct scientific investigations with regard to industrial processes, both in connexion with industries financed by public funds for war purposes and also in respect of inquiries from private firms. It was set up as part of the war-time organization out here and it was furnished with a laboratory in due course with the headquarters of its staff in Nairobi. It operated in very close touch with the East African Industrial Management Board which has been set up under the auspices of this Government to produce pilot plants for the manufacture of certain things that we were very short of in Kenya during the war. It was visualized, even at that stage, that later on a more comprehensive organization for East Africa would be developed and

indeed such a proposal was approved in principle by both the Executive Council and the Standing Finance Committee in 1944.

Now, Sir, as has been stated in the discussion of items under this Head by my hon. friends on this side of the Council, the negotiations concerning the financing of these inter-territorial services are given the most careful consideration by the Governments, and the end to which it is desired to arrive, is a reasonable assessment of the value to the territories concerned.

The Estimates, in fact, to which the hon. Member has referred, as set out in the Draft Estimates of the East African High Commission fall into two parts. The first place there is provision for the A, which refers to a Director, East African Industrial Research Organization and provides for the appointment of that officer, a secretary, and a certain amount of staff and the total expenditure of £4,055. Now that has arisen as a result of an approach which was made to the Secretary of State for Investigation to be made into the setting up of a wide organization to collate research of this type on an East African basis as a whole and His Majesty's Government agreed to contribute 100 per cent of the capital cost and a proportion of the recurrent cost. The Kenya Government, as stated by the hon. Member pays half and Tanganyika and Uganda Government each a quarter of the balance of the recurrent cost. Kenya's contribution being £651 and the other territories paying £325 each.

I have explained that, Sir, at some length because that is in a way a separate scheme for a possible separate organization. In regard to the general activities of the Industrial Research Board as they exist at the moment, the expenditure is divided equally between Kenya and Uganda after certain income derived from fees for services rendered and a sum on, are deducted. At the end of 1947 the Tanganyika Government stated that having regard to communications and the fact that the laboratory concerned was operating in Nairobi they did not consider that they were getting sufficient return from that organization to warrant their making a further contribution to it. They send representatives to meetings of the Industrial Research Board and

The Secretary for Commerce and Industry] which meets periodically, but in so far as experimental work is concerned it is in fact practically entirely confined to industrial research in regard to industrial territories in Kenya and Uganda, and that is how that has come about.

Now, Sir, it may be argued by the hon. Member that the finance required should be divided into three equal parts, but I think to submit in this instance it would be reasonable to do so. There is one other point, Sir, which I think we should bear in mind. In my speech on the motion to move into Committee of Supply, I referred very briefly to the services performed by this Board in regard to helping new industrial enterprises developing in Kenya. We hear a good deal about the need for increasing industrial development and I have no hesitation in saying that if this organization was not provided on the present basis, the Kenya Government would, without any doubt, have to operate such an organization, possibly on a modified scale, but certainly costing more than the contribution that we are now required to fund.

Sr, I beg to support.

LT.-COL. GHERSIE: Mr. Chairman, there is only one observation I would like to make; that is despite what the hon. Member has just said, there is a very material difference between £10,942 and the Tanganyika contribution of £325.

THE CHIEF SECRETARY: Mr. Chairman, there is one point which I would like to make arising out of what has been said about the territorial contributions to these inter-territorial organizations. It is first that there is no exact basis for determining the various contributions. The conditions vary in almost each organization, the various territorial contributions are assessed having regard to all the factors after negotiation with the various territories and an agreement is reached as to what is the proper contribution from each territory. I feel I ought to warn the Council that, if we start to try and re-negotiate all these contributions, it may well result not in a reduced contribution as far as Kenya is concerned but in an increased contribution. (Hear,

hear.) I must say, Sir, that I think from many points of view it would be a great mistake to start re-negotiations at this stage because I have not the slightest doubt it will result in very embarrassing arguments put forward by all the territories to try and secure the reductions in their own contributions.

MAJOR KEYSER: With regard to that, I have no doubt that the discussions would be embarrassing to some people but, nevertheless, if it can be shown to us that we are not paying enough today, and that our contribution should be greater, I would be the first to agree to it, but the point is that I am not satisfied today that that is the case.

Take this particular case, Sir. I understood the hon. Member for Commerce and Industry to say that the reason why Tanganyika's contribution was so small is because she finds that the headquarters of the Research Board are rather a long way from Tanganyika—and, therefore, it is not so convenient for her to use as it is for Uganda and Kenya. That argument can be applied to a very considerable amount of services. We went into this question of the High Commission with everybody fully knowing that factor of distance, etc., now, Sir, they want to get out of their obligation and pay a very small contribution on the score of transport or postal facilities or something of that sort not being adequate. You might apply that to all the services all the way through and in the long run if we agree to that argument, you will find Kenya carrying the whole of the Commission because it is most centred in Nairobi.

LT.-COL. GHERSIE: Mr. Chairman, I would like to add to what the hon. Member for Trans Nzoia has had to say, we have only extracted here the services to which we think our contribution is disproportionate and is not justified. I would like to say this, Sir: There are many other services here which we could challenge. For instance, if you take malarial research, and tsetse fly research where I do suggest the incidence and danger is far greater in Tanganyika and Uganda, but we are paying equal contributions and we do not object. It is only where we think it is wrong and we are being over-assessed that we are challenging these items. (Hear, hear.)

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 8 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 9 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 10 be approved.

The question was put and carried.

MR. HAVELOCK (Kiambu): To save time, would the hon. Member like to take 11, 12, 13 and 14 together?

THE FINANCIAL SECRETARY: Yes, Sir, I think we should be delighted on this side.

MR. HAVELOCK: Just read out the numbers.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Items 11, 12, 13 and 14 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 15 be approved.

LT.-COL. GHERSIE: Mr. Chairman, I wish to speak on this item. For the benefit of hon. Members, I will quote the figures. Kenya's contribution is £16,650, Tanganyika £15,300 and Uganda £11,700, making a total of £43,650. A third of that will be £14,550 which I consider should be the contribution from each of those territories. In other words, I contend we are being overcharged £2,100.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, this question of contributions to the East African Meteorological Services has a long story and is one on which the Government will supply information concerning the background, but I would like to state—and I find that this makes Government's position rather difficult—that I have in front of me a copy of a Minute of the Standing Finance Committee of a meeting held on the 16th March, 1948, at which the Committee recommended approval of an annual contribution of £16,650. Now, Sir, it seems to me—and

I have every sympathy with the remarks which the hon. Member is making in his attempt to reduce the contributions to these Services and to place them on what he considers to be a more equitable basis—that when decisions are backed by the consideration and the approval recorded by the Standing Finance Committee at no very greatly remote date, it makes it, Sir, a little difficult.

The basis of the contributions that the Government will explain—the fact is a long history behind this matter—in fact, Governments—as are shown in the draft estimates of the High Commission—Governments outside the East African area contribute, and arrangements for negotiations are in hand for a very substantial contribution from His Majesty's Government.

I beg to support.

THE ATTORNEY GENERAL: On a point of order, Sir, may I intervene for a moment? I did not understand the hon. Member for Nairobi North to be opposing, or proposing an amendment, and I wondered how his intervention in order. Is it not correct that he should either propose an amendment to reduce the item by a certain amount, or, for information, which of course can be given, but in order to keep our debate in order, Sir, I suggest to you that one of these courses would be the correct course.

THE CHAIRMAN: On a motion to approve an item it seems to me that a Member can speak and state his reasons why he does not wish to approve the item. He can say that he thinks it is too much or too little, and so forth. He is not bound—I do not think—under the system we are working to move an amendment.

MR. MATHU: Mr. Chairman, I wish to support the approval of this item as it stands, as I have done all the others that have not been opposed, because I feel, Sir, that whatever we say, having committed ourselves in approving Paper 28—which, incidentally, I opposed—we can expect things of this kind.

Secondly, this Service—the East African Meteorological Department—I should like to know from the hon. Member who has moved these items whether

Supply

Mr. Mathu]

Service intends to spend some of its money in the experimentation for making—(Laughter)—because—quite a lot in this matter in shooting clouds by guns and producing a certain amount of rain. And if this experiment on an East African basis that in the net result it is found territorially that Kenya was getting more rain as a result of this, surely it is reasonable that we should pay an extra £200?

CHIEF SECRETARY: Mr. Chairman, we have explained as far as we can the basis in which the divisions of the cost of these territorial services are made. As I have said, there is no exact basis. All the factors concerned are taken into consideration, including the benefits which each territory expects to obtain from the services. The hon. Member for Nairobi North suggests that our share is wrong, but he gives no reason at all for that. He merely says that Kenya, Uganda and Tanganyika should pay equal shares. Now, Sir, why? First of all, do they get equal benefits? Secondly, are they equal in size? If the three territories are to pay equal shares for everything territorially Uganda, which is a much larger territory in many ways, is not to agree for a moment. Is Zanzibar, because it happens to be a territory, to pay an equal share towards an organisation? Surely, Sir, the hon. Member should at least produce some argument or logic for making these contrary suggestions? These allocations have all been worked out with a great deal of care. My consideration has been taken into account. The shares have been approved recently by Standing Finance Committee, which is the proper authority to go into this. But suddenly, Sir, apparently for no reason or logic, he suggests that the division is all wrong; that he produces no argument whatever to induce us to accept his contrary suggestion. I must say that I do think that in treating the matter rather lightly, and that before we cast aside these divisions which have been approved in the proper manner by the appropriate body which has been appointed to go into them, at least we ought to have a sounder basis for doing it.

MAJOR KEYSER: Do I understand from the remarks of the hon. Chief Secretary that he is now going back on the undertaking he gave us that the basis would be examined?

THE CHIEF SECRETARY: No, Sir, I said we would examine it and I said that we would give him information. I am merely arguing that we should not cast aside in these estimates the allocations which have been made. I have undertaken to give the hon. Member for Trans Nzoia the information on which, if necessary, in February he can suggest some different basis.

MAJOR KEYSER: That is the reason why the hon. Member for Nairobi North is not going into a long argument, because we understand that we are going to be given a basis which is acceptable to the majority of the hon. Members. Now, the hon. Member is asking us to go into a long debate as to why we want these things changed. I thought, Sir, we were saving time if we merely carried out our part of the bargain and said that this is one of the items we disapprove of, and those proportions which we think we do not agree about. I understand that, all the hon. Member for Nairobi North is doing, is carrying out our bargain and no more. We do not want to enter into a debate at this stage of affairs as to why we disagree with allocations.

THE CHIEF SECRETARY: In that case, Sir, we can cut the debate short.

MAJOR KEYSER: We do not want to do that.

MR. MATHU: If there has been a misunderstanding between the hon. Chief Secretary and the Member for Trans Nzoia that we shall get a basis on which these allocations are made, would it not be cutting the debate shorter, Sir, if Items 16 to 30 are put together and we pass them and go on to the next head.

LADY SHAW: In that connexion it was agreed, by the request of Government, that the Member for Nairobi North was to point out the items in figures we are to have examined.

THE CHAIRMAN: I thought that that was going to be conveyed through the usual channels. However, I think I had better put this item; that Item 15 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 16 be approved.

LT.-COL. GHERSIE: Sir, this item, unlike the locusts, will no doubt be welcomed by all three territories if a war broke out. It refers to East African Naval Force. The figures here, Sir, and again in answer to the hon. Chief Secretary, I must confirm what the hon. Member for Trans Nzoia said. I thought he was trying to cut the debate short by merely letting you know what items we want further information, but if you want to lengthen the debate, I will be quite prepared to enter into the lists.

The Kenya contribution in this case is £22,003; Tanganyika £14,226; Uganda £10,820. Well, Sir, I will not give you any other figures other than the fact we are paying £6,253 more than I consider is our contribution and it should be remembered—and I am not including any non-recurrent expenditure—which also this year amounts to £12,190, which Kenya only is contributing.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I cannot frame a reply on these remarks. These items admittedly—I take it the hon. Member is anxious to draw the attention to the disparity between contributions made by the various territories, but I hope he is not going to claim on behalf of the Members on this side of the Council that in all these kinds of services we should pay most, because I think this Colony has pride in paying a little more for these services because we have the biggest Board here and the biggest number of Europeans in this country. I think, Sir, we ought to have some pride about these payments.

THE DEPUTY CHIEF SECRETARY: May I say on this subject that the contributions which Kenya makes to the East African Naval Force, which is six out of 13 shares, is precisely the same percentage rate of contribution as Kenya paid to the K.R.N.V.R. It was considered and negotiated with the Administrator of the High Commission and the other Governments, as recently as in the last 18 months. The result of those negotiations were put to the Standing Finance Committee as recently as 11th April, 1950, and the plan, as set out, which

involves the Kenya Government in paying six shares, was approved unanimously by that Committee.

The functions, Sir, of the East African Naval Force are, first and foremost, the close defence of Mombasa. It also has functions of mine-sweeping and maintaining coastal patrols along the East African coastline. Naturally, on the undertaking which has been given by the hon. friend, the Member for Development, I will be prepared to go through all this again as soon as ever it can be possible to get the negotiations under way. But I wonder if it is possible having said what I have about this particular division of costs, that hon. Members opposite would accept it as a fair and reasonable one and one on which we need not start negotiations all over again. If they are not prepared to let us off in this particular case, then we will naturally follow up the undertaking given by the hon. Member for Development. But I do think that, having regard to the functions of this force and having regard to the fact that we are paying no more proportionately than we used to pay in respect of the K.R.N.V.R. that we might, perhaps, let this stand without further negotiations during the coming year.

LADY SHAW: Surely there is some misunderstanding on the part of the Deputy Chief Secretary. I do not think on the side of the Council that we have asked anyone to reopen negotiations. We have asked for information, which is quite a different thing. If, on the strength of the information, we wish to have negotiations reopened that is a very different matter, but I do not think we have asked, whatever we may do in the future, that anyone should reopen negotiations on the East African Naval Force, or indeed, on any other subject. We have asked for information.

MAJOR KEYSER: In view of what the hon. Member for Agriculture and Natural Resources has said, I would like to remind this Council that we did before the East African Naval Force Kenya Volunteer Reserve, of which we were very greatly proud. That was abolished and we got the East African Naval Force, very greatly to our regret, and at that time I said so. I would sooner keep the Kenya Naval

Reserve and pay for it ourselves than do away with it. Now we are told that because we want to know the basis on which the East African Naval Force allocation is made we are possibly being patriotic. Instead, all that we are asking is for a basis of allocation. Do not the ships which are coming into Mombasa affect Uganda just as much as they do Kenya? All that stuff has to come through Mombasa—I always thought it did anyhow. I do not know any other port it comes into. That is all we are asking for. There is no question of our trying to shirk any responsibility at all.

THE DEPUTY CHIEF SECRETARY: I—

THE CHAIRMAN: Members should wait until they are called. With two or three Members rising at once—it is not possible for one to catch the eye—I have to name one.

THE DEPUTY CHIEF SECRETARY: I am sorry, Sir, I have given the information as to how this share has been arrived at and why it is what it is. I would ask the hon. Member for Nairobi North whether he is satisfied with the information that I have given him.

MR. COOKE: Mr. Chairman, I think it must be obvious, even to the meanest intellect, and I would not say my hon. friend has anything like a mean intellect, that Mombasa obviously is the principal port in the East African Territories, and it is surely quite obvious that it is of much more importance to Mombasa and to Kenya than any of the other territories. Indirectly, Sir, as well, the fact of having the headquarters of the Naval Reserve at Mombasa brings a great deal of money into that port; the payments of salaries and the officers and so on. In fact, I think Kenya is getting a very good bargain out of this arrangement.

LT.-COL. GHERSIE: Mr. Chairman, I would just like to put the hon. Member for Agriculture's mind at rest. He suggests that because one was challenging a financial aspect of this Budget it might be considered that one did not appreciate the East African Naval Force. I would like to point out for his information that I am just as proud of it as he is and it so happens that my nephew

served with this particular force, or its predecessor, throughout the war.

THE DEPUTY CHIEF SECRETARY: May I ask the hon. Member for Nairobi North to reply to my question, as to whether he is satisfied with the information given?

LT.-COL. GHERSIE: No, Sir.

MR. COOKE: Yes.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That Item 17 be approved.

LT.-COL. GHERSIE: Mr. Chairman, this appears to me to be a glaring case, but no doubt we will get some apt reply from the other side. The East African Office in London, to which Kenya contributes £9,274, Tanganyika £1,855, and Uganda £1,855—that is a total of £12,984. I consider that our contribution should have been £4,328, and therefore I would like an explanation as to why we are overcharged £4,946.

THE CHIEF SECRETARY: Mr. Chairman, the East African Office in London is another of these organizations which provides many and various services for the East African territories. The basis of the present allocation was put to Standing Finance Committee in October, 1945, and was approved by it. The reason why Kenya provides a much greater contribution than the other territories is that it was considered, and accepted, by the Standing Finance Committee that Kenya in fact gets much greater services and benefits from the office than the other territories. I cannot give the full details of all the services they provide or the ones from which Kenya gets the greatest benefit at short notice, but one of the main reasons why Kenya gets greater services is in connexion with settlement. I think that every hon. Member knows the great service which that office provides in giving information to prospective settlers for this country; in advertising and encouraging settlement; in advertising Kenya in London in one way and another.

I do not think anyone would deny that the service to Kenya, as compared with, say, the service to Uganda in that

[The Chief Secretary]

respect, is incomparably greater. The matter has been carefully examined by the present Commissioner, Mr. Roger Norton, who, I think, is in a better position than anyone either in Kenya or in London to assess the position and I know he is quite satisfied with the contributions which the territories make. I do not think we could have anyone better qualified to make such an assessment nor anyone in whom Kenya would have greater confidence that he was making what is an appropriate appropriation.

If that office was not operated on an interterritorial basis there is not the slightest doubt that Kenya would have to operate its own agency and its own office in London. There is not the slightest doubt in my mind that, if Kenya did that, the cost to us would be much greater than it is now.

Mr. Chairman, I suggest that we should accept this division as being fair so far as we are concerned.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 18 be approved.

LT.-COL. GHERSIE: Mr. Chairman, the Kenya contribution on this item is £14,692, Tanganyika £9,832, Uganda £8,491. I submit, Sir, that we are making a contribution of £3,687 in excess of what we should.

DR. RANA: Mr. Chairman, on a point of information under this item, I am not asking what contribution this Colony is making, but I would like to know what the East African Production and Supply Council is doing for the good of this territory. As far as my knowledge goes, it was a war organization. It did very useful work and now, as far as the Asian community is concerned, we have been all the time asking Government to make this organization function in a better way, so that there may be interchange of the foodstuffs which are available in Tanganyika and Uganda and Kenya. I understand that there is a liability and neither Tanganyika wants to give the stuff to Kenya nor Uganda, and I would like to know the reason, Sir, in order to clear up misapprehension.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, in reply to the points made by the hon. Dr. Rana to the East African Production and Supply Council, was, it is quite true, started as a war-time measure. As the result of a resolution moved in the Central Legislative Assembly, it was decided to reorganize it on a somewhat different basis, with larger territorial representation, to meet the changed conditions and, in fact, that took place earlier this year. The terms of reference of the Council are—

to consider from time to time the policies of the East African Governments relating to agricultural production and to the supply and distribution of essential commodities in East Africa and to tender to the High Commission and to the East African Governments advice regarding the co-ordination of such policies.

to consider such matters as may from time to time be placed before the Council by the High Commission or by any of the East African Governments and to advise the High Commission or the East African Governments thereon;

to undertake such duties as may from time to time be assigned to the Council by the High Commission, or by any Act assented to by the High Commission, or by any legislation enacted in any of the East African Governments.

The function is, Sir, therefore, largely co-ordination of arrangements between the East African territories and the territorial representation has recently been increased. Indeed, the hon. Member for Central Area, Mr. Nuthoo, is now a member of the Council. It is not always quite so simple to say that there must be free interterritorial movements of foodstuffs. It appears on the face of it, I know, to be a very sensible and wise suggestion, but there are difficulties. If you take, for instance, the case of Tanganyika which is the largest producer of ghee in the East African territories, most of that ghee is made in the Musoma-Mwanza area and there is a good deal of difficulty in getting the ghee sent down to the coast area round Dar es Salaam to meet the

The Secretary for Commerce and Industry]

requirements there. Ghee is a commodity which has fluctuating prices in East Africa depending on the source from which you buy it and if all movement of ghee was removed, there is no doubt that Tanganyika ghee supplies would be straight into Kenya and there would be very little left at the Tanganyika coast. I merely give that, Sir, as a matter of illustration.

DR. RANA: Sir, I am surprised the hon. Member for Commerce has given the explanation that the Coast and Dar es Salaam did not get ghee, but for his explanation, may I submit that we are getting through Moshi all the ghee we want in the black market and that was the reason I want to submit that this Supply and Production Council is not doing the work for which it was created. It is one of the reasons of the high cost of living. For instance, I understand in Tanganyika a tin weighing 35 lbs. costs about Sh. 60 while in Mombasa we are paying for the same, Sh. 120.

Then rice and various other commodities—I thought one of the functions of the interterritorial commission was to see that we shall, as far as food is concerned, get it in an equal ration and I hope the hon. Member will impress upon the Supply Council that any restrictions which, in my opinion, are not working satisfactorily, should be removed. That is one way it can be made useful. That is all, Sir, I have to say on this matter.

MR. MATHU: On the point raised by my hon. friend, the hon. Member for Eastern Area, Dr. Rana, I submit that this position, as he outlined, is not as a result of the attempt of the Production and Supply Council. I submit, Sir, that if the ghee consumers supported the Council and did not buy any ghee at black market prices, the Supply Council have ample supplies to distribute at cheaper rates.

DR. RANA: I shall be very glad to receive them. (Laughter.)

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 20 be approved.

LT.-COL. GHERSIE: Mr. Chairman, another item on which we would like

further information in regard to our respective allocation. Of the three territories Kenya's contribution in this connexion is £23,867 and this does not include the Kenya Agricultural statistics side which amounts to £4,226—that is in addition. Just so that hon. Members shall not be confused; Tanganyika's contribution is £7,733 and Uganda £13,504. Nevertheless, Kenya is contributing £8,832 more than I consider is justified.

THE CHIEF SECRETARY: Mr. Chairman, may I suggest in order to save time, as we have already agreed to give hon. Members opposite the information they want, provided they let us know the heads. If the Chairman would let me have the heads on which they wish information I will see that they get it—(hear, hear)—and that will save a debate now which I understand hon. Members opposite do not wish to have.

MR. HAVELOCK: The hon. Member for Finance already has a list of the heads.

THE CHAIRMAN: May I suggest then you move the whole of the remaining items 20 to 30 at once to dispose of them.

THE FINANCIAL SECRETARY: That is agreeable, Sir, on this side.

Mr. Chairman, I beg to move: That Items 20 to 30 be approved.

LT.-COL. GHERSIE: I merely wish to point out, Sir, that I am challenging on Item 22, an amount of £536, and 24, £4,217, and on 30, £13,333.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That Part B, Non-recurrent be approved.

LT.-COL. GHERSIE: Mr. Chairman, the amount we would like further information on is what I consider is an over contribution by Kenya, namely £69,384.

THE FINANCIAL SECRETARY: The remarks of the hon. Member are noted, but I would remind him that very recently indeed this whole matter was placed before the Standing Finance Committee of the Council and accepted.

MR. HAVELOCK: On that point I think the hon. Members opposite will agree that unofficial Members of the Standing

[Mr. Havelock]

Finance Committee were worried at the allocation but would not refuse to pass it because the situation is so urgent and the money must be made available from somewhere for the locust campaign to continue.

The question was put and carried.

Group 2—Head 4

THE CHAIRMAN: Head 2—4.

THE SPECIAL COMMISSIONER FOR WORKS AND CHIEF ENGINEER: Mr. Chairman, I beg to move that Head 2—4, Public Works Department, be considered.

Sir, I am very glad indeed to be privileged once again to introduce and, if necessary, to defend the Public Works Department Estimates. (Applause.) These will be found, Sir, on pages 64 to 84 of the printed Estimates for 1951.

Hon. Members will remember that on this occasion last year, I expressed the view that, if a Director could be obtained, my services would be no longer required. Unfortunately, Sir, we have not yet found a Director and I am afraid this Committee must listen to me once more as I try to explain my stewardship during the past year. I would like to do this, Sir, as freely and as frankly as I can and it will be my endeavour to try and convince hon. Members that the Public Works Department is carrying out its duties with reasonable efficiency and at reasonable cost.

May I, Sir, take the efficiency angle first? Now, last year, Sir, hon. Members will recollect that there was much evidence at that time of work being inadequately planned and consequently badly and expensively executed. There were many post-mortems, explanations of expenditure above the Estimates and matters of that kind. All Departments, too, complained of shortage of staff and, in consequence of which, the planning work was very much in arrears. I said then, Sir, that I hoped in future that our deeds would be able to explain our position better than any words of mine could do.

Now, Sir, what is the position today, one year later? I think I can report that, generally speaking, the staff position is immensely improved over what it was

last year, although, as I shall endeavor to show in connexion with one or two of the branches, there are still some serious weaknesses. While we have not yet, Sir, got far enough ahead with our planning, I think I can say with justification that we are just abreast of the work that we have to do. That may be, however, if we are asked to carry out any special work, that we are thrown out of gear. We either have to put back work which has already been placed on a priority list or we have to try and go outside and obtain assistance from private architects and quantity surveyors. Now that is sometimes necessary and it sometimes saves time, not always, but it almost invariably always leads to extra cost. We would, Sir, in the Department like to be at least two years ahead with our general planning but that is not yet the position. We are barely ready for next year's work. However, as I have said, that is a tremendous improvement upon the position as I found it just a year ago and the recent cutting down of capital expenditure, which the hon. Member for Finance had to arrange, has helped us, of course, in making our staff position more capable of dealing with the programme that we are called upon to carry out. But, Sir, in spite of the cutting down, there are signs that the Public Works Department will be asked to carry out work for other departments not in the Government of Kenya which may more than take the place of the reduction in our Kenya programme.

I would like to repeat this year what I said last year about the senior officers in charge of each branch. I can hesitatingly say, Sir, that each branch is presided over by a first-class technician. I could not possibly ask for a finer team than we have in this Colony at the present time. (Applause.) In such circumstances, Sir, the business of planning and executing the programme becomes a team job and the task becomes lighter and more agreeable accordingly. That I am very glad to say, Sir, because it does make a tremendous difference in the work of a technical department such as the Public Works Department.

Now, Sir, what can I say about results? Generally speaking, we are well up to date on this year's programme. I think our record for 1950 will be found

51 Supply

(the Special Commissioner for Works and Chief Engineer] to be a good one and I hope that that report will also for 1951. We have had hardly any post-mortems you will be glad to hear, this year, and very few outward explanations to make. Proposals have been followed very closely and, on the whole and generally, I think we can claim that we have saved money on our estimates instead of exceeding them seriously as has been the case so often before.

But, Sir, may I speak for branches individually and give you some facts in each case so that you will be able to appreciate the position more fully.

The Accounts Branch last year, Sir, was very much behind in its work. We were very short of staff and, in consequence, the general control of expenditure was not as satisfactory as it should have been. This year, Sir, our staff position is almost up to date and except for one fact, that is, that we lost a good many of our people during the year who had to be released on transfer to better or permanent posts in other departments. This has meant that we have a number of accountants who are hardly yet fully acquainted with their work. Except for that fact, I would say that the Accounts Branch is now functioning satisfactorily and adequately and that branch heads can get all the information they require to enable them to control expenditure. Also certain matters which required attention, such as the improvement in the method of issuing money to works, have been tightened up. We are also very busy drawing up a code of regulations which has been badly required. This should be ready early in the new year.

Now, Sir, if I may turn next to the building branch—I am taking the branches in the order in which they are shown in the estimates—the building branch, Sir, has had a very big programme. The ceiling for this year was £200,000 and I think it will be considered to be very satisfactory when I say that practically the full amount will be spent. Now, that again, Sir, is a tremendous improvement on previous years. A programme of over two million is a very big programme but it has been carried out reasonably satisfactorily. Costs have also been kept down

reasonably well. I will not here weary Members with a long list of buildings that have been erected. These, from various reports, are probably known to Members, but, generally speaking, this department has carried out its work extremely well.

The next branch I would like to mention is the Roads Branch under Mr. Weale. That, as hon. Members know, is a new branch which was created just over two years ago and the year that we are now finishing is the first year in which the new organization has been functioning to its full extent. There are a certain amount of teething troubles, of course, in a new branch of that kind but I would like to say that the branch itself has settled down now extremely well and is beginning to produce first class work. In fact, instead of having to answer complaints about the condition of the roads, now we are often in the embarrassing position of getting compliments and not knowing quite how to deal with them. However, Sir, that branch is now functioning well and during the coming year, the final stage of the re-organization, which will include the construction side, will be taken in hand. While I am speaking on the Roads Branch, Sir, it is known to hon. Members that the road policy will, it is expected in 1951, come under the jurisdiction of the proposed new Road Authority, the Bill for which has not yet been debated in this Council.

I would like to say one thing, Sir, about road expenditure. We have been given as much money as the Colony can afford for expenditure on road maintenance and road betterment and also on the road construction; but, it is my view, and I think that the Road Engineer agrees with me, Sir, that that will be found to be inadequate to meet the requirements of the situation. You cannot stop road traffic taking place; you cannot, therefore, stop the wear and tear on roads and I think one of the problems of the Road Authority will be to devise ways and means for finding further money if the road position of this Colony is to be satisfactory. That will be one of the main problems that the Road Authority will have to consider when it is constituted.

The Materials Branch, under Mr. Strongman, is a small branch of the Department but a very important branch indeed. Not only is the Materials Branch

[The Special Commissioner for Works and Chief Engineer] required for road making, but it is also required for every other kind of engineering development. It is a branch that will probably do more in the long run to bring down building costs and road costs and to avoid mistakes than almost any other branch. We have been very fortunate, Sir, in being able to find the plant for this branch and we now have a very well-equipped laboratory. However, that is one of the branches in which we are having difficulty in obtaining adequate staff. We do not seem to be able to get the men we require for the salaries that have been laid down. We are following up that question as well as we can.

The Mechanical Branch, Sir, is another one that is just getting into its stride. The new workshops and depot have been completed with the exception of the electric power which is not yet fully provided, but that will be completed within the next two or three months. That branch has been rendered necessary by the mechanization of the Department and particularly of the Roads Branch. They now have under their charge plant to the value of over a million pounds and unless that is properly looked after, great loss can take place. I can, I think, report that this branch is now functioning well. The Funding scheme that we introduced a year or two ago is now working well. That means that all plant will be properly maintained from the hire charges which are raised from the use of the plant. There is a possible development of this branch which I think I should mention here, which is designed to take care of the Public Works Department plant. However, it is possible during next year that we may be able to put up suggestions to Government whereby the facilities that we have provided, with some slight expansion, can take care of the mechanical maintenance of vehicles belonging to other departments. I think we can possibly suggest considerable saving in the Government repair bill if that is done. Already, we are helping the Police Department in this respect and we may be able to suggest ways of extending that service to other departments.

The Stores Branch is another branch, Sir, which was in great difficulty last year. We lost our Chief Storekeeper and Deputy Chief Storekeeper and we have

only recently obtained a new Chief Storekeeper; but hon. Members would like to know that Mr. Pirie, who came to us from Nigeria, to help to reorganize the stores position here has succeeded in carrying out his work with very great ability indeed. Not only did he carry out the stores reorganization, but during the interim period when we had no Chief Storekeeper at all, nor a deputy, he himself carried on the burden of the day and managed to keep us going and I would like to pay a very special tribute to Mr. Pirie for his work in that connection. (Hear, hear.)

Now, Sir, on the hydraulic side, I consider the Hydraulic Branch is one of the most important if not the most important branch in the Department. I say that, Sir, because I feel that the provision of adequate water in this country, the prevention of waste of water and the prevention of soil erosion, which largely arises from waste of water, is so important in this country that we should not lose any opportunity of improving our services. (Hear, hear.) This is a branch where we are having great difficulty with our staff. We just cannot get the engineer hydrologists and engineer geologists that are needed to carry out investigations that are so necessary. We have, on the assumption that we will fill all our vacant posts, undertaken to carry out some very important investigations which are kept overdue, but we are being badly held up by our difficulty in obtaining suitable staff. We do not yet know how we are going to get over that particular difficulty that we are in.

Finally, a small branch, the Structural Branch, which is responsible for all the structural design work on buildings—such as steel work and so on—has been functioning extremely well during the year. I think one of the best examples hon. Members will see every day is the new Telephone House going up near the Post Office. That is a building involving a great deal of very special design work and I am very glad to say that, not only has the design work been well done, but also the execution of the work is going on extremely satisfactorily.

That, Sir, is a very brief review of some of the results we can claim for this year. I think that those results are good but we ourselves, Sir, are never satisfied that we have gone as far as we can do

[The Special Commissioner for Works and Chief Engineer] ought to go, as regards efficiency. We can always do better than we have been doing and we all realize there is still much to be done. I think, Sir, I cannot say hon. Members here that they need not be ashamed of the work carried out by the Public Works Department during this year.

Now, Sir, may I turn to the aspect of costs which I know exercises the minds of hon. Members probably even more than the question of efficiency. I sometimes get the impression that the watchdogs watching costs forget that it pays handsomely to spend £1,000 to gain £50,000, or save £50,000, but it is not always easy to get agreement on those suggestions. I suppose it is because there is a suspicion that, especially where long-term projects are concerned, over a period, the savings that we claim will not materialize. Well, Sir, all I can say in that, as I have said, you have first-class Branch Heads, and I think you can accept their judgment in matters of this kind. In any case, it is my business to try and argue for assistance where we think expenditure in the long run, it will produce better results and show a saving. I would like to explain, Sir, that the preparation of these estimates, as hon. Members probably know, is rather a lengthy business, starting almost as soon as we finish these estimates, getting ready for the estimates for the following year. At any rate by about July we are hard at work on them and they are continually being scrutinized as they come up through the different branches of the Department. The Branch Head is supposed to have a go, then the Accounts Branch, then the Deputy Director comes into it, and finally the Director has to go through them carefully himself and pass them before they are submitted to the controlling authority, where, of course, again they are closely checked. So I think by the time, Sir, these estimates reach the stage of being printed in this red book it may be assumed by hon. Members that they have been very carefully checked at every stage, and if any mistake is made it is probably on the conservative side because we are probably not doing as much as we ought to do.

Now, Sir, turning to the cost, I would like to draw attention to the general overall position which is explained on page 64A. It is shown there that there has been an increase in the Department of £73,535. Included in that increase are such items as £23,695 for the Langata Quarry, which is a special arrangement, and which will be a revenue-earning industry; therefore there can be no query about the advisability of opening up that quarry. There is an increase of some £8,000 in connexion with training schemes which were omitted by mistake from the previous year's estimates, and, therefore, reflect an apparent increase this year of that amount. There is a further sum of £31,769 which is due to normal increments. Those three items make a total of £63,509, leaving only £10,000 to be explained away. Well, I think hon. Members will agree that there is no very serious reorganization taking place when an extra £10,000 only has been asked for. That £10,000 is made up in the following way? £1,535 comes from the fact that the salary of the Superintending Engineer has been transferred from the Development and Reconstruction Authority to Revenue; a further eight mechanics have been obtained—budgeted for—for the Mechanical Branch, which will be £4,450; four assistant hydrologists, £2,680; three electricians amounting to £1,650. Those four items total over £10,000 and that will explain roughly how that extra amount is required. It is not quite as simple as that because there are savings in other directions and some other additional expenditure, but that summary will, I take it, give some idea of how the total amount is arrived at. In addition, Sir, there are some gradings of senior inspector of works and some revision of salaries of materials assistants. I mentioned just now we are having a very great difficulty in obtaining suitable personnel for the Materials Branch and the salaries now shown I hope will produce better results.

I think, Sir, it will not be necessary at this stage to go into any greater detail these Estimates but I will, of course, endeavour to answer any questions that may be raised not only in this policy section of the debate but also when I come to move the various heads.

(The Special Commissioner for Works and Chief Engineer).
 One other point, perhaps, should be mentioned now and that is referred to on page 64A where we have shown that there will be 179 posts admitted to pensionable status. That seems a large figure for one year, but the explanation is that many of these posts have been held back until I could confirm to Government that I felt the organization was reasonably permanent. Government has now, I am glad to say, accepted my recommendations in that respect and these posts are now shown as pensionable. Hon. Members will realize that, until that step was taken, the Public Works Department staff were very unsettled; they were continually being offered permanent and pensionable posts in other branches of the Government and also being attracted by offers from outside Governments. This suggestion now will give our staff some reasonable prospect of permanent employment. It will be remembered that before any individual is admitted to pensionable status, his case is very carefully gone into and, unless we are completely satisfied that he is likely to be efficient and suitable, we would not recommend him for admission.

One other matter—I would like to say a word or two about the distinction between expenditure on Revenue and on Development and Reconstruction Authority staff which hon. Members have discussed on previous years. It is, of course, difficult, in fact impossible, to see that Revenue staff are employed only on Revenue work and Development and Reconstruction Authority staff only on Development and Reconstruction Authority work. In a department such as the Public Works Department, you must work the staff as a whole and it will, on occasion, mean that Revenue people will be doing Development and Reconstruction Authority work, and Development and Reconstruction Authority people doing Revenue work. However, Sir, we have endeavoured to show under the Revenue Estimates only staff that will continue to be employed when the Development and Reconstruction Authority ceases. That is a situation which may alter from time to time but the Estimates, as we have printed them, represent our views on that matter at

the present time and I think I can claim that the proportions are reasonably fair to both sections.

Now, Sir, as I may not have another opportunity of doing so, may I pay a sincere tribute to all members of the Department. I have already mentioned the Heads of Branches and I have said that I do not think any other Colony which there may be some doubt. It is difficult for me here to explain all the technical points, but if any Member who is not thoroughly satisfied will visit us in our office where we can lay our hands on plans and drawings, we will be very glad indeed to discuss anything about them.

Sir, I beg to move. (Applause.)

Committee adjourned at 11.05 a.m.
 and resumed at 11.25 a.m.

THE CHAIRMAN: It is proposed that Group 2 be considered.

MR. HAVELOCK: Mr. Chairman, I will not be very long, Sir, because I think a lot of the criticisms that Unofficial Members had on this side of the Council have already been heard under the Development and Reconstruction Authority Head; criticisms which might be applied to the Public Works Department. But there are one or two points that I would like to make and the first one is the matter of Estimation.

I think the hon. Special Commissioner said, when moving that he hoped or considered that the estimating in future would be better than in the past. Well, I do hope that is going to be so because the estimating in the past has been very bad indeed to the mind of hon. Members on this side. In Standing Finance Committee, we have been faced time and time again with the request for Supplementary Estimates to make up amounts required for certain projects, because the original estimates had been so out of line with the actual costs. Admittedly, we realize that in an inflationary period of this sort, costs of materials, etc., are continually rising and, therefore, it is difficult indeed to estimate, but, in spite of the handicaps and difficulties that these times cause, I feel that the estimating could be very greatly improved—the estimating by the Public Works Department—and I hope that next year we will not have to refer to this matter again.

Now, Sir, I hope I have said enough at this stage to justify the Estimates and I confidently commend them to you for your favourable consideration. We will

(The Special Commissioner for Works and Chief Engineer)

and constructive criticism, especially as somebody well-informed criticism, constructive criticism. We are always glad to have criticisms to our headquarters offices, from hon. Members opposite or from anyone interested or concerned with any problem they have to deal with, and about which there may be some doubt. It is difficult for me here to explain all the technical points, but if any Member who is not thoroughly satisfied will visit us in our office where we can lay our hands on plans and drawings, we will be very glad indeed to discuss anything about them.

Sir, I beg to move. (Applause.)

Committee adjourned at 11.05 a.m.
 and resumed at 11.25 a.m.

THE CHAIRMAN: It is proposed that Group 2 be considered.

MR. HAVELOCK: Mr. Chairman, I will not be very long, Sir, because I think a lot of the criticisms that Unofficial Members had on this side of the Council have already been heard under the Development and Reconstruction Authority Head; criticisms which might be applied to the Public Works Department. But there are one or two points that I would like to make and the first one is the matter of Estimation.

I think the hon. Special Commissioner said, when moving that he hoped or considered that the estimating in future would be better than in the past. Well, I do hope that is going to be so because the estimating in the past has been very bad indeed to the mind of hon. Members on this side. In Standing Finance Committee, we have been faced time and time again with the request for Supplementary Estimates to make up amounts required for certain projects, because the original estimates had been so out of line with the actual costs. Admittedly, we realize that in an inflationary period of this sort, costs of materials, etc., are continually rising and, therefore, it is difficult indeed to estimate, but, in spite of the handicaps and difficulties that these times cause, I feel that the estimating could be very greatly improved—the estimating by the Public Works Department—and I hope that next year we will not have to refer to this matter again.

Sir, there is one small point that I wish to ask the hon. Member to comment on, if he will, in his reply or later. That is the matter of the road camp at Limuru. I have mentioned this to him before and he has noted this question according to our agreement. I think at the time, a year or two ago, I did ask why that particular camp was being made of permanent materials, not entirely permanent materials but much permanent material. I did say at that time, I think, that the time would come when the Limuru road would be completed and personnel would have to be removed from that district and why not build a temporary camp. The reply was that there would be established in that area a permanent headquarters, or sub-headquarters, or whatever it would be, so that a permanent camp would be necessary and that was the reason why it was built in such materials. Now, I understand that no personnel are stationed permanently in that area and the Public Works Department are having some difficulty, I believe, in trying to offload this camp on to private people who do not particularly wish to buy it and I would like to know if I am correct in what I have stated and what the explanation is.

The matter of the Roads Branch as I have said just now has been touched upon under the Development and Reconstruction Authority Head and also I presume that if, and when, the Road Authority is established, the Authority itself will be entitled to investigate the Roads Branch and the cost of construction and maintenance carried out by that branch because after all the Roads Branch itself will be paid from the Road Authority funds.

Now Sir, last year I attacked and indeed moved an amendment—moved a deletion—I think, with regard to Sewage Branch which the hon. Special Commissioner did not mention as far as I can remember this morning. I still have great doubts about this Department or sub-departments. It seems to me that the actual work of planning sewage and drains that the Public Works Department have to foresee in future, it is not really sufficient for a sub-Department of this sort.

In fact as I said last year, I believe that what will happen is that we will

[Mr. Havelock] have to make money available for specific schemes in order to provide work for this branch and that is surely, in our present position, a very dangerous thing to have to do. The money might be much more urgently required elsewhere. Last year, Sir, if I may I will quote what I said on this particular branch. "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."

Well, Sir, the 1951 Estimates, four asterisks are now shown, that is four pensionable posts in this Department. I repeat what I said last year. I believe this work could be better done by contract and I feel that the Department should be wound up. It is much more difficult now to do so because, of course, posts in the Department have presumably been made pensionable.

I would like to welcome the inauguration of the Langata Quarry. I think it is an excellent idea and I think it will be revenue earning to a great extent and it certainly should be. I understand it is being done—the actual work—is being done by convicts and, therefore, it should be a cheap method of providing stone for Government buildings.

The hon. Special Commissioner, Sir, mentioned the matter of servicing Government transport and I see that there is an increase of some eight mechanics in these Estimates. I hope, therefore, that he will be able to undertake the servicing of Government transport and thereby show a saving in the departments in the very near future and that it will not be just a possibility as I understood him to say but indeed a fact so that this extra staff will justify themselves by providing savings elsewhere.

There is only one other point, Sir, the hon. Special Commissioner mentioned the very large increase in pensionable posts in the Department as a whole and, although I am quite sure there is justification for making these posts pensionable, I am sorry that this decision has been taken at this juncture, especially as

regards the Roads Branch. As I said before, I hope the Road Authority will be able to go into the personnel of this Branch and possibly, I repeat only possibly, find some savings. Of course, having made the members of this branch pensionable, it is very much more difficult for any inquiry or any recommendation of any authority to be given effect to these men are now permanent.

Sir, the tenure of the remarks of the hon. Special Commissioner gave me to understand that he may not again have the privilege, as he put it, of moving estimates of this sort. If this is the case, I will only wish to say, Sir, that all Members, on this side of the Council, way, will be very sorry to miss his clear and, indeed, sterling remarks and is always interesting speeches and comes from the opposite benches.

I beg to support.

MR. NATHOO: Mr. Chairman, as my friend the hon. Member for Kiambu said, quite a lot of criticisms or suggestions, which we have to make, was done under the Development and Construction Authority vote and I refer, therefore, Sir, confine myself to two or three small points.

Sir, the hon. Special Commissioner of Works has said that, so far, we have not been able to obtain the services of a suitable person for the post of Director of Public Works. Whilst, Sir, we are very glad to have the hon. Special Commissioner of Works with us as long as we can, for a long-term policy, Sir, it is essential that at the earliest opportunity we should obtain the person for this post so that he can settle down to arrange the matters in the Department on a long-term basis, and I hope, Sir, very soon we shall be able to have such a person.

There is another point, Sir, which I welcome from the Public Works Department, and that is that in the past years when they have not been able to carry out the work themselves they have let these out on contract and I hope in the coming year when urgent schemes are required to be built and the Department cannot deal with them adequately as quickly enough, they will pursue the same course.

There is another point, Sir, which I would like to ask the hon. Special Commissioner of Works, that about two months ago the prices of building materials started shooting up. I would like to know, Sir, from him whether in view of the imminent building programme we in this country were quick enough to place our orders for these materials in order to avoid the rising prices.

Then, Sir, the question of pensions was touched upon by the hon. Member for Kiambu, and I think, Sir, so that it would be much better to pay a little higher salary and get people on contract rather than burden the country with pensionable posts at the fast rate of increase that is taking place.

There is another point on which I would like to have some information from the hon. Special Commissioner for Works, that is regarding the education allowances. On page 81, Sir, I notice that two or two extensions are proposed under Public Works Non-recurrent vote. What is the basis of this calculation, Sir, and why have these particular schemes been included in this vote? Is it that they are more urgent than other schemes, and why in this particular instance, I refer to item 9, the Primary School at Mombasa, that this has had to be taken under this vote and not to go under the Development and Reconstruction Authority?

Sir, I beg to support.

MR. COOKE: Mr. Chairman, there are just two small points, matters of policy, which I would like the hon. gentleman to elucidate.

The first, Sir, is with regard to the Takungu Road which has been brought to this Council more than once. The hon. gentleman assured us about a year ago that he had found, or that his engineers had found, the perfect alignment for the new road. I understand now, Sir, it may be only a rumour, that the perfect alignment has turned out to be somewhat imperfect and they are looking for another alignment. I would like to have an assurance on that fact and, indeed, if it is the policy of Government to pursue this alignment against the

wishes of 100 per cent of the population of that area.

Now, Sir, the other point is to the Taveta Irrigation Scheme. Already £26,000 have literally been thrown down the drain in that scheme. They have gone down the drain because the attempt was made to make a dam in volcanic soil near where the springs join the Lumi River and, the more they dammed, the more outlets the river found; in fact, it is just like using a sponge to dam a stream. I want to know whether Government is going to abandon that scheme and cut its losses or whether it is going to insist on pouring all this money down the drain. This is a matter, Sir, which has been brought up several times in this Council.

MR. HAVELOCK: On a point of order, Sir, the hon. Member moved Head 2-4, not Head 2-5 or 2-6.

THE CHAIRMAN: Only Head 2-4 was it?

MR. HAVELOCK: Yes, only.

THE CHAIRMAN: When we come to 2-5, the hon. Member will not be able to say it again. Why do you limit the consideration to 2-4, I think the whole thing was to take everything that is under the particular Member on this side of the Council, what he was responsible for.

THE SPECIAL COMMISSIONER FOR WORKS: I would like to suggest, Sir, that my speech should cover all of the Public Works Department.

THE CHAIRMAN: Then I will propose that it is the whole of 2-4, 2-5 and 2-6.

MR. USHER: In that case, Sir, I would like to raise the question of house rents. This item has assumed very alarming proportions and I should be grateful if the hon. Special Commissioner could give certain information about this and, at the same time, I apologize for it not having occurred to me before.

THE SPECIAL COMMISSIONER FOR WORKS: That was a point I did not hear.

MR. USHER: I am coming to it. It is about the house rents. The increase is from £15,000 to £90,000; the actual expenditure I see this year, during the

[Mr. Usher] current year, is £71,405. The point I would like to know is this. I understand that it is largely, this increase is very largely due to the fact that Government servants have made their own arrangements for renting houses and the rent of those houses have been a matter of agreement between themselves and the landlords, but in point of fact standard rents remain to be fixed by the Rent Control Board concerned. If that is the case, would the rent finally decided by the Rent Control Board be retrospective? I assume it would, and there would, therefore, be a certain amount recoverable by the landlords in case the standard rent was below that which was arranged between the parties.

LADY SHAW: Mr. Chairman, two questions and two questions only.

One about the cost, the capital cost now of roads being constructed to a higher standard. In this reply could the hon. Special Commissioner give us some. I know he cannot give exact, but can he give us some average general figure, to give us some idea of the present estimated cost of the high grade type of road which is built in certain parts of the country.

The other is this. With regard again to pensions. We are being told over and over again that it is quite impossible to get staff because the terms offered are not sufficiently attractive and the only way in which staff can be both attracted and induced to remain is by giving them pensions, by putting them on a pensionable basis. Now, I would be very glad to know whether, in the opinion of the Special Commissioner in offering those contracts, whether the actual contract prices offered are sufficiently attractive, sufficiently high to attract staff on contract or whether we are not offering good enough terms on contract to bring people here. To my mind, it is well worth offering bigger pay on contract, very much bigger pay, perhaps up to 40 per cent more, if we had not got to keep these people employed as pensionable officers. While the works are continuing, we can keep them and pay them well. When those works come to an end, we are able to dispense with their services and not to tie a high pension round our necks for many years to come. It does

seem to me in offering these contracts we do not offer high enough wages in contract. I am not talking about pensions. Would the Special Commissioner give us information on these subjects?

MR. PRITAM: Mr. Chairman, I would like to know from the Special Commissioner as to why the small piece of road serving the settlement between Kibos and Kibigori has not been completed. It has been under construction for quite a long time. I would like to know whether it is money which is responsible for its non-completion or whether there is some other reason.

It is needless for me to add that the road is very important to the settlement there for the conveyance of sugar cane to the Miwani Sugar Works and the absence of this road is particularly badly affecting the sugar cane production.

There is another point on which I would like to know something. There has been under construction a main trunk road between Nakuru and Rongai for well over one year or so. I would like to know when this road is likely to be opened for traffic.

MAJOR KEYSER: Mr. Chairman, I would not like the hon. Special Commissioner for Works to think that the remarks I am going to make mean that we believe the Public Works Department has reached a standard in which it is not to be improved at all, but I would like to say this.

I have sat for quite a number of years and listened to debates on the Public Works Department and listened to a very great amount of what I consider to be justified criticism, and it does not seem to me to be a sign of the times that this debate on the Public Works Department is of such a very mild nature. In my opinion, and I am stating my own opinion, Sir, the Public Works Department has improved and has reached a state of efficiency which it has never done before. It is out of all recognition of the Department of the past, and I am prepared to give the whole credit to the hon. Special Commissioner for Works, nevertheless, I do agree that we have got a very good team behind us and that some of the credit should go to them. I have great pleasure in saying

Major Keyser] because I have been one of those who has criticized the Department in the past and I think that when this enormous improvement has taken effect it is only fair and just that we should express our appreciation of what has been done. (Applause.)

MR. PRESTON: Mr. Chairman, I would like to add my plea to the plea of my friend Mr. Pritam for the Kibos-Kibigori area. There is no question about the fact that the sugar industry is being very greatly handicapped by lack of communications which is, in a very large degree, preventing the small Asian farmer from getting his sugar cane to the factory. The result is that, in many cases, they are switching over to jaggery which is not quite what we want—we are at the moment importing sugar.

There is another very small matter, Sir, I would like to touch upon. I would like the hon. Special Commissioner in his reply to indicate if he can, what provision has been made for the main Kiboga-Elm road because we are approaching the stage where there will be an enormous amount of African-produced traffic coming out along this road. In its present state, I doubt whether it would carry the traffic for this purpose.

MR. HAVELOCK: Mr. Chairman, if I may make one more point. I thought we were considering Head 2—4 when I spoke.

I would like a comment from the hon. Financial Secretary on a note to the Minister on 81A.

The Indian community at Egri Hall has collected £650 for the construction of a ward and staff quarters and it is proposed to contribute a like amount from Revenue. I am not opposing this, I think it is an excellent idea. I merely want the hon. Member to tell me if this is a principle we will follow in the future. It is a matter that was discussed on the Report of the Select Committee on the European Hospital Authority and I do not think that any payment of this sort, paid for pound payment, has been made from Revenue except this one. Other payments, I believe, may be paid in the future, or small ones have been made in the past from the Development and Reconstruction Authority but, if we

can expect payments of this kind from Revenue in future, I would like to know about it. I think it is the sort of principle which I personally would welcome.

THE DIRECTOR OF MEDICAL SERVICES: Sir, I would like to just say a few words in reply to the question which was raised by the hon. Member for Kiambu on the advisability of a separate branch in the Public Works Department for sewage.

Now, Sir, I think it is difficult for anybody to realize who does not go round the backs of some of the commercial premises in some of our towns, as I have to do, to realize the appalling and truly dreadful state of the conservancies, or drains, in some of our smaller towns. It is, I think, not necessary for me to emphasize the importance of proper conservancy systems in a tropical country where so many diseases are spread by inadequate sewage arrangements. But I do submit, Sir, that the time has long since passed when this country should install in many of its towns a really up-to-date system and not only in towns, but in connexion with some of our larger Government Institutions. The Medical Department have pressed for the Special Branch of the Public Works Department over a period of years, and now that a special sewage and drainage engineer has been appointed, I am glad to say that he is tackling the problems in front of him very energetically, we can, I think, look forward to a very much better state of affairs. The installation of up-to-date sewage schemes will, of course, be expensive and I feel that it is not a question, as the hon. Member suggested, of finding work for this department, the difficulty will be—and it will be a real difficulty—in deciding the priorities as to what is to be done first out of the enormous programme which he will inevitably have to recommend.

Sir I beg to support.

THE FINANCIAL SECRETARY: Mr. Chairman, I rise to refer to a point raised by the hon. Member for Mombasa and by the hon. Member for Kiambu. I think the point made by the hon. Member for Mombasa was in reference to house allowances in lieu of quarters. I think he suggested that the prospective tenant contracted with the landlord to get an inflated

[The Financial Secretary]

rent for their mutual advantage. If I am wrong, Sir, maybe he will correct me.

MR. USHER: Sir, I must explain that I never intended to convey at all that there was connivance, I merely said—what I intended to convey was—that an arrangement was made which could not be submitted to the controlling authority, that is, to the Rent Control Board, and that in many cases it might be found that the agreed rent in the meantime was in excess of what would be admitted by any such Board.

THE FINANCIAL SECRETARY: Sir, I withdraw the suggestion that there was connivance, but the suggestion is that the rent agreed is in fact above what it ought to be. This point has been put to me before, and I caused a very careful inquiry to be made into the general question. I was satisfied as a result of that inquiry that there was in fact no substance in the suggestion. If, however, the hon. Member opposite can bring to my notice any specific cases—and, I may say, I have asked for this before, although admittedly not from the hon. Member opposite—I shall be very pleased to re-institute that inquiry—based upon the specific cases.

The hon. Member for Kiambu refers to the item on page 81 in respect of the Indian community at Fort Hall, and the pound for pound basis for a ward and staff quarters. As the hon. Member himself appreciates, if we accepted this case as involving a principle, it would be a very important principle indeed, involving as it would, the question of the distribution of moneys as between the Development and Reconstruction Authority and the Colony revenues. I am afraid, Sir, I must ask him to accept for the moment that this case must be regarded as *ad hoc*. But I do take note of the remarks of the hon. gentleman and I shall certainly give this matter more consideration. I hope I shall be able to give him further information at some later date.

MR. HAVLOCK: Thank you.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, first of all I would like to thank all hon. Members for the very kind way in which they have received the Public Works Department Estimates this year, and also par-

ticularly for the references to the staff of the Department.

In making my introductory speech I had hoped that I had made it clear that I myself claim no share in this improvement, that it was in fact due to the very efficient Branch Heads that we now have and the staff that they have been able to train under them. I did make it a point that I thought this Colony could now be proud of its Public Works Department as it functions to-day. I am very grateful indeed to the hon. Member for Trans Nzoia for emphasizing the point, and I am sure the staff of the Department will be delighted to hear of his comments.

Now, Sir, the hon. Member for Kiambu raised one or two points that I would like to deal with. The first was with regard to the question of better estimating. Now that comes into the question of better planning that I have spoken about now for two successive years. To get good estimating you must be able to prepare properly considered plans. That means you must have your staff to do so, architects, quantity surveyors and so on. Well, Sir, last year we did not have that staff and as a result many of our estimates were faulty. This year, as I have tried to explain, we are in a very much better position, and in fact during this year in finishing we have had, I think, very few complaints with regard to our estimates although we have no doubt made some mistakes. But, Sir, with the best staff and with the best will in the world we cannot always guarantee our estimates being correct. One can, of course, over-estimate quite easily, but that I regard as just as great a fault as under-estimating. We want to try to be reasonably near to what the actual cost is going to be. The hon. Member did mention that he recognized that the costs of materials fluctuated considerably. Well, Sir, that is one factor which makes it very difficult indeed to estimate more than a few months ahead what costs are going to be, and in those cases we are called upon to estimate a year or even two years ahead. One factor which is going to affect all our estimates for the next year is now under very careful investigation, and that is the hire charges that we have to pay

for the use of our mechanical plant. These have been rocketing lately due to conditions in the world which hon. Members know about. Costs of tyres are going up, the cost of spare parts are going up, and from that one branch I expect to receive recommendations within the next month for very much increased hire charges. That at once affects all the costs of every job that we have to carry out throughout all the departments, because transport is required for almost every work. That is something that is almost impossible to estimate accurately. We are told by the motor trades that tyres and spares are going up still further, and before the year 1951 is finished we shall probably have to revise our estimates again. But, except to those sort of conditions, which I know hon. Members will recognize when we bring forward cases requiring extra money, subject to that, I should say we are now very much better equipped to give you correct, or nearly correct, estimates.

The road camp at Limuru was a legacy which we took over two years ago, and this is the brief explanation of the position there. When "A" Route, as we call it, was started, we expected also to do work towards Athi River and Machakos, also towards Kiambu, Thika and Fort Hall. The camp, therefore, was designed on a somewhat better basis than would have been the basis for one short-term project only. However, those projects were not permanent houses but built on stone foundations. As I say, that would have been justified, and was justified at the time owing to the fact that we thought that they were going to be used for a long-term project. The only factor that influenced the road people at that time was that this camp was sited in the Mabrouki tea and coffee estates—Brooke Bond's Tea Co.—and we were led to believe at that time that if we put up reasonably good houses they would be glad to buy them from us at the end of the job. Well, Sir, that has not altogether materialized, because we have not been able to dispose of all the buildings in that way, although I think two are going to be taken over. The rest of the houses were constructed from materials derived from dismantled Army huts and

the majority were sectionable, so I do not think you can claim that those were of too high a standard. It is true that, in trying to dispose of them and sell them now, we are not getting as good a price as we had hoped, but that is because of the state of the market.

MR. HAVLOCK: What is the loss?

THE SPECIAL COMMISSIONER FOR WORKS: I think, Sir, looking back on it that the people who were responsible for this at the time were perfectly correct in doing what they did. The only part of those houses that has not been salvaged is perhaps the stone in the foundations, even that could possibly be broken down and taken away if the costs of transport is not too much. But, apart from all this, that is a reasonable standard, and one which we should probably repeat now if we were planning for a big long-term project.

Now, Sir, as regards the fact that this is no longer a long-term project, that is due entirely to the fact that our construction funds have been cut down, as you know, very considerably. We have had to break up that No. 3 Construction Unit, as we call it, and we are now dissipating our staffs over the Divisions throughout the Colony, and therefore the camp site is not required any longer.

With regard to Road Branch costs, Sir, and the future of the Road Branch under the Road Authority, it is quite correct that the Road Authority will, if the legislation as at present designed goes through, have full authority to investigate and to check all our estimates with regard to road personnel. There seems to be an impression that, on the Road side, we are perhaps a little too expensive. Well, Sir, I would say this, that to get that Road Branch started we had to get good men from elsewhere and we had to pay a higher salary than we would pay for normal Colonial service staff. But we have got those men and they are first-class men. I regard our Road Branch now as good as any in any of the countries of Africa that I have been to lately. They will give you results in due course, and will give you money involved is very important, and it pays to have good men. I am quite sure that when the Road Authority comes to look into this matter there will be no suggestion at the present at any rate that our Road policy is extravagant.

(The Special Commissioner for Works) I would like, if I may, to read one paragraph from Mr. Moore's Report on the Kenya Road Problem, which he wrote in March, 1927. Hon. Members will remember that he was brought over to create a Road Branch here and that he was retrenched during the slump in 1930. In paragraph 5 of the first page of his Report he writes:—

"Kenya appears to have reached this stage, i.e., the need for National Roads, and any further delay in adopting a comprehensive road policy for the whole Colony will undoubtedly result in the wasting of considerable sums of money in the future, and every year it is postponed will make the situation more difficult and expensive to cope with. We must begin to look upon our roads as national assets."

Well, Sir, that was written in 1927, and you retrenched him three years later. You have had 20 years of marking time since, and what he says here has in fact happened. We have got to face the fact that we must have a competent—which means necessarily an expensive—road staff to get things right, and I am sure we are now on the right way to get the roads of this Colony put on to a proper basis.

Now, Sir, with regard to the Sewage Branch, my hon. friend the Director of Medical Services has explained why his Department has demanded and pressed for it—it is not a branch, it is a small section of a branch—and why, in his view, it is justified. Well, Sir, it is our business, the business of the Public Works Department, merely to provide the services that are asked for and agreed to, but I would add that I strongly support what he has said about the conditions in some of our towns and villages. This work is not work that can be let out to contract. The designing of sewage schemes and so on cannot conveniently and certainly not economically be let out to contract. It should be done by Government staff who are competent to do this work. Now it may be right to let contracts once the schemes are designed and specifications are drawn up; like any other works job they can be let out to contract if that proves wise and economical, and any such scheme, I have no doubt, will be considered from that point of view. As you know, we are not strangers to the contract system. We

continually let out buildings to contract and there is no reason why, if contractors are available, we should not let out other types of work, but the design side cannot conveniently be let out economically.

MR. HAVELOCK: Why not?

THE SPECIAL COMMISSIONER FOR WORKS: Because it is always expensive. As we have found with buildings that are let out to contract, the cost is much higher than they would be if our own staff carried them out, and we often, too, not so well considered because the outside contractor is taking the work has not got so many facts, or sound knowledge of requirements at his disposal as we have in our Government Department.

I am glad to hear the hon. Member agree that the Langata Quarry scheme is a good one, and I would like at this opportunity to take this opportunity of saying how much we are indebted to the Commissioner of Prisons for his help in getting this quarry going. We use convict labour extensively there, which, I think, has helped him too in his problems, but this is the type of work convict labour can do very well. We would like to try to get this quarry on to a mechanical basis to see if we can get away from the very wasteful methods of quarrying that are prevalent in this country, but so far we have not been able to devise any suitable type of machinery for the purpose, but we have not ceased our inquiries.

On the point of the servicing of Government transport, Sir, I am glad to hear that he approved the suggestion that I made. Our own workshop has been designed for our own Public Works Department purposes and the staff that we have asked for are sufficient for that purpose, but there is no doubt that we can build on to that economically with very little additional staff, unless some big scheme is undertaken; but, as I informed hon. Members, we are already doing a certain amount of work for the Police Department and I will undertake to put up to Government a suggestion within the next few months for extending the operation of that workshop to carry out servicing for other Government Departments.

Well, Sir, with regard to the question of the increase in pensionable posts, the

Special Commissioner for Works] has been mentioned by one or two hon. Members, and I would like again to make it quite clear that we are proceeding quite safely in this matter. It has been suggested that we could meet the difficulty of obtaining staff by increasing largely on temporary contracts. Well, Sir, we do have that system. It is very general in the Public Works Department. We have a large number of contract staff, but, Sir, while you can get people who are only looking for short-term contracts to come to us on that basis, we cannot fill our department as we want to for our long-term organization. We have, in suggesting these posts to Government, taken great care to see that we are not overloading the revenue estimates in that connexion at all. I myself, as hon. Members know, had a very painful experience in regard to this in the slump in 1930 when we had to stretch a large number of staff who were on pension. We are watching that point very carefully now, and we are being very careful in putting up safe numbers under the various Heads, but enough to enable us to attract good people, people we want to keep, to stay on in the department. That is what we are trying to do. We want to build up an adequate permanent staff in the Public Works Department, a permanent staff sufficient to carry out all the duties we are going to ask it to do in the future. We cannot do that solely on the contract system. A combination of both is required.

The personnel in the Roads Branch was specially mentioned. Well, Sir, as I have said, I regard the Roads Branch as a permanent one, and I hope you will never consider abolishing it, as was done in 1930.

The hon. Member for Finance has replied to the question of contributions to buildings, and I need not say anything on that one.

The hon. Mr. Nathoo, representing Central Area, mentioned the question of carrying on our system of contracts. I think I have discussed that sufficiently fully. The contract system is with us to stay, provided we get economical prices from contractors and efficient work, and if we can extend it we will do so. In some areas such as the Kisumu area, the contract system is not so economical for two reasons: one, because the labour

there is able to carry out a great deal of work that we want done; secondly, because contractors like to be nearer the bigger towns, but we did get two big contracts in the Provinces—that was in Kericho—with some difficulty. I would like to say those contract prices are not as economic as we would have liked, but we had no other alternative at the time. The hon. Member also mentioned the question of pensions, and suggested we should pay higher salaries under contract. I hope I have answered that question. With regard to his point on educational buildings, I am afraid I cannot give a specific answer to that. I would only say this: that the programme we have printed here was carefully considered by a Priority Committee with the Director of Education present, and the arrangement made is a result of very considerable discussions with regard to the priorities of the different buildings.

The hon. Member for the Coast raised his hardy annual, the Takaungu Road question. That was, as hon. Members know, discussed in this Council. We put up the comparative costs of the two schemes and it was found that the question would have to be decided purely on a financial basis. It was ruled that the diversion should be built, rather than an expensive bridge. He suggests that we have had difficulty in finding a suitable alignment. That is the first I have heard of. I did not even know we were looking for an alignment yet.

MR. COOKE: I did not quite catch what you said.

THE SPECIAL COMMISSIONER FOR WORKS: I said that is the first I have heard of the difficulty in finding a suitable alignment. I did not even know we were looking for one yet, because no money has been allocated to us for the coming year for this particular work.

We are making some general surveys for the area from the Coast up to Malindi, particularly in the Mombasa area, and we have arranged, when weather permits, for an air survey to be made of the whole of that strip. Perhaps that is the point the hon. Member was referring to.

MR. COOKE: We were definitely informed that an excellent alignment had been found which would not use the old Takaungu Causeway, but would go

[Mr. Cooke]

across the head of it. Is that alignment still the alignment, or has another one been exchanged for that one?

THE SPECIAL COMMISSIONER FOR WORKS: That alignment, Sir, was selected as a result of reconnaissance only, and so far as I know is still the best alignment. We have not yet done any detailed survey in that area. We recognize that the engineering problems there would justify a detailed survey, and when that is done we may have to report that certain alterations should be made. So far no work of that kind has been done.

The second point the hon. Member raised was in connexion with the Taveta irrigation scheme. This again, Sir, was an inherited scheme. It was investigated in its preliminary stages by quite a responsible committee, including one or two recognized water authorities who happened to be in the Colony at that time, and the scheme was worked out and started on the assumption that certain risks would have to be taken in the earlier stages and then corrected later if it was found we could not get away with it. Well, Sir, it is a fact that the passage of water underneath the causeway has proved greater than was anticipated by the original designers of the scheme, and steps have been taken to prepare a revised scheme which will be submitted to Government in the very near future. We have, we think, a reasonable alternative to the original scheme that will cost some extra money. I cannot give you the figures as yet, but we think it will be a scheme that the Government can quite properly adopt in the circumstances.

MR. COOKE: Does that mean, Sir, the old scheme is definitely going to be abandoned?

THE SPECIAL COMMISSIONER FOR WORKS: Well, Sir, my information at the present time is that the greater part of the old scheme will still be required, but it will have to be adapted in certain ways to allow for the water that goes underground. I think the suggestion is we have a small dam lower down, Committee full details of that scheme because it is not quite ready for sub-

mission to the Government. All I can say at the moment is that we hope we will have a reasonable suggestion to put forward.

I think the hon. Member for Mombasa has been answered in full by the hon. Member for Finance and there is nothing left in his question for me to deal with.

The hon. and gracious lady the Member for Ukamba has asked me to say what is the capital cost of road construction to a high-grade standard. Well, Sir, our figure that we use in talking round the table is £10,000 to £12,000 or £14,000 a mile, depending upon how far you have to bring your material and to what extent the road has to be made to a really high standard. Perhaps the road that is most familiar to her, the one to Athi River, is a higher standard than we have built to for some time, and I have no doubt the cost of that will be about £12,000 a mile. These roads are expensive, especially in country of the kind, which is largely black cotton.

The hon. Member also raised the question of contract staff as compared with a pensionable staff, and I hope I have answered that one sufficiently clearly.

The hon. Mr. Pritam, Sir, asked two questions. One was, what is the position about the Kibos-Kibigori road? Well, Sir, the hon. Member knows that is a road through heavy black cotton soil and the original Estimates made some years ago were completely inaccurate for the work that has to be done. The revised Estimate has been submitted to the Central Roads and Traffic Advisory Committee and an allocation has been made for this year and for the coming year. That will not complete the road, Sir, but that is all the money that could be made available by that Committee at the present time. The matter will no doubt come under review as soon as the new Road Authority is created, but I have no reason to think that the Road Authority will find itself in a position to allocate any more funds to that road than are already earmarked. The work must go on steadily. We all realize it is needed, but there are equal needs, just as pressing needs elsewhere, that also have to be taken care of. The other question was with regard to the Nakuru-Roopt

CS Supply

[The Special Commissioner for Works] said that, as the hon. Member knows, of a contract job. The contract period expired some months ago and the contractor is under a penalty now because he is exceeding his contract time. We are pressing him in every way we can and we hope that road will be completed to the end of the section within the next two months.

The hon. Member for Trans Nzola, Sir, I have already acknowledged his very kind words on behalf of the Department, which we all appreciate very much indeed. I do not think he asked any particular question.

The hon. Member for Nyanza also mentioned the Kibos-Kibigori road, on which I have spoken. As regards the Lizim-Kiwoga road, I cannot speak with great knowledge of this, but I am under the impression that we have satisfactorily dealt with that problem in discussions with the Nyanza District Council. When we visited that area some months ago now, we made certain suggestions to that Council which we hoped would get over the difficulty of getting that road done. So far as I know that problem should not be a difficulty when the next maize movement takes place.

That, I think, Sir, exhausts my list of questions, unless there are any more.

DR. RANA: Mr. Chairman, just one or two points, Sir, arising out of the exchange of greetings between the hon. Member for Kiambu and the hon. Member for Finance, so that a silence may not be taken, on behalf of the Asian Members, in a different sense. That is, I accept the principle, wherever the community can contribute towards hospital costs, they should. But I hope, Sir, that in view of the undertaking the hon. Member has given, they will not scrap the proposal for a group hospital at Mombasa? It will be realized, Sir, that the Asian community for years and years has never had a fair deal as far as hospital accommodation both in Nairobi and Mombasa is concerned. Mombasa was in very great difficulty and it was owing to the kindness of the Government and the Development and Reconstruction Authority that provision was made, and I hope that the question as far as that scheme is concerned will not be put down simply because we must

contribute pound by pound. I hope that point will be realized regarding the Hospital Authority. We, as the Asian Hospital Authority have carried the responsibility of contributing, like the European Hospital Authority system, when the accommodation is made available, and I do not think there is any question as regards it.

THE FINANCIAL SECRETARY: I was—

THE CHAIRMAN: Will Members kindly refrain from speaking until they are themselves called.

MR. MATHU: There is one question I would like to ask the Special Commissioner for Works. Is he satisfied or his department satisfied that the housing of the road gangs in the country has improved *pari passu* with the other improvements in the Department?

THE FINANCIAL SECRETARY: Sir, when I was discussing the question of the Fort Hall case, I was not referring to the principle of the pound-for-pound basis itself. I was referring to the question of which source of finance would find the other half—whether the Colony's revenue or the Development and Reconstruction Authority's funds. What I said was that that point raised a very important question of principle which would have to be given careful consideration. There was no suggestion that if a pound were raised for a purpose of this kind, then from somewhere else, either the Colony or the Development and Reconstruction Authority, another pound would not be found.

MR. NATHOO: There is the question—the hon. Special Commissioner of Works did not answer my inquiry as to whether they are indenting for sufficient materials as prices are rising.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I must apologize to the hon. Mr. Nathoo. I missed his third point. We do watch this position, Sir, as well as we possibly can. The Department mostly concerned is the Buildings Branch and in connexion with the Department mostly like a £2,000,000 programme we are carrying out this year, we have to indent well ahead for the materials we shall require for this programme and we try to get these orders placed in plenty of time. We are, however, Sir, limited in this way: we can only place orders for those works for

(The Special Commissioner for Works) which money has been voted, except in a general way for unallocated stores, but in the particular sense the hon. Member is thinking of, we have to get the money voted to us. One of the Departments that is a very important one indeed is the Hydraulics Branch where we very often have to order special pumps and special fittings a year ahead. That ties up money until the supply can be forthcoming because very often orders take some three years or more to be complied with. I think the quick answer is we do follow that policy suggested as closely as we can.

The Hon. Member for African Interests, Mr. Mathu, Sir, asked one more question, "was I satisfied with the housing of the road gangs?" Well, Sir, this position is rather in a liquid state at the moment, because under our new system of mechanization of the road maintenance we are providing movable camps and huts for our maintenance staff and the old system of having camp huts every four miles will no longer hold under the new system. Where permanent houses have already been provided we, of course, endeavour to make full use of them. But at the moment we are not building much more in the way of permanent road-gang houses until we are finally satisfied where the labour will be best employed.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I would like to move Head 2-4. If hon. Members would like to speak on the various items I will break it down into the various sub-heads, but if hon. Members are satisfied and do not wish to take any point under the different sub-heads I will move the whole 2-4.

MR. HAVELOCK: Mr. Chairman, I wish to register my opposition to the Sewage Branch. Would it be possible to take everything up to the Sewage Branch first?

THE CHAIRMAN: We had better take it by sub-heads 2-4 (1) first.

THE SPECIAL COMMISSIONER FOR WORKS: Sir, I beg to move that Item 2-4 (1), Municipal and General, on page 64, down to half-way down page 65, be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: Sir, I beg to move that sub-section (2) on page 65 down to the bottom of page 66 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that section (3) dealing with the Building Branch be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I beg to move that 2-4 (4), Roads Branch, be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that 2-4 (5) Materials, be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I beg to move that 2-4 (6), Mechanical Branch, be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move, Sir, that 2-4 (7) Stores Branch, be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move, Sir, that 2-4 (8) be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that 2-4 (9) be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move: That 2-4 (10), Sewage Branch, be approved.

MR. HAVELOCK: Mr. Chairman, the explanations given, Sir, by the hon. Special Commissioner I am afraid do not convince me of the necessity of this branch, and as I am going to oppose the motion at the moment I would like to give my reasons very shortly.

Firstly, Sir, the hon. Member by putting matters of this sort, planning out to contract, would be much more expensive. I am quite certain it would be more expensive on individual items but I believe that in the long run it will be more expensive to the country as a whole to keep feeding work to a

Mr. Havelock: Department which has got to be kept going than to pay more for individual planning schemes on contract, and that is the great fear I have about this type of department. That is, although there is a lot of work that is needed to be done, as the hon. Director of Medical Services has shown us, have we the money to do it and are we going to be forced to find that money which might be used on more urgent things elsewhere just because we have got to keep a certain section of this sort fed with work to be done? I am afraid, Sir, I cannot support this department, and therefore when this question is put I will be opposing.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I think the Member has rather put the cart before the horse. The object of creating this particular section was to deal with urgent work which we were told had to be done. It is not a question of finding work to keep the section employed, the section has been engaged and brought here with the specific object of doing work that advisers of the Government said was essential and necessary. If that is not so, and if it is agreed that no schemes need be carried out, well, then abolish the section but I gathered from what the hon. Member for Medical Services has said that the need for sewage work is extremely urgent and that money must be provided for those works, not because the sewage section is there but because the work is required.

MR. HAVELOCK: I remember, I think I am right in saying, a case where money was required, asked for, in order to allow this particular department to plan. The case was put so that if we did not supply this money then this department would have nothing to do. The actual job it was planning is probably a very good one, and at this particular moment there are probably schemes which can rank in front of other schemes in terms as regards sewage in small towns, etc., as we have been told by the hon. Director of Medical Services. But I believe, Sir, that the time will come, and not in the very distant future, when the money which we have got will be required for other things. The greater priority will have to be given to other

things, and just in order to keep this department going we will have to keep it fed with money and have to keep schemes of this sort going in order to give the department work to do. I am sure the thing can be handled by contract, as has been suggested, and even though individual items are more expensive by contract, in general I am certain that the deletion of this department would be less expensive to this country.

MAJOR KEYSER: I think there is a lot in what the hon. Member for Kiambu has said in his arguments, and it really boils down to the question of whether there is the work for this Department, and whether the money is available. We all know of the desirability of good drains and sewers, but we also are aware of the shortage of money in the Colony at the moment for carrying out these works, and it does really boil down to whether there is the work to carry out and the money to finance the scheme. If there is not the money and there is not going to be the work for them, then obviously it is necessary for this department to vanish. But I would not like at this stage to vote against the Department, the Sewage Branch, continuing, because of the small amount of information that we have. Sir, could we have an assurance from the hon. Chief Secretary or the hon. Member for Development in this instance, that in the next few months this whole question will be examined? As to whether there is the work and whether the money exists for the work being carried out to keep this Department employed. It would be a great pity in my mind to abolish this service if it is going to be used in the next few years—or in the next year.

THE CHIEF SECRETARY: Mr. Chairman, I can certainly give the hon. Member for Trans Nzoia an assurance that we will examine the Department again and try to discover whether we think, in view of what has been said opposite, that there is sufficient justification for it. As there is sufficient justification for it, as regards the assurances that he has asked for, that during the next few years there will be sufficient money available for everything which ought to be done, I am afraid I certainly cannot give him the assurance. As far as I could see, we would have to establish a "Department of Prophecy" in order to do quite as much information as that! But one of

[The Chief Secretary] the things we are trying to do, of course, is to plan as far as we can within the means which are available to us.

MAJOR KEYSER: Yes, Sir, but we have got a Development Plan for the next five years. Is sufficient money going to be allocated for sewage and drainage, say, in the Development Plan, to keep this service employed?

THE CHIEF SECRETARY: You were going to call me, Sir? (Laughter.)

THE CHAIRMAN: I rather think it is time to report progress and I had thought of moving the motion from the Chair myself. If you should think it would be a convenient time, it seems to be well on. But, perhaps when you conclude your remarks, you will move the Report.

THE CHIEF SECRETARY: Mr. Chairman, what the hon. Member has said is true, that we have a Development Plan which has allocated certain funds for certain purposes, but, of course, those funds are made in block allocations in many cases; and in others they are made towards things like hospitals, schools, industrial development, etc. In all those schemes the question of drainage arises, and when it comes to planning a new hospital or a new school the drainage section of that particular work would be the Planning which would be done by this section of the Public Works Department. For that reason it is not possible to say at this stage that there is money actually earmarked for every drainage or sewage scheme. But, as I have said, I will undertake to go into the question further with my hon. friend the Member for Health and Local Government and with the Special Commissioner for Works.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that the Committee report progress and asks leave to sit again.

The question was put and carried.
Council resumed.

HANSARD

MAJOR KEYSER: Mr. Speaker, may I crave the indulgence from this Council for a minute or two to give expression to a thought which must have been in the minds of all hon. Members in the last

week or two. I think, Sir, this is an opportune moment to express our thanks and appreciation for the work that is being done by the Hansard service (Applause.) We are, Sir, having our speeches reported in a most accurate manner and handed back to us in a very short time, and I am sure that all hon. Members will join with me in thanking not only the ladies who record our speeches in this Council, but those who transcribe them; Mr. Borrett, who has organised and is supervising the service; and to the Printing Department who are printing the speeches in record form. (Applause.)

ADJOURNMENT

Council rose at 12.50 p.m. and adjourned till 10 a.m. on Tuesday, 5th December, 1950.

Kenya Council

Tuesday, 5th December, 1950
Council assembled in the Memorial Hall, Nairobi, on Tuesday, 5th December, 1950.

Mr. Speaker took the Chair at 10.05 a.m.
The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 1st December, 1950, were confirmed.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 76

MR. COOKE:

Is Government aware that the Governments of Northern Rhodesia and Fiji, amongst other Colonies, now pay increased pensions without a means test?

In view of this, will it agree to introduce legislation to that effect in Kenya?

THE DIRECTOR OF ESTABLISHMENTS: In Fiji cost of living allowances are paid on salaries and also paid on pension and there is no means test. In Northern Rhodesia there is at present a means test, but a recent select committee has recommended a basic change of system excluding the abolition of the means test.

No, Sir. This matter was very fully examined and debated in 1949 and the Government does not consider it desirable to reopen it at this stage. The Government is however obtaining and will study the report of the Northern Rhodesia select committee.

MR. COOKE: Mr. Speaker, on account of the unsatisfactory and very unsympathetic nature of that reply I propose to raise the matter at the earliest possible moment on the adjournment.

MR. SPEAKER: That will be then at half-past twelve.

MR. COOKE: Yes, Sir.

MR. SPEAKER: There will only be a quarter of an hour.

BILLS

FIRST READINGS

On the motion of the Attorney General, seconded by the Solicitor General, the following Bills were read

a first time: The Deportation (Immigrant British Subjects) (Amendment) Bill, the Accountants (Designations) Bill.

Notice was given that all subsequent stages would be taken during the present sitting.

SECOND READING

The East African Power and Lighting Co., Ltd. (Validation and Licensing) Bill

MR. HAVELOCK had moved: That the East African Power and Lighting Co., Ltd. (Validation and Licensing) Bill be read a second time.

Mr. Cooke had seconded.

MR. SPEAKER: Bill for Second Reading. The debate has been adjourned and the debate will now continue. I do not know who was speaking at the time. I think the hon. Member for the Coast. You moved the second reading and reserved your right, did you not?

MR. COOK: Yes, Sir.

ATTORNEY GENERAL: Mr. Speaker, I only wish to indicate that after the second reading, if a second reading is given to the Bill, it is my intention to move that this Bill be referred to a Select Committee. It rests with you, Sir, under Standing Rule and Order 101 to decide whether the Bill shall stand referred to a Committee of the whole Council, or to a Select Committee. I suggest that, as there are various formalities to be complied with in dealing with a private Bill and, I understand, one or two points to be cleared up, it would be appropriate in this case that the Bill should be referred to a Select Committee and not to a Committee of the whole Council. I therefore give notice; now, Sir, it is my intention so to move, in case it may have any influence on this debate.

MR. NATHOO: Mr. Speaker, in view of the statement of the Member for Law and Order, I do not wish to say much; but, Sir, I wish it to be recorded that we take the strongest possible objection to Clause No. 4 of the Bill where it gives the power to the Company to be exempted from all consequences from whatever cause Sir, I would like to mention that when the Select Committee on the Electricity Bill was sitting some time

[Mr. Nathoo]

ago, we were given a definite assurance that if the Company had shown negligence in any of its working, the public, or affected parties, would have definite claim against them, and it was never proposed, and it was not the intention of the Government to give exemption to the Company in retrospect either now or in the future if it could be proved that they had been negligent in doing their duties and thereby inflicting damage to other people. We wish it to be recorded here, Sir, that we are of the same opinion, and whilst we welcome the fact the Bill has been referred to a Select Committee, we cannot possibly agree to this Clause for the simple reason we cannot allow the Company to get away even if they can prove that there has been no negligence in the past.

The question was put and carried.

ATTORNEY GENERAL: Mr. Speaker, I beg to move that the Bill which has just been read a second time be referred to a Select Committee.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

MR. SPEAKER: Council will now continue in Committee of Supply.

COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951

Council went into Committee of Supply on the Draft Estimates of Expenditure for 1951.

Group 2—Head 4 (Continued)

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, the hon. Member for Kiambu seemed a bit anxious about the sewage section under Item 10, Hydraulic Branch, on page 73 of the Estimates. I said in my reply on Friday last that this section of the Department was required to carry out investigations and prepare plans for sewage and drainage problems which were involved in almost every building project that the Department has to deal with. I was not, however, at that time able to quote any figures, but since that debate I have now been able to obtain some figures which I will quote and

which I hope will satisfy the hon. Member. I explained, when this section was agreed to a year ago, that it was largely a planning service. Well, Sir, by that we mean that in designing our building projects we have to prepare drainage and sewage schemes sometimes of considerable magnitude and, in the past, through the absence of such a section, much of that work was not done and in many cases buildings all over the county are now badly sited from a drainage point of view and much additional expenditure will have to be carried out. I am thinking particularly of some of the large schools where this aspect of the problem was not properly investigated. Now, Sir, we find that with regard to the projects we are already working on for 1951 that already we are six months behind on work of this kind, and that, before that six months' work is overtaken, we shall have further work to carry out and investigate and plan before the end of the year: so that on our departmental work alone we have enough work to keep that section fully employed for the full 12 months. I could give hon. Members some of the major items that we are working on, but I will mention only the Duke of York School, the European schools at Kitale, Nakuru, Kericho, the prisons at Kisumu, the native civil hospitals at Kisii and Eldoret, Asian housing schemes and native location schemes here in Nairobi, to mention a few of them.

Now, Sir, in addition to our own work of that kind we also anticipate being asked to work out schemes in connexion with the loans to local authorities for which there is an item of £400,000 in the Estimates. Already we have had notice that Nakuru requires our help in this connexion, and we are already making preliminary investigations in that case. There will be a number of others, too, coming on during the year. In addition to that there will be some special schemes for smaller towns that are as yet in a position to service a loan. The big project, of course, that all Members know about is the Thika scheme, for which already a considerable amount of investigations have been carried out. We have employed consulting engineers to make the preliminary investigations there, and we will have to follow that up with our own work, planning and pre-

ET Supply

[The Special Commissioner for Works] being a smaller scheme for a start. The consulting engineer's full scheme is a very big one, costing a considerable amount of money, but we hope to make savings whereby that work can be simplified and carried out in stages. We here, as you know, £20,000 earmarked in the Estimates this year for that project.

Well now, Sir, that I think will show hon. Members that this section is going to be fully employed during the coming year. We are also being continually asked to help other bodies in vetting and examining schemes they have put up or wish to put up. They come to us for local advice on that matter. I hope that will satisfy the hon. Member and show him that in fact this section is a very important one indeed and is going to be fully employed.

MR. HAVELOCK: Mr. Chairman, there are a number of points on which I, personally, am not satisfied, Sir. I think that a lot of hon. Members on this side of the Council are worried, but also they have not sufficient information, and I would ask the hon. Special Commissioner for Works if he would allow me to visit him in his office some time in the near future and go into the whole matter in more detail, in which case I shall report back to Unofficial Members.

There are two points on what the hon. Member has just said which I would like to raise. First of all, it does not seem very clear to me, Sir, that there should be a specialist branch to plan drainage and sewage systems of buildings—even big ones like schools. I would have thought that an ordinary architect was fully qualified to do that.

The other point which I would like to ask him, if he can reply. He stated that local authorities will be taking advice from this branch on local schemes, small towns, etc. Will the local authorities, especially if they are rating authorities, reimburse Government for the services so rendered to them by this sub-branch?

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, on those two points I will be very glad indeed to see the hon. Member at any time in my office and go through this question very

fully with him. I am sure it is merely a question of explaining the facts and the position clearly; I feel quite sure we shall be able to satisfy him in every possible way. With regard to the specialist nature of this work, it is a specialist type of work and we have already benefited very greatly from the fact that we now have a specialist officer to do it. As regards the question of charging for advice and assistance given to local authorities, Sir, we have not yet instituted any system for asking for payment for such advice, but it is a point that should perhaps be considered.

THE CHIEF SECRETARY: Mr. Chairman, I was merely going to remind hon. Members, as regards the request made by the hon. Member for Kiambu for information, that an invitation has already been extended to any hon. Member who wishes for information to come and get it from the Member or the Head of Department concerned. I would only repeat that invitation and say that we shall always be happy to endeavour to give the information: it was, of course, part of our system for dealing with the Budget this year that hon. Members who wished for information would come and ask for it and get it before the debate started.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 11 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I beg to move that sub-section 12 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 13 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 14 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 15 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 16 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 17 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 18 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 19 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 20 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 21 be approved.

MR. PRINSON: Mr. Chairman, Sir, I should like further information on Item 2-6—African Staff. I would very much like to know what these people do if they are there for cleaning purposes. It seems a very large staff for a building of the size of the Law Courts building.

MR. NATHOO: Can I take another item at the same time, Sir?

MR. CHAMALLAN: Nothing else but 21. Anything under 21. You are speaking to the motion that it may be approved.

MR. PRINSON: There is an item about uniforms, Item No. 2 on page 78. Well, Sir, it is my contention that if we are going to provide uniforms for African staff at the Law Courts building, these uniforms should, I think, be kept in a better condition than has been in the past. I think, with particular reference there to the kit boys, I do not know whether these uniforms are for these periods and it would appear rather that they were not spending enough on the uniforms or insufficient supervision is being maintained over the African staff.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, the African staff under the charge of the Caretaker, I

assume includes not only cleaning staff, but also the messengers and other staff employed there. I am afraid I am not fully familiar with the details of kit, but that, I think, is the answer. As regards the question of uniforms, Sir, the matter is in my mind. This question is really a question of economy, and how much money that can properly be spent on uniforms, but we will do what we can to see that the uniforms as issued are properly looked after by the persons concerned and that they are made to last up to a certain tidy condition.

MR. NATHOO: After the remarks of the Special Commissioner for Works, I am sure that they included messengers—I was under the impression that all the various departments in the building had their own allocation of messengers and boys. For whom do these messengers carry things?

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I think I explained just now I am not familiar with the details of this. I must have noticed it. But I am informed by one hon. Member in front that Item 41 does not include messengers.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I beg to move that sub-section 22 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that sub-section 23 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I beg to move that sub-section 24 be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I beg to move that Head 25, Items 1-10, be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I beg to move that Head 26 be approved. I think probably it will be convenient to Members if we do these by sections. First section—Buildings.

MR. CHAMALLAN: Just a point, Sir, on Item 2, under Educational Buildings, provision for the building of a Government African School, Isiolo, Classroom Provision for this classroom. Mr. NATHOO, Sir, has been appearing in our Estimates for quite a long time now, and I think the delay has been out of all proportion, especially when we know that this school is the only school that exists in Northern Frontier Province. I should like to know, Sir, why this delay has been in the Estimates.

THE CHIEF SECRETARY: I am very sorry, but we could not hear the hon. Member up here at all.

THE CHAIRMAN: Members must at the end always be prepared to raise their voice a little more than at speaking time.

MR. NATHOO: Can the hon. Member go forward over there and speak?

THE CHAIRMAN: That would be contrary to all precedence, not to speak in this place.

MR. CHAMALLAN: With your permission, Sir, I will repeat the question I am referring to. Sub-item 2 under Educational Buildings, that is about the Government School at Isiolo, the classroom building. I was saying that the progress for the building of this school has been appearing in the estimates for a very long time now, and I must say that the delay has really gone beyond all proportion, especially when we know that this school is the only school that has facilities for the people of the Northern Province, and I should like to know why the delay has been so long.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I know that the delay work at Isiolo has been delayed for the past few years, but all the arrangements are now in hand to carry out not only this particular building, but other buildings that are also to be put up at Isiolo, and I have no doubt that this will be taken care of during the coming year.

The question was put and carried.

MR. HAVELOCK: There was an hon. Member on his feet, Sir.

THE CHAIRMAN: I paused some time there I moved.

MR. NATHOO: I am sorry, Sir; I stood up.

What I wanted to know from the Special Commissioner for Works was about Item 3. I notice, Sir, that in the Estimates for 1950 there was a provision of £3,310. I would like to know whether that was spent, and if that is an extra item besides that extra amount of £2,700 for next year.

THE SPECIAL COMMISSIONER FOR WORKS: Is that Item 3 on page 81?

MR. NATHOO: Yes, Sir.

THE SPECIAL COMMISSIONER FOR WORKS: Well, we have an item put down of £2,700 to be spent in 1951.

MR. NATHOO: That is the part of the £3,310, or is that quite a separate amount?

THE SPECIAL COMMISSIONER FOR WORKS: It is a revote, I understand, from the £3,310.

MR. HAVELOCK: Mr. Chairman, it is just a question. If I may take Item 5, Medical Buildings; why does that not appear under the Development and Reconstruction Authority Estimates? It seems to be a capital building, a new capital investment—unless it is a revote, which I cannot see any note about it being a revote. The whole system seems to be breaking down, to my mind.

THE FINANCIAL SECRETARY: Mr. Chairman, the position is this, that when we separate out from the finances of the Colony what we are pleased to call the capital budget, there is bound to be a certain class of works rather difficult logically to put into the capital budget because of their small magnitude, while at the same time it could be argued that they should not be in the recurrent. At the present time this class is carried under Recurrent, but the position is being examined in the Treasury in consultation with my hon. friend the Member for Development and it is hoped that we may be able to produce some more logical arrangement in respect of the next Estimates.

MR. HAVELOCK: Simplicity!

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that 2-6B be approved.

MR. COOKE: May I suggest that a proportion of this sum of money should be devoted to tarmacking the big square opposite the Law Courts. I think it is the main entrance of the Law Courts; it is just a series of puddles during the rains. Could something be done? It is very unsightly at the present moment.

MR. HAVELOCK: May I ask, Sir, on Item 2, when the arrears on Government buildings are going to catch up?

THE CHIEF SECRETARY: Mr. Chairman, I would suggest, with all due respect to hon. Members opposite, that, if they have questions to ask, it is very much more satisfactory for themselves in that they get a better answer if they accept our invitation and come before the debate and get the answers to these various questions.

MR. COOKE: Mr. Chairman, we on this side of the Council, like all great men, have flashes of genius, which only just occur to us at the moment. (Laughter.)

THE CHAIRMAN: What I do suggest is that the Unofficial Members pass amongst themselves a self-denying Ordinance on this matter. We have had it every year ever since we have had Committee of Supply; hon. Members will get up when they suddenly think of something and spring a question which nobody on the other side can give an immediate answer to. It is not to be expected in Committee of Supply that every Official Member should be there ready to answer any question on any of the thousands of items on the Estimates. That is really asking too much of them. Opportunities are offered throughout to go to departments and get information, and there is also, as I have pointed out before, question time.

MR. COOKE: I was not asking any question, Sir, I was, I think, putting a constructive suggestion to my hon. friend to prevent him getting his feet wet when he is getting out of his car.

MR. HAVELOCK: These last two questions may have been "flashes of genius", but I feel that we must, on this side of the Council, reserve our right to ask questions arising out of remarks made

by the hon. Members on the other side of the Council.

THE CHAIRMAN: I am sorry to disagree with hon. Members on this. It makes the task of the Chair practically impossible. If hon. Members on the official side are going to continue to believe that it is their bounden duty to scrutinize details throughout the Budget. That is not the function of the Committee of Supply.

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, I will undertake to look into this question of tarmacking in front of the Law Courts and see whether funds will permit. There are many places where that ought to be done, of course.

With regard to the second point, I am in a position to answer it. This is the last instalment of the arrears of maintenance that was voted some years ago. Whether we shall come back next year and ask for a further instalment will depend upon the results of the review of the general conditions of housing which is going to be carried out in the coming year.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move that 2-6, section (c), be approved.

The question was put and carried.

THE SPECIAL COMMISSIONER FOR WORKS: That concludes the Public Works Department, Sir. (Applause.)

Part C—War Expenditure—Civil

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Part C—War Expenditure—Civil be considered.

Sir, this is another of those composite Heads that renders inappropriate making any speech on policy in moving the main motion, but the hon. Member of Government on this side when moving the particular items which pertain to their portfolios will, if they deem fit, make any remarks on policy at that time and will no doubt also answer to the best of their ability any points raised by hon. Members opposite.

Sir, I beg to move.

THE CHAIRMAN: But then you are not making any speech.

THE FINANCIAL SECRETARY: It is merely a formal motion, Sir.

THE CHAIRMAN: An unopposed motion. Is that what is intended?

MR. NATHOO: May I ask you something?

THE CHAIRMAN: I will look up these items again. As I understand it, there is to be debate on it. It is certainly not a case for answering questions. I have got it on a list here as one of the subjects which Members wish to have debated.

MR. NATHOO: With your permission, I was asking, can we speak now on the general policy or shall we speak when that particular item is moved?

THE CHAIRMAN: As I understand it, in reading the Report, if it were desired to debate the item, the debate was opened by one of the Official Members moving this and speaking to it so as to give an indication it was a debate. Otherwise, if they do not speak to it, I take it is a formal motion which is simply put and the debate, whichever it may be, follows on items only.

THE CHIEF SECRETARY: Mr. Chairman, the purpose of putting the question that a certain Head be now considered was to provide an opportunity for hon. Members to debate the policy relating to that Head. In a composite Head of this nature it is difficult for hon. Members to debate policy which must vary according to the various items, and I suggest, therefore, it would probably be preferable and in keeping with the wish of hon. Members opposite if they raised the questions of policy when the various items are moved. I cannot see any other way of doing it than that when Heads of this sort contain items which are so vastly different.

MR. COOKE: I should have thought, Sir, one of the very clever and eloquent Members on the other side of the Council might have given us a talk about the policy of controls. That would have given us an opportunity of debating policy.

THE FINANCIAL SECRETARY: I did, in moving this motion, say that hon. Members on this side of the Council would in moving their own particular items make such remarks on policy as they thought fit.

MR. HAVELOCK: May we support, Sir, the suggestion of the hon. Member, the Chief Secretary and go ahead with the items.

THE CHAIRMAN: That is what I thought. It was that we put this now as an unopposed motion, that Part C be now considered.

The question was put and carried.

THE CHAIRMAN: Now we can proceed with the items.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 1 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 2 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 3 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 4 be approved.

LT.-COL. GHERSIE: Mr. Chairman, there is a very slight increase in the expenditure under this item. The cessation of hostilities took place some years ago and one had reason to believe that the activities of this Department were drawing to a close—could Government give some reason for the continuation of this Department at this stage.

THE FINANCIAL SECRETARY: Mr. Chairman, in the first place if the hon. Member will refer to the appropriate revenue item, he will observe that a very large proportion of the expenditure under this item is covered by fees paid in respect of enemy property. The second point is this, Sir, property that a very considerable amount of property was taken over by the Custodian during and after the war and it, sometimes, is a very difficult matter to adjudicate upon the enemy origin of the property as nationality of the owner of that property. Considerable properties in the Uasin Gishu area are still under consideration and, until the legal aspect of the matter has been finalized, it would be a dangerous thing for us to dispose of those properties, only to find that we had no legal right to do so. However, I

[The Financial Secretary] will assure the hon. Member that this matter is drawing to a close and it is hoped that we shall be able to dispose of the Usain Gishu properties which are the main ones outstanding, during the course of 1951.

The question was put and carried.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that Item 5 be approved.

I would refer hon. Members to the footnote at the bottom of page 213 which states that this expenditure is fully reimbursed under Revenue Head 30.

The question was put and carried.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Item 6 be approved.

The remarks of the hon. Secretary for Commerce and Industry apply also to this item.

The question was put and carried.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Item 7 be approved.

The question was put and carried.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that Item 8 be approved.

MR. COOKE: Now that controls have become more or less permanent, could we have the names and salaries of these people connected with the various controls published in the Staff List, if, and when, it is published again.

MR. NATHOO: Mr. Chairman, the hon. Secretary for Commerce and Industry informed us some time back that this department was under constant review, as all the controls, to see if economy could be effected as and when time permitted. In view of the fact that more and more items from the United Kingdom and sterling areas are falling into a group where they are not controlled, I do hope that the hon. Member will look into the question and see that whatever economies can be made in this particular department shall be made at the earliest possible opportunity.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, in reply to the point raised by the hon. Member for

the Coast that the names of Controllers and their staffs should be included in the Staff List, I have been informed by hon. friends on this side that they are, in fact, in the latest edition of the Staff List.

In reply, Sir, to the point raised by the hon. Mr. Nathoo, Member for Central Area, concerning the increasing freedom of supplies from the United Kingdom and the sterling area, I will give the undertaking, Sir, that we shall continue to review this situation and that the staffs employed on Imports Control will be reduced as it is possible to do so.

I would, Sir, however, like to make the point that, at the present time, although it has been found practicable for the United Kingdom to introduce a system of open general licences involving a large number of European countries in respect of a wide range of goods, it has not, so far, been possible to get the approval of His Majesty's Government to implement a similar procedure in detail here. That matter is at the moment under very active consideration and I believe that it is likely to be possible to make suitable arrangements, but I must issue a slight word of warning. The system which has been introduced by His Majesty's Government allows open general licences in regard of a very long specified list of items, an exceedingly long one, and we, at the moment, Sir, are endeavouring to get permission to introduce a system which will allow the issue of open general licences in respect of all items except for a limited number of exceptions which is the way indeed, upon which our present Import Control operates in regard to sterling commitments to Dominions and to the United Kingdom. If we can do that, then we shall be able, I think, to make considerable reductions in staff. If we are obliged to follow the other procedure, I am not so optimistic. The amount of checking, and so on, would be very great.

I would also like to mention, Sir, for the information of the hon. Member that owing to the difficulty in placing orders at the present time, and delayed delivery, and to the competition amongst merchants, whereas the number of applications for Import Licences was, a few months ago, running at 85 per day, the latest figure is an average of 215, which

[The Secretary for Commerce and Industry] gives some indication of the pressure on the staff of that office.

MR. HAVELOCK: Mr. Chairman, going from the remarks of the hon. Member, I would like to touch on a matter of which he has full knowledge, because I have been corresponding with him on it. That is, Sir, the importation into this country of goods from Czechoslovakia. I am told there are a number of goods being imported into this country at phenomenally uneconomic prices because of the conditions obtaining in that country, Czechoslovakia being behind the Iron Curtain. That certain of these goods, especially shoes, are producing uneconomic competition for local manufacturers and that, in other words, we are being faced, Sir, by the political dumping of goods in this country from Czechoslovakia. Has this matter been considered by Government and will they do something about it? I suggest, Sir, it is a matter of great importance and I was told the other day, I have not yet been able to confirm it, but I believe it is right, that an advertisement appeared in one of our local papers advertising a motor vehicle made in Czechoslovakia and the advertisement said that this motor vehicle has been tested out in North Korea—against the Americans and I suggest, Sir, this is a matter of great importance and the hon. Member should take note of it.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I certainly will take note of it.

The question to which the hon. Member for Kiambu referred in the first instance concerning the importation of shoes from Czechoslovakia at what appears to be slightly sub-economic rates is at present under consideration by the Government.

The question was put and carried.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that Item 9 be approved. In so doing, Sir, I would like to explain to hon. Members that the creation of this office is designed for two reasons; in the first place the Imports Control Office which has just been approved is, of course, a joint office operating between Kenya and Uganda and it is desirable that it should

be free from the operation of a certain number of controls which are purely the concern of the Kenya Government. It will be noticed that this re-grouping has resulted in a saving of some £12,373, and all the distribution controls now remaining under the Member for Commerce and Industry have been grouped into this one department. It contains the residue of a number of controls which are, unfortunately, of necessity still with us, although in a very much more modified form, and while it has been necessary, and, indeed, desirable, to show the breakdown of the department into a number of Heads in the Appendices, it is, of course, designed to provide flexibility and there is no intention that those divisions shall become firm little compartments.

Sir, I beg to move.

MR. NATHOO: Mr. Chairman, it is very gratifying to hear from the hon. Secretary for Commerce and Industry that, by the reorganization of the Imports and Supply Office, substantial reductions have been made. I trust, Sir, he will keep the same vigilant eye over these departments to make economies as, and when, it is possible.

There is another point, Sir, to which I must refer and that is the working of the Commodity Distribution Board. It is, Sir, generally believed by the public, or at least imagined by the public, that all these controls are not as efficient as they might be. Whilst, Sir, there might be certain justification in some of these controls, I would like to pay tribute, Sir, to the Commodity Distribution Board to the generally and most particularly to the efficient manner in which this Department has functioned during the past fifteen months. I, Sir, have had reason to make year. I, Sir, have had reason to make representations on behalf of my constituents and bring other matters to the notice of the Chairman and I must notice of the Chairman and I must record here, Sir, the sympathetic and record here, Sir, the sympathetic and hearing to all my representations, and I would like it to be recorded that very Department has been functioning very well. But, Sir, we would press a point well. But, Sir, we would press a point upon the Member that, as soon as it is possible to reduce the activities of these controls, he will do so at the very first opportunity.

The Committee adjourned at 11.00 a.m. and resumed at 11.18 a.m.

THE CHAIRMAN: We are dealing with Item 10.

MR. PRESTON: Mr. Chairman, with regard to the Motor Vehicle Control, I very much wonder whether this control is working as well as it might work and whether there is really a necessity to continue it. If one reads one's newspaper, in the advertisement column these days, one frequently sees American cars being advertised for £1,000, £900 and £800 which I understand is beyond the controlled price. Therefore, I question the necessity for the control continuing if people market their second-hand vehicles at any price they like and advertise openly in the paper; surely, either the control is not functioning or else it should be removed.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, in the first place, I should like to say how very much I appreciate the remarks made by the hon. Mr. Nathoo, Member for Central Area, and I would like to thank him on behalf of the Chairman of the Commodity Board and his staff. The work of operating controls is a somewhat thankless one at the best of times and I know that the appreciation which the hon. Member has expressed will be highly gratifying to the officers and staff concerned.

Mr. Nathoo asked that the Government should continue to keep its mind on the possibility of effecting economies. Sir, it will continue to do so. The Chairman of the Commodity Board, who will be in charge of this new department can, I think, be termed to be an expert in the matter of reducing staff. One has only to consider the reductions which he has made in the staff of the Commodity Board and other functions which he has carried out, to realize this and the Government will certainly continue to see that this policy is followed. There should, however, be perhaps a note of warning. It is difficult to-day to foresee what exactly the position of supplies is likely to be and if, owing to circumstances over which we have no control, it deteriorates, it may not be possible to effect the economies which we should wish, but as soon as they can be effected, they will be.

In reply, Sir, to the hon. Member for Nyanza concerning the operation of the Motor Vehicle Control. The Control has

a very small staff shown against it, consisting of one European clerk and one office boy, working, of course, under the general supervision of the Head of the Department, when it comes into force at the beginning of the year. It is performing three functions. In the first place, motor vehicles from hard currency sources are subject to control during the first year of their registration in the country. That is necessary in order to check exploitation of the local shortage of spare and ample. I fail to see why we should maintain a control to prevent the sale at a high profit. In the second place, the control is performing a very useful function in regard to vehicles which are being placed on the market through the Disposals Organization from military surpluses out here. In the third place, there has been a good deal of dissatisfaction in the method of that disposal and, unfortunately, quite a number of African cars and other people purchased and carrying vehicles in the hope and anticipation that they would operate them as buses and were either unable to get licences or lost money as a result of their transactions. At the present time, the Control is, in as far as is possible, ensuring that such vehicles go to end users who will be able to make use of them and that difficulties of the type which I have described do not arise.

The section also looks after the export of hard currency motor vehicles from the Colony.

In regard to the point raised by the hon. Member concerning prices at which motor vehicles of hard currency origin are advertised, I would state that the Control is merely concerned with the sale of those vehicles second-hand during their first year of registration and that they are normally valued by a local dealer in conjunction with the Control and should be sold to an approved purchaser. Now, Sir, in December, last year, a communiqué was issued pointing out that it was an offence to sell motor vehicles at a price second-hand which was higher than their original cost when new. That is an offence under the Control of Second-hand Goods regulations and it is a matter to which the Price Controller's attention will be drawn and such cases should be investigated by the Department.

Sir, I beg to move.

MR. BLINDELL: Mr. Chairman, I would like to recommend to the hon. Member opposite that he does consider the Vehicle Control altogether.

I do not consider the reasons he has given for its continuance are really strong. In particular, I would like to raise with this question of hard currency vehicles coming into the country and being sold at a higher price. The present supply of motor cars in the Colony from the United Kingdom is more than ample. I fail to see why we should maintain a control to prevent the sale of a good deal of surplus for a dollar article, as there is no compulsion on a man to buy a dollar article, and if a vehicle comes to this country and the owner wishes to sell it at all can do so at a considerable profit, which is fully on our part to maintain the control to see that he does not, because there is no compulsion on anybody who wishes to buy it. They need not do so, they can always buy an English car or a Continental make. In the old days when the control was first originated, there was a necessity for a control because there were no motor cars in Kenya, and I think we are going too far to prevent John Citizen paying too much for something. If he wishes to do so, why shouldn't he?

THE SECRETARY FOR COMMERCE AND INDUSTRY: I have noted the remarks of the hon. Member. I will investigate the possibility of revising the present scheme.

The question was put and carried.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that Item 10 be approved.

MR. NATHOO: Mr. Chairman, as is known, the late Chairman of the Rent Control Board made some recommendations as regards alterations in the present Ordinance. Whilst this matter has been under the consideration of the Government, I wish to inquire from the hon. Member for Commerce and Industry as to when does he think it will be possible to implement the suggestions for Charles Belcher made when he left the Colony. At the present moment, Sir, a lot of hardship is experienced both by landlords and tenants on account of the meaning of some of the definitions of some of the terms in the

Ordinance and I do hope that legislation will be introduced to amend this Ordinance to bring it into line according to the present conditions.

THE CHAIRMAN: I do find it extremely difficult in this debate to decide what is policy and what is not policy. It has always been a rule in Committee of Supply that you cannot recommend legislation. After all, these items lumped together here are only emoluments, office expenses and things of that kind and that is the only detail we are really dealing with. I hope Members will try to keep off very broad questions.

MR. NATHOO: I am sorry, Sir: I wanted to make that point.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, in reply to the point raised by the hon. Mr. Nathoo, he is, I think, aware that when moving a resolution to maintain present legislation in force for a further year—recently in this Council, I gave an intimation that Government would endeavour to introduce the new amending legislation during the February Session. It is, however, most necessary that outstanding recommendations from Rent Control Boards should be received as early as possible, otherwise this will not be practicable.

The question was put and carried.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that Item 11 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 12 be approved.

Now, Sir, hon. Members will recall that when this motion was moved last year, the general theme was that of retrenchment. It was hoped at that time that we should, within the reasonably near future, be able to curtail the control and perhaps abolish it altogether. Unfortunately, during the past year, world events have overtaken us and we have had to reverse that attitude. This reversal is, in Government's view, regrettable, but I am afraid, Sir, unavoidable.

Now, the Price Control, as I have said before, is a very important instrument in Government's policy to hold as far as possible the cost of living, but I would

[The Financial Secretary]

like to assure hon. Members, Sir, that there is no intention of the indiscriminate imposition of controls. It is Government's function, to protect every section of the community and although there has been a certain amount of, shall we say, wrongdoing by certain sections of the trading community in the past, I would assure the Committee that in the imposition of these controls, there is no intention of riding rough-shod over any sections of that community. It may be true that certain consumer interests have been wronged. It is not correct to put that wrong right by wronging somebody else. In other words, Sir, two wrongs do not make a right. In this matter, it is the Government's policy to consult and keep in the closest touch with both the consumer interests and the trading interests and I would like here to say, Sir, that in our attempt to propagate the policy of Government in regard to this question of cost of living, the trading and commercial community have given the fullest co-operation to the Government and I would like here to pay a tribute to that community in this behalf. Sir, I would also like to take this opportunity of paying a tribute to our present Price Controller who has conducted the necessary negotiations with great care and high ability and who indeed administers the departments with those same characteristic qualities. (Applause.)

Now, Sir, I said earlier in this statement that it was no policy of Government to impose these controls indiscriminately. As an example of the care with which Government is reviewing this subject, I will give the following case. As hon. Members know, in most lines of goods, the range is from the purely utility article up to the luxury article. Now the people that can afford luxury articles do not usually require very much relief in the matter of the cost of living and it would appear a little unnecessary therefore to impose controls on the higher luxury ranges of goods. We are investigating, therefore, the possibility of imposing control only on those lower or utility ranges of goods purchased by the class of persons in need of relief. The difficulty about it is this, Sir, that if you control profits on the lower range of goods only, human nature being what it is, there is

the temptation on the part of the trader to deal only in the upper ranges of goods where his profit is unlimited. This deal might lead to a shortage on important and therefore in the shops of the necessities, the utility lines of goods, which are so necessary to the lower income groups. We are, however, putting a suggestion to the trading community of Government control only the lower ranges of goods leaving it for the trader to play ball and ensure that adequate importations in those lower ranges continue. If, of course, we find that controlling only the lower ranges and leaving the other ranges untouched produces a shortage in the lower ranges, we shall have to think up and control the whole range.

There is one last thing I would like to say, Sir, and that is this. It is the intention of Government, having imposed the control, to implement it and to see that, it is in fact, effective. I would also like to say this, that the persons most likely to defeat this control are the very persons for which the control is designed to protect; that is to say, the consumer. I do again appeal to all sections of the community for co-operation with the Government in this matter and particularly to that most important section of the community, the housewives.

Sir, I beg to move.

LT.-COL. GHERSI: Mr. Chairman, it is observed that there is a decrease in this item of £2,029. Now, Sir, in view of Government's recent announcements that they proposed to reintroduce control on certain commodities and tighten up on others, does it mean that provision is made in these estimates for any expansion in that department or is it necessary to reintroduce a supplementary estimate at a later stage.

THE FINANCIAL SECRETARY: Sir, the reduction in this vote results from the most careful examination of the position within the department undertaken at my request by the present Controller and the resultant rationalization of the Control's activities. The reduction last year, it will be remembered, was £5,000 on the proposed estimates. This reduction was accepted by Government when proposed by an hon. Member on the other side who politically is not with us to-day. I am grateful to the hon.

[The Financial Secretary]

Member for raising this question, because I do say that it may be necessary during the course of the year, if things get worse, to ask for some small addition to this amount, but I do not think this will exceed about £1,000.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 13 be approved.

MAJOR KEYSER: Mr. Chairman, I do not want to start a debate on this particular item because I hope that in the near future this Council will have an opportunity of discussing the implications of this item, but it does appear to me, Sir, that a practice has arisen in the debate on these estimates, on the other side of the Council, by Members, when they are baffled by the reasoned arguments put up by this side of the Council, to protect themselves by drawing attention to the fact that this item was not debated in the previous year. Sir, I want to protect myself from that, Sir, and express my disapproval both of the principle of subsidizing foodstuffs in the country and that, if that principle is adopted, of the amount of that subsidy as shown in the estimates, Sir.

MR. MATHU: I would like also, Sir, to place on record my dissatisfaction about this increase of £40,000 over the last year's estimates because, if the principle of subsidization is subsidization at all, it will mean that those who consume the commodities will pay less than in the open market. The fact is that, under the subsidization, those who consume some of the commodities pay more than they would pay in the open market. I am not very happy about that. Also under the memorandum, it says that the increase in these items is due to the increased price being paid by the Maize Control. I want also to place on record that the African producer has a tremendous grievance over this because he is not going to benefit materially as a result of that increase.

THE FINANCIAL SECRETARY: Mr. Chairman, the disapproval of the hon. Member for Trans Nzoia and the dissatisfaction of the hon. Mr. Mathu are noted. (Laughter.)

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 14 be approved.

MR. NATHOO: Mr. Chairman, I should like to inquire from the hon. Member for Finance as to how long this item will appear under this Head. It is, Sir, quite a long time since hostilities ceased and I should have thought that by this time, the expenditure under this item should be over. If, Sir, for one reason or another, bursaries have to be continued, it would be much fairer if they appeared under the Education Head and not under this.

THE FINANCIAL SECRETARY: Mr. Chairman, the apparent undue prolongation of this item in the estimates is due to the fact that, immediately after the war and indeed in the years following, it was quite impossible, owing to overcrowding, to place ex-service men and women in the universities in England. In fact, it has only become possible in the last year or two to place these people and so naturally this item has had to go on for this period. Inasmuch as we have only just been able to place certain of these people I am afraid that I can give the hon. Member no assurance that this item will disappear in the next year; in fact it is likely to go on for the next three or four years.

The question was put and carried.

THE CHAIRMAN: That completes the total of Part C. I call Head 2—1.

Group 2—Head 1

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 2—1, Central Administration, Secretariat, which begins on page 43, be now considered.

The Central Administration Vote for 1951 shows a net decrease of £11,547, but this will obviously convey very little to hon. Members opposite—(laughter)—because the estimates are prepared in an entirely different form this year. (Mr. HAVELOCK: Nice and simple!) Quite so, Sir, in a much simpler form.

In the first place, as hon. Members may have noticed, the Legislative Council section which previously had formed a part of the Central Secretariat Vote is shown separately as a Head of its own. On the other hand, in accordance

[The Chief Secretary]

with the decision which was taken in this Council when the Select Committee Report on the Information Services was debated, a new section has been added, headed "A Press Section".

In addition to this, a further step has been taken in the process of decentralizing the Secretariat. In accordance with the development of the Member System, steps have been taken to transfer to the Office of the Member for Agriculture and Natural Resources, the Office of the Member for Education, Health and Local Government and to the Office of the Member for Commerce and Industry those officers who are primarily engaged in matters appertaining to those Members. In the case of the Member for Education, Health and Local Government and the Member for Commerce and Industry, the Heads themselves are new Heads. Hon. Members will have noted that I said "those officers primarily engaged on the work appertaining to those Members", because Members will appreciate that it is not possible to divide all the functions of the Central Government into watertight compartments and that the officers who remain in the main part of the Secretariat will continue to perform a number of functions for the Members whose Heads are now shown separately as well as the Member for Agriculture and Natural Resources. The position is still further altered by the transfer of some staff from the Establishment Division to the General Division.

Now, Sir, hon. Members will obviously wish to know how, in spite of all these adjustments, the cost of the Central Government compares with the cost last year. The answer is that, if we had not made all these alterations in the form in which the estimates are presented this year, the Central Administration Secretariat Vote, including the Legislative Council, would show a net increase this year of approximately £4,000. This figure is arrived at by deducting reductions totalling almost exactly £8,000 from a gross increase of £12,413. Of this gross increase of £12,000 approximately £8,000 is due to normal increases, to such things as increments and allowances for leave pay to officers on retirement, reliefs and so on, and an increase of about £900 on other charges which has been found

necessary in the light of actual expenditure this year.

Now, Sir, the real increase amounting to about £4,000 is due to one additional assistant secretary, one assistant clerk to this Council, one Asian clerk, and two European female clerks. I have not taken account of the appointment of the Palantype team because the cost of that is offset by savings on reporters and on the item Temporary Clerical Assistance. Nor have I taken account of one additional telephone operator which is required to operate the exchange for the Member for Commerce and Industry because that was previously paid for out of the vote of the Department of Income Tax.

It was found necessary during the year to appoint an additional assistant secretary mainly in order to deal with local matters so that the two officers who previously dealt with those matters could be freed to concentrate on the subjects of the Member for Agriculture. The cost of this additional officer was met, or is being met, this year by savings, but it has been necessary to make provision for 1951.

Hon. Members will wish to hear something about the extent to which the recommendations of the office consultants have been adopted and what the results have been. The consultants' recommendations can be divided roughly into two classes. One was directed to improving the efficiency of the office through rationalization of office procedures, the improvement of registration methods and the introduction of more modern and efficient equipment; and two, those intended to lead to a reduction in the volume of business coming to the Secretariat, more particularly in the Establishment Section, by decreasing the number of matters required to be referred to the Secretariat. As a result of those two groups of recommendations, it was expected that the volume of business would be reduced and that, in consequence, certain reductions could be made in staffs.

I ought to explain perhaps that the office consultants, contrary, I understand to general belief, did not actually directly recommend that certain staff should be dispensed with. What they did say in effect was this, that if you adopt all our

[The Chief Secretary]

recommendations we expect that the volume of business will be reduced and that, in consequence of that, certain staff will be redundant. In reply to an inquiry from me, the consultants set out in an appendix, to a special report which they made at my request, the staffs which they considered would be required and by deducting that from the staff which we had, savings at the savings which they thought could be effected. Moreover, as I explained last year and as the consultants themselves have pointed out, the effects of their recommendations would not become apparent straight away.

Hon. Members, I feel sure, will be pleased to hear that, with one important exception and one or two minor ones, all the office consultants' recommendations have been adopted. (Applause.) I cannot say that the effects have been all that we had hoped, but this is largely due to the fact that in the meantime the Colony has not remained static and the volume of business has not ceased to grow. Nevertheless, in fairness to the office consultants, I ought to say that but for their recommendations, the increase would have been much greater. It will be realized from what I have said that it has not been possible to make all the reductions in staff which the office consultants thought that it would be possible. Moreover, all the recommendations have not yet become fully effective. The discrepancies as between the reductions which they thought could be effected and those which have actually been effected are as follows. The consultants considered that we would need ten assistant secretaries, whereas we have 13 and are asking for 13 in 1951; two establishment officers as against four; 23 European clerks as against 28; 44 Asian clerks as against 53; seven African clerks as against 19; and 13 office boys and messengers as against 20.

With regard to the last item, I ought to explain that it was found that if the reductions resulting from the recommendations of the office consultants had been made, it would have been necessary to engage additional staff in order to do the cleaning, which would have offset any reductions made. A reduction of two Establishment Officers and the addition of Asian Clerks presupposes, to some extent, the acceptance of the con-

sultants' recommendations that a considerable volume of the pensions work which is now handled by the Establishment Division in the Secretariat should be transferred to the Accountant General. This recommendation has been carefully examined and has been found to be impracticable. Other reductions in the Asian clerical staff have not been possible owing to the fact that we require an additional Assistant Secretary.

Perhaps the most important recommendation of all concerned the question of the number of Assistant Secretaries. As I have said, the consultants hoped that it would be possible to do with ten, whereas we find that 13 are necessary. It is not too much to say that the Assistant Secretaries are the foundation on which the whole of the Secretariat is based. To my mind it is important—indeed it is essential—that all the functions, or rather every function and responsibility of the Government should be in the hands of one officer who is primarily responsible for making certain that all necessary action is properly carried out. The machinery of the Central Government is organized on a system whereby all these various functions and responsibilities are divided into a number of schedules and there is an Assistant Secretary in charge of each. These officers take charge of a schedule dealing with the subject in it, on the authority of a Member of Executive Council, to the best of their ability, referring where necessary to the Member, but taking to themselves as much responsibility as they feel able to take, having regard to the instructions which they have from their Member. The schedules are so grouped that a number of schedules form a cognate group which is the portfolio of a Member of the Executive Council, so that each Section Officer, we hope, works to one Member of the Executive Council. Hon. Members will realize that it is just not possible so to divide all the functions of the Government into what I have called watertight compartments, so that there is no overlapping. It sometimes happens that an officer or an Assistant Secretary has to refer to more than one Member, but the aim is to divide all the functions into a number of schedules, and again to divide those schedules to fit in with the portfolios of Members. The rest of the structure is what might, perhaps, be

[The Chief Secretary]

described as a three-tier system: the Section Officers work to a senior officer who is the Secretary to a Member, and above him there is the Member. The system consists of 13 schedules, and having regard to the size of this Colony, I do not think that 13 schedules is an undue number. It certainly leaves no Assistant Secretary with much time to spare.

Now, Sir, the hon. Member for Kiambu asked one question which he asked me to answer, in proposing this motion this morning, and that was: what was the cost of employing the Office Consultants. The cost was £25 a day and I understand that the total cost was in the region of £4,500.

Sir, I beg to move.

MAJOR KEYSER: Mr. Chairman, hon. Members on this side of Council have been very critical of this vote in the past years, and I think, Sir, that it was probably as a result of that criticism that the industrial consultants referred to by the hon. Mover were appointed. I must express surprise at the consultants making certain recommendations with regard to the work carried out in the Secretariat and not finalizing those recommendations by recommending a reduction in posts, and I think, Sir, that the action of the hon. Mover in bringing this point to the notice of the consultants and asking them for a special report on possible reductions is very commendable, but I also, Sir, have a copy of the report here, which was given me very kindly by the hon. Mover for reference, and certainly Appendix 3 is headed "Recommended Reductions in Establishment Compared with 1950 Draft Estimates". I must accept, Sir, that special report of theirs and the recommendations made there, as definite recommendations on the part of the consultants as part of the work for which they were paid. Sir, it would be useless for us to try and pretend that we are not disappointed at the result as explained by the hon. Mover. I myself did expect that the net result would show a great reduction in the cost of this Head; in fact, the industrial consultant himself estimated that if his recommendations for reducing staff are carried out a saving of £18,000 per annum would be effected. Well, Sir, we are now told

that there will in fact be no saving as a result of the work of those consultants but, in fact, for other reasons there will be an increase. Sir, in conformity with the agreement made at the beginning of this session, some of my colleagues and myself—the hon. Member for Kiambu and the hon. Member for Nairobi North—met the hon. Chief Secretary yesterday and we discussed this Head, and he made considerable explanations as to why the savings that we expected had not been effected. I find myself in a very difficult position, of refusing the arguments that he put up without very considerably more experience and knowledge of the department, and I am afraid reluctantly I must accept the explanation that he gave, with one exception, and that is the Establishments Department, and in the Establishments Department I still maintain that a reduction could have been effected in the number of Establishment Officers, and at a later date, Sir, when it comes to the hon. Member for Nairobi North we deal with that particular item.

Now Sir, I did say I had to accept his explanations, and I must repeat: I do it reluctantly, because I have not got the knowledge of the Secretariat which would be required in order to refute all the arguments that he put up to us yesterday, so very reluctantly I say, as far as I am concerned, I must accept the explanation he gave, but not with regard to the Establishments Department.

THE CHIEF SECRETARY: Mr. Chairman, the hon. Member has expressed some surprise that the industrial consultants did not actually recommend reductions in staff. I do not wish there to be any misunderstanding of that and I would like to take this opportunity of explaining that whether they in fact recommended that such and such a post should be reduced or not does not really matter, because, in fact, we knew what their recommendations were, and we knew also that it was their view that if all these recommendations were given effect it should be possible to make those reductions. The best effort has been made to make the savings. The matter has been examined very carefully, and we have come to the conclusion that it is not possible to make any further saving than has already been made.

[The Chief Secretary]

The hon. Member for Trans Nzoia is referred to the fact that it was stated in Report No. 9 that a saving of £18,000 could be made. I should explain that that was a gross saving which was arrived at by calculating the cost of the posts which they thought could be dispensed with, but of course it did not take into account any increases such as increments, etc., elsewhere, and was in fact a net saving. I think the office consultants themselves recognized that.

The hon. Member has also said that going to the fact that he has not a sufficient knowledge of the Secretariat to be able to refute the arguments I have advanced, he must accept what I have said but does so reluctantly. Well, Sir, I hope that we have offered him every facility to get the knowledge which he requires.

Sir, I beg to move.

MAJOR KEYSER: Mr. Chairman, I have not offered all the facility—that is, Sir, I can avail myself of in the time that is available to me. That is really, of course, the trouble, that I for one have not got the time to give because I think it would take some weeks, if not months, to learn, to get the necessary experience to be able to refute those arguments. I was, of course, quite sure—I did not mention it—that the figure of £18,000 was a gross one, and that of course all incremental increases would have to come off that in order to get the net result.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 2—1 (1) be approved.

THE CHAIRMAN: The last (1) being the recurrent?

THE CHIEF SECRETARY: Yes.

MR. HAVELOCK: This includes the Establishments Division, I presume, Sir.

THE CHAIRMAN: It includes the Establishments Division, yes.

LT.-COL. GHERSIE: Mr. Chairman, I beg to move that Item 35 be reduced by one Establishment Officer. I can fully appreciate—

THE CHIEF SECRETARY: It must be a loss of money.

LT.-COL. GHERSIE: £1,005.

MR. HAVELOCK: Mr. Chairman, before the hon. Member speaks I understand the hon. Member for the Coast would like to move an amendment on a previous item.

MR. COOKE: I think you went a bit fast for me.

THE CHAIRMAN: If you want to move an amendment on an earlier one you must start.

MR. COOKE: Item 3, Sir, I wish to move a reduction in the salary of my hon. friend the Chief Native Commissioner of £5. I do this, Sir, as a token gesture for two reasons: because, number one, my hon. friend delayed for two years to issue his annual report for 1948; and the second reason, Sir, is perhaps one which is not quite so good—that when I was having a little difference of opinion with my hon. friend the Member for Agriculture the other day on a matter which vitally concerns the Chief Native Commissioner and his staff, I looked round and I saw him sunk in abysmal calm when we were discussing the matter of Wakamba lands, which should, I think, have brought him to his feet. For that reason, Sir, I move a reduction in his salary of £5.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, my reactions to this motion naturally, Sir, are twofold. First of all I am imbued with frightful alarm and despondency in view of the increasing cost of living, and besides, I have a family, Sir. Secondly, I view it with some satisfaction, because I had no idea in the first place that any words of mine that fell from my lips might have any effect upon the hon. Member for the Coast; and, further, I had no idea that he was so agog to read the annual report for 1948. I do regret, Sir, that that report was delayed for so long. The main reasons were twofold. First of all the editor was ill for some time and, secondly, there was great pressure on the Government Printer who produced it. He was very busy with other things. I will give an undertaking, Sir, that the 1949 report will come out earlier in comparison to the 1948 report.

MR. COOKE: Thanks to the explanation of my hon. friend I will withdraw my motion.

THE CHAIRMAN: I take it the Committee is agreeable.

THE CHAIRMAN: I will now propose the other motion.

MR. PRESTON: I have an item before 35, Item 25, Office Boys and Messengers. Sir, in view of the fact that the P.W.D. apparently provides the cleaning staff of these offices, one would have thought a big reduction in the office boys and messengers would have been achieved, but there seems to me to be a certain amount of confusion of thought as to whether the cleaners are messengers or the messengers are cleaners. No doubt we shall get further information on this subject.

MR. MATHIAS: Mr. Chairman, could you ask the hon. Member to speak up. We cannot hear him from this end.

MR. PRESTON: I am sorry, Sir. The item in question was Office Boys and Messengers, and in view of the fact that we understand the P.W.D. provide the cleaning staff I felt we could have had a larger reduction of office boys and messengers.

THE CHIEF SECRETARY: Mr. Chairman, I am very sorry, but this was not one of the matters which was brought to my attention yesterday when a deputation came to see me on these votes, and therefore I have had no opportunity of making an investigation and getting the necessary information. But the answer is that the P.W.D. is responsible for the cleaning generally of the Law Courts; the cleaning actually inside individual offices is a matter for the occupiers of the offices themselves, and this vote is to provide office boys and messengers who also do the cleaning inside the offices. I think Members will appreciate the fact that inside individual offices there are papers and other matters which Members would not wish to have outside staff dealing with, and that it is much more satisfactory for an officer's own office to be cleaned by his own office boy.

Sir, I oppose the reduction.

MR. HAVELOCK: I merely want to touch on the point made by the hon. Chief Secretary. This matter was discussed yesterday when we were told that the industrial consultants had recommended there should be a decrease of office boys and an increase of cleaners. This matter was therefore brought up to

find out whether the 41 cleaners shown in the P.W.D. vote were the cleaners referred to by the industrial consultants.

THE CHIEF SECRETARY: No, Sir, with all due respect, no mention was made of the office boys shown in the P.W.D. vote yesterday. With all due respect to the hon. Member for Kiambu, we did only discuss the office boys and messengers shown under Item 25.

MAJOR KEYSER: Sir, the hon. Member is correct that the 41 cleaners under the Public Works Department Vote were not mentioned, but quite frankly, Sir, I did not see them. I did not spot the 41 who yesterday we did discuss the office boys and messengers, 14 of them, under Item 25. The industrial consultant, in reference to these, said that "A reduction in the number of messenger boys will automatically reduce the number available for cleaning the building. It may be deemed desirable to separate the function of messenger boy from that of cleaning, with a view to obtaining a better price of messenger". I understood the argument was that, while the industrial consultant was recommending a reduction in office boys and messengers, at the same time he was recommending an increase in the number of cleaners, which seems illogical, you see. I must say I thought it did appear illogical, but I had not noticed the 41 cleaners under the Public Works Department, and that is why we did not discuss them. I must say, for now attention has been drawn to the fact that there are 41 cleaners in the Public Works Department it must make a difference to one's whole outlook of the office boys and messengers.

THE CHIEF SECRETARY: I have already explained the reason why it is desired to retain these, because the people employed by the Public Works Department do not clean inside individual offices.

MAJOR KEYSER: The industrial consultant's recommendation of special cleaners would have been cleaners who would not be working inside the offices normally, would it not?

THE CHIEF SECRETARY: Yes.

MR. PRESTON: I understood the hon. Chief Secretary to say that I was proposing a reduction. I was not aware, Sir, that I had proposed any reduction. If I had been aware of the information that

667 Supply

(Mr. Preston) I have now at the time of the Public Works Department Estimates I think I would have moved a reduction there.

THE CHIEF SECRETARY: I apologize to the hon. Member if he did not propose a reduction. I am afraid he was in a hurry, I could not understand exactly what he was doing.

THE CHAIRMAN: I take nobody has anything to raise on any prior item? This is the last time of asking.

LT.-COL. GHERSIE: I beg to move a reduction of £1,005 in Item 35. I fully appreciate, Sir, the decentralization of the Secretariat may to a certain extent necessitate an increase of Assistant Secretaries; but, Sir, I maintain the reverse should be the position with regard to the Establishments Division, because I understand certain Establishments now have their own Establishments Officers. Also, Sir, the Industrial Consultant did recommend a reduction of Establishments Officers from four to two. No reduction has been made. I therefore move that they be reduced from four to three, in other words, Sir, a reduction of one.

THE DIRECTOR OF ESTABLISHMENTS: Mr. Chairman, the Government must oppose this reduction.

MAJOR KEYSER: Shame!

THE DIRECTOR OF ESTABLISHMENTS: In the first place, I might explain, Sir, very briefly what it is that the Establishment Division of the Secretariat does. Thereafter, I will explain why it is, in my opinion, which the Government shares, impossible to do the work of the Division properly with one Director of Establishments, one Chief Establishments Officer and three instead of four Establishments Officers.

Under the present arrangements which are set out in a Circular of 1946, the subjects Salaries, Allowances, Pensions and other conditions of service are assigned to the Financial Secretary; the subjects Administration of the Public Service, which includes Promotions, Transfers, Discipline, Service's Associations, and such miscellaneous things as Whitley Councils, are assigned to the Deputy Chief Secretary. In 1946, the Government

came to the conclusion that that arrangement placed too great a burden on the Member for Finance and the Deputy Chief Secretary, and they, therefore, decided to create the post of Director of Establishments. The theory was that the Director of Establishments would relieve the Member for Finance and the Deputy Chief Secretary of a large amount of the work connected with Establishments. In fact I think it is correct to say that the Member for Finance and the Deputy Chief Secretary only get Establishment work if it has either to come to this Council, or to Executive Council, or to the Standing Finance Committee; it is necessary that that should be so because the Director of Establishments is not a Member of Executive Council or the Standing Finance Committee. Apart from that, I think the two Members will agree that the arrangement has been successful in that they have been relieved of almost all the Establishments work.

Now, Sir, we now come to the Chief Establishments Officer and four Establishments Officers. The business of those people is to deal with the stuff which comes from Departments and from Members, submitting to the Establishments Division questions rising in the subjects which I have just referred to. In the middle or the latter part of 1947, after I had been here for six months or so, I formed the opinion that too much detail was coming to the Establishments Division of the Secretariat, and some time about September of that year a Circular was issued—I may say I had considerable difficulty in convincing other people that this was a wise move—a Circular was issued delegating a large number of Establishment functions to Departments. At that time I had in mind the fact that the Salary Commission was with us, and that we should soon have a great deal of work to do dealing with their Report. The result of the Holmes Commission Report was that a large number of grades, both European, Asian and African, which had formerly been on a non-pensionable basis, became pensionable, and that automatically meant a good deal more work in relation to those individuals than there had been previously. Under the old arrangement the Establishment work relating to pensionable staff was done mainly in the Secretariat. We decided to delegate it

[The Director of Establishments] below a certain salary level to Heads of Departments. If we had not done that, it would have made a very large increase in the amount of work of the Establishments Division, and would have necessitated more staff. It was an act of self-defence, to prevent a large volume of new work resulting from the Salary Revision coming into the Establishments Division of the Secretariat.

Now, Sir, this Circular—the second delegation Circular—was already in draft at the time the industrial consultant was here, and he thought that it would mean a considerable reduction in the number of papers coming to the Secretariat. It was natural that he should concentrate rather on the mechanical side of the thing. He tended to work on the basis of the number of receipts. Well, of course, a letter arriving in the office may mean for the person who deals with it two minutes' work, or it may mean two days' work, or indeed it might even mean two weeks' work; so that it is fundamentally false to base any recommendation regarding the number of staff required, certainly of Establishments Officers, on the number of receipts of letters in the office.

I was not here myself, I was on leave at the time that the industrial consultant made his report, but he did have some consultation with me while he was doing his work before these reports were made, and I know that his mind was working in that direction; that is, he thought that the delegations which we had devised would mean a reduction in receipts and therefore, he thought, a possible reduction of staff. I have been in the Establishments Division since the beginning of 1947, apart from six months away on leave, and I know very intimately what everybody in it is doing. I do not remain in my own office. I am frequently in the offices of the other people and in the clerks' offices, both before and after office hours, and on Saturday afternoon and on a Sunday morning. I know personally that all these people have got more than a full job of work to do. They do not work overtime during the week, nor do they work on a Sunday morning, because they like doing it. They do it because it is necessary to keep their work up to date. I am personally certain that if the number

of posts of Establishment Officers were reduced from four to three, it would mean that the work of the Division would get into the sort of confusion which existed before 1947 when I came here. I do not believe that it is possible for one senior and three Establishment Officers to do the volume of work which there is to be done. If, at any time, I was convinced myself, that we could reduce one post, then I would be the first person to suggest it. But I am satisfied personally that that cannot be done without, as I say, it resulting in inefficiency and confusion.

I therefore feel bound to resist the proposal to reduce one officer.

LT.-COL. GHERSIE: Mr. Chairman, the hon. Director of Establishments has referred to a reorganisation which was taking place in 1946 and 1947 to relieve the duties of the hon. Deputy Chief Secretary and the hon. Member for Finance. Sir, as I understand it, the investigation carried out by the industrial consultant, took place in 1949 and therefore, presumably, he was aware of the reorganization that had taken place. In that case, Sir, why then did he make these recommendations for a reduction in the staff?

MR. HAVELOCK: May I suggest, Sir, that this is an appropriate time for the Committee to report progress?

The question was put and carried. Council resumed.

ADJOURNMENT

MR. HAVELOCK: Mr. Speaker, I beg to move that this Council does adjourn so as to give an opportunity to the hon. Member to raise a matter of public importance.

THE SPEAKER: No, I cannot accept the motion in that form. What I accepted this morning was that the hon. Member for the Coast would raise the matter on the adjournment, which is a different matter altogether. We must, in speaking-leave time for the opposite side to reply, if possible, before a quarter to one, the usual time for adjournment.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: On a point of order, Sir, should not the Committee first report progress and ask leave to sit again, Sir?

THE SPEAKER: We have moved and it has been carried to report progress.

MR. COOKE: Mr. Speaker, I rise to voice dissatisfaction at the reply given this morning to my question regarding the means test applied to pensioners. Now, Sir, I will not labour this point of the rise in the cost of living because it is admitted—

THE CHIEF SECRETARY: Mr. Speaker, I know exactly what it is that the hon. Member is going to raise, because I think I have a point of order.

MR. COOKE: I anticipate what my hon. friend is going to say, Sir, the point I am raising is that I want to express dissatisfaction at the reply of the Government and their refusal to cancel its iniquitous means test.

THE CHIEF SECRETARY: Mr. Speaker, I rise on a point of order. May I invite your attention to Standing Rule and Order 34, which reads as follows:—

"When a question for debate has been proposed, debated and disposed of, it shall not be competent to any Member without special leave of the President to raise a question substantially identical therewith within a period of six months."

Now, Sir, may I also invite your attention to the minutes of this Council relating to the meeting held on Wednesday, 2nd August, of this year. The hon. Member for the Coast moved: "That (a) a cost of living allowance be paid to all fee pensioners who retired from the Kenya Civil Service before the 31st December, 1945; (b) the ceiling of the pensions susceptible to allowances be £20 and the allowances shall be granted irrespective of the fact that the pension may exceed £720 per annum; and (c) in reckoning allowances, earned income of a pensioner be not taken into consideration." That motion, Sir, was duly debated and disposed of and I would submit, that the hon. Member for the Coast is now raising the same question again within the period of six months and is, therefore, out of order.

MR. COOKE: Mr. Speaker, I understood that you, Sir, were fully acquainted with the reason for my asking for an adjournment and that you had implicitly

at any rate, Sir, agreed that this matter could be raised. Apart from that, I think it is rather despicable that the hon. gentleman on the other side of the Council should now take up this particular line, especially as we are dealing with a question which so vitally concerns people who have been themselves members, and some of them distinguished members, of that Civil Service of which the hon. gentlemen on the other side are no doubt proud to belong, Sir. I take it, Sir, that I have your permission to pursue this?

THE CHIEF SECRETARY: Sir, may I suggest that "despicable" is not a Parliamentary expression and should be withdrawn.

MR. COOKE: I submit, Sir, that you will not find "despicable" in May's Parliamentary Procedure if you look up the words which have been used in the past.

THE SPEAKER: There is rather an important point of order raised. It seems to me that the words in Standing Order No. 34, to "raise a question substantially identical therewith within a period of six months" would apply whether the question was raised by a substantive motion or raised under the system of simply raising it at the time the Council adjourns. I, therefore, think that the view which has been expressed by the Chief Secretary is correct and I do not think we should discuss the matter again until the six months have expired.

THE CHIEF SECRETARY: Mr. Speaker, I have another point of order. May I invite your attention to Standing Rule and Order 43 (x) (a), and suggest that the hon. Member was out of order in imputing improper motives to any Member on this side by the use of the word "despicable" and that he should immediately withdraw.

THE SPEAKER: Even now, having missed it out at the time because I was looking up the point of order, I think myself that the word "despicable", if used in the manner which has been suggested, is unparliamentary. The general rule is that we should not indulge in nipping and biting words and what is nipping and biting, of course, depends upon circumstances and things of that kind, and I think it is very much out of

[The Speaker] order to use the word "despicable" in this case. I must ask the hon. Member to be good enough to withdraw it and substitute something else.

MR. COOKE: I certainly withdraw, but my hon. friend should have raised that point at once instead of waiting until the end of what I said. That is not the custom in the House of Commons. If my hon. friend wishes to quote Standing Rules and Orders he should do so at the time.

THE SPEAKER: I think it was raised as quickly as possible.

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Wednesday, 6th December, 1950.

Wednesday, 6th December, 1950

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 6th December, 1950.

Mr. Speaker took the Chair at 9 a.m.

The proceedings were opened by prayer.

PROCEDURE ON MOTION ON THE ADJOURNMENT

MR. BLUNDELL: Mr. Speaker, with your permission I beg to raise a point of order. Yesterday, when the hon. Member for the Coast wished to speak on the adjournment arising out of the Minister's factory answer which was given to his Question in the Council, you made a ruling on a point of order raised by the hon. Chief Secretary. I do feel, Sir, that on this side of the Council, we were taken rather by surprise with the matter raised. A point on which I shall speak a little later. I submit, Sir, that rule 11 does, under our Standing Rules and Orders, actually prevent bringing substantially identical motions twice within six months but the motion on which the hon. Member for the Coast was speaking was a motion for the adjournment and I think the matter which needs consideration, Sir, is whether in speaking on the adjournment, the hon. Member for the Coast was actually speaking on a question which had, in fact, been put in months earlier. It is my submission that he was not and, Sir, if you would, when you are considering the matter, Sir, if you would look at W. J. Brown's book and if I might quote, Sir, for the moment these words appear.

"If the Member, having put the question and his supplementary, is not satisfied with the answers he has elicited from the Minister, he can then rise in his place and give notice that in view of the unsatisfactory nature of the reply, he will raise the matter on the adjournment."

Again, Sir, in Erskine and May on pages 344 to 348 there is a great deal on this matter. Now the trouble as I see it is in our Standing Rules and Orders there is no provision for raising the matter on the adjournment and I think, Sir, that Members on this side of the Council would like, with all due respect to ask you, Sir, to give the matter your

Mr. Blundell] considered attention, taking into consideration all the authorities which bear on the matter and advise us whether in your opinion we should possibly amend our Standing Rules and Orders in the Standing Committee which is now sitting, so that a matter of this sort can be raised on the adjournment.

There is one other point, Sir, to which I would like to refer. Hon. Members on this side of the Council feel, Sir, that it was a little discourteous of the hon. Chief Secretary to raise the matter in the way that he did. There was the adjournment at 11 o'clock and there was nothing to prevent the hon. Member opposite referring the matter to the hon. Member for the Coast and to say that he was going to raise it. Hon. Members on this side, Sir, are left with the impression that the hon. Chief Secretary attempted to stop the debate on the matter of the adjournment and, indeed, Sir, I remember when I raised a matter on the adjournment on a similar occasion, he spent a great deal of time on points of order. It is for this reason, Sir, that we would like on this side of the Council for you to give the matter your considered opinion with a view to advising whether you think the Standing Rules and Orders should be altered.

THE SPEAKER: I am very grateful to the hon. Member for raising this matter and there is no doubt that our rules of procedure do need a good deal of study and revision, but I do not want to deal at length with that now when we have got the Committee of Supply and so many other matters under our consideration. I will give a proper reasoned ruling on all the points raised at a later stage, but I must correct what appears to be one misapprehension forthwith. That is, that raising a matter on the adjournment, for which we have no provision, is one thing and moving the adjournment of the Council with the leave of the Speaker on a matter of urgent public importance is quite another. Yesterday confusion did arise by the hon. Member for Kiambu rising to move the Council on a matter of urgent public importance leave for which had never been given or even asked for. That is where some confusion

started. However, as I say, I will deal with the matter in a few days time.

There are some papers to be laid, I believe.

Council will go into Committee of Supply. We were dealing with Section 2—1, 35.

MINUTES

The minutes of the meeting of 5th December, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE FINANCIAL SECRETARY:

The Report of the Director of Audit, Kenya, on the Accounts of the East African Railways and Harbours for the year 1949.

BY THE CHIEF NATIVE COMMISSIONER:

Notice and Schedule under Section 3 of the African Poll Tax Ordinance.

COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951

Council went into Committee of Supply to consider the Draft Estimates of Expenditure for 1951.

Group 2—Head 1—(Contd.)

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I think that it is important, when considering the motion moved by the hon. Member for Nairobi North, that it should be made quite clear that there is not necessarily any clash in this matter between the Estimates put in by the Director of Establishments and the view expressed by Mr. Shilham when he was considering this matter. As my hon. friend, the Director of Establishments, has explained, a certain amount of delegation had already been effected, and was in the process of being effected, when Mr. Shilham was out here during 1949. Certain other suggestions to the same end were also recommended by him and, Sir, it was, having regard to the probable or possible effect of these delegations of authority that Mr. Shilham expressed the view, or perhaps one might say, the hope, that it would, when these were fully effective, be possible to reduce the number of Establishment Officers from four to two.

[The Deputy Chief Secretary]

Now what has happened, Sir, during the last twelve months. Mr. Shillham has not had the opportunity which my hon. friend the Director of Establishments has had of watching the effect of these delegations of authority. My hon. friend has been living with this problem day in and day out and it is the result of that very close association with it which has led him very firmly to the conclusion that the interests of the Government do require that the number of Establishment Officers shall stand at four. Now, I submit, Sir, that it would be quite wrong of the hon. Members here to-day to assume that had Mr. Shillham had the same opportunity as the Director of Establishments has had of watching during these past twelve months the effect of these delegations of authority, it would be quite wrong, I think, to assume he would not have come to precisely the same conclusion as has my hon. friend. I met Mr. Shillham when he was here. He was extremely interested in the job of work that he was doing and he was an extremely reasonable person and I myself would go so far as to say that I think it probable that had he been here during these last twelve months that he would have come to the same conclusion as has my hon. friend, that in fact if efficiency is to be maintained in this Department, then the number of Establishment Officers should, notwithstanding the hope expressed some twelve months ago, remain at any rate for the time being at four. The issue, Sir, is plainly this. Are we in this Council going to accept as the best estimate on this occasion, a guess—Mr. Shillham would not claim it was more than a guess—made twelve months ago on what the requirements would be twelve months later—Mr. Shillham would, I think, be the last to claim any sort of prophetic powers—or are we going to accept the estimate my hon. friend prepared after the most careful examination of the facts obtained as a result of his personal knowledge during the last twelve months. I submit, Sir, the only reasonable answer is to say that the hon. Director of Establishments is now in a very much better position to say what is required for the efficient running of this division in the light of the experience which has been gained during the last twelve

months than was Mr. Shillham twelve months ago when he left Nairobi (Hear.)

MR. COOKE: Mr. Chairman, I submit, Sir, that if one adopted the principle which has just been announced by my hon. friend, these industrial accountants' reports would be absolutely justified. Now, Sir, when the industrial accountants put in a report, he has seen the picture as a whole. If my hon. friend the Chief Secretary or anyone else on the other side of Council can take away the bricks from the picture or can take, I am rather mixing my metaphor, the bricks from the little house that has been built by the industrial accountants, well then the whole house will be liable to collapse.

Sir, as I understand it, the East African Railways have approached this problem from a totally different light. The industrial accountants who advised the Railways saved the Railway something between £30,000 and £40,000. When the Railway made amendments or suggested amendments, those amendments were submitted again to the industrial accountant who, at this very moment is still in Nairobi, supervising the work started upon. I do not for a moment admit we should go to all this expense of bringing a highly qualified man here and then delegating to the other side the duty of interfering with the recommendations of that eminent man, as I said before, if that happens it is no use whatsoever bringing industrial accountants to this country.

THE CHIEF SECRETARY: Mr. Chairman, I am afraid there is some misunderstanding with regard to what the industrial consultants, not accountants recommended. They made a whole series of recommendations, and, as I have told the Committee already, with one exception we have adopted all the recommendations and put them into effect. The only difference of opinion is to exactly what the results of these recommendations will be.

MR. COOKE: Who is going to be the judge?

THE CHIEF SECRETARY: This Committee. Now, Sir, the consultants, as I have said, made a large number of recommendations and we have adopted

The Chief Secretary] I asked them if they would give an assessment of what they thought the results would be and they have done that. I have pointed out to the Council that not only have we accepted the vast majority of the recommendations, but the major results have taken place. Now the big difference comes with regard to the question of delegation of work in connection with establishments. That has been examined most carefully and we have come to the conclusion that there is one particular recommendation which we cannot accept.

The question of the delegation of this work has not only been examined exhaustively. It has been discussed with the Service Associations at very great length, and those Associations have raised objections to the implementation of some of the recommendations, particularly the African and Asian Associations. The result is that, after the very careful examination, we have reached a conclusion as to how much of that particular recommendation we can adopt, and I say this with a full sense of responsibility. I believe that the man best qualified to reach an opinion is the Director of Establishments. I think that Members of this Committee, particularly Members opposite, have sufficient experience of this work to know what a knowledge he has, and what a sense of responsibility he has, and what very great care he takes to avoid increased establishments and to produce savings. I think that Members of the Standing Finance Committee, in particular, know that, and know it very well.

Now, Sir, this question of Establishments is a most important one. The Establishment Officers are dealing with the personal affairs of the servants of the Government: not only the servants of the Government—your servants—the people who are serving you in this country. The settlement of their affairs is both efficiently and expeditiously is of the utmost importance. Any failure in that respect is immediately reflected in the morale of the whole service, and that is a matter to which we must attach the very greatest importance. As I have said, the Government comes to this Council with a full sense of responsibility. Having examined this matter, we ask for Establishment Officers. Having

regard to the size of the Colony and to the number of public servants throughout the Colony, I do not think anyone can say that four Establishment Officers is a very large number. Those officers are loyal and efficient servants of the Government. One of them in particular has just been given a special allowance, which is in the next item in the Estimates, because of the high quality of the work that he is doing. Unfortunately the fact that, out of all the recommendations, there is really only one which we have not been able to adopt, has attracted all the attention. The object of the examination was not only to effect savings—it was to promote efficiency.

These officers, whose job it is to look after the personal affairs of the public service, are there to see not only that those affairs are properly looked after, but to promote efficiency. Are we going to direct the whole of our attention on the fact that one recommendation only has not been implemented?

Sir, I would ask the Council to agree to this vote and to provide the four Establishment Officers which we believe are the minimum required to do the job efficiently. If the minimum are not provided, the job will not be done efficiently, and the result will be reflected throughout the whole of the service in the morale and the efficiency of the public service.

MR. MATHU: Mr. Chairman, I am wondering whether the misunderstanding the hon. Chief Secretary is referring to is not partly due to the fact that the report of these industrial consultants was not made available to hon. Members of this Council. Because I do know that this Council. Members have not seen that report and, therefore, they only see one side of the picture, namely that almost all of the recommendations are accepted, except this particular one, and I was wondering whether it is too late now for Government to make that report available to hon. Members, or those Members anyway that have not seen it.

THE CHIEF SECRETARY: Mr. Chairman, I should be glad to make the report available. It has been made available to every Member who has asked for it. Part of our arrangements were that if anybody wanted information he should come and get it.

[The Chief Secretary]

Certain Members did come to me after the debate and got information. Not only that, but the Chairman of the Unofficial Members Organization wrote to me and asked for certain of the reports, which were immediately sent.

LT.-COL. GHERSIE: Mr. Chairman, in view of the hon. Chief Secretary's general remarks on the subject of the recommendations of the consultants, I would be awfully grateful if he would clarify the position a little further, because I understand that the recommendations on the reduction of the staffs affected 42 bodies, of which five were Europeans, 23 Asians and 14 Africans.

Now, Sir, I think you will agree with me that those figures have not only not been reduced—they have been increased—but we are not challenging them. We are challenging just this one item. But he did make the general statement that all the recommendations had been carried out. Unless I am entirely wrong, or I misunderstood, I beg to challenge that statement.

THE CHIEF SECRETARY: Mr. Chairman, I tried to explain, when introducing this Head, that the consultants did not make any specific recommendations with regard to staff. What they did was to make a large number of recommendations, as I have said, divided into two groups—one to increase the efficiency by introducing more up-to-date methods, the second was to reduce the volume of business mainly by delegating. The result of those recommendations, they thought would result in reduction of staff. I explained carefully exactly what the discrepancies were between staff which we were asking for now and the staff which they thought would be required. In addition to that, we have circulated to the Standing Finance Committee a full list of all the recommendations, together with information against each as to exactly what action has been taken. If anybody else would like a copy of that paper, I shall be glad to give it to him.

MAJOR KEYSER: Mr. Chairman, I do not know whether anybody has the same definition of efficiency as I have, but I always think that efficiency is producing the best results with the least effort.

Now, Sir, when these consultants were employed to go into the question of the

Secretariat, we thought—and rightly so—and I say that we still have a right to think that—that they would reorganize the Secretariat in such a manner that the result of the work would be better than it was in the past, at less cost. Now, Sir, the hon. Member, the Chief Secretary keeps on referring to the fact that they did not make specific recommendations with regard to reduction of staff, or not until he asked them for it. But the fact remains, Sir, that finally they did make recommendations with regard to reductions in staff. Whether that was to his instigation, or not, they made a recommendation with regard to the reductions, and they called it a recommendation, too, Sir. So there it is. We have got it in their report No. 9. Whether that report was reproduced by them or not, I am not concerned with it. I am concerned with what is in the report. That report has recommended in Appendix III—reductions in establishments compared with the 1950 Draft Estimates. No amount of debate on the other side, Sir, is going to convince me that Appendix III is not a recommendation produced by the industrial consultants when they were perfectly sane and sober.

Now, Sir, the hon. the Chief Secretary says that we have picked on the one recommendation that they have not carried out. Well, Sir, he recommended that the assistant secretaries should be reduced by two, that clerks European, should be reduced by one, that clerks, Asian, should be reduced by eleven, clerks, African, by five, and that the registry superintendent's post should be abolished and so on. I understand that they have not been done and the hon. Chief Secretary has given us a reason for it. But the fact, Sir, remains that these recommendations for reductions have not been carried out. How can he get up and say that this is the one recommendation that we have picked on which is the only one that has not been carried out? I say that none of them have been carried out with regard to reductions in staff. If the reorganization which was recommended, or the methods of dealing with reorganization in the Secretariat, has been adopted, then they should result in a reduction of staff. They have not resulted in a reduction of staff and that is why, Sir,

Major Keyser] we are going to press this question of the reduction of one Establishment Officer.

Now, Sir, the hon. the Chief Secretary also brought up the matter of the efficiency and the good work that is put in by the hon. Director of Establishments and other officers in the Establishment Department. Nobody has questioned that at all, Sir. We all agree that they are doing an excellent job, but at the same time I cannot see why we should not be insistent on their doing it in an efficient manner, that is to say, with the least effort, and at the least cost.

Sir, the industrial consultants recommended a reduction of two Establishment Officers—from four to two. Now, Sir, we are asking for a reduction of six only—from four to three, and I believe, Sir, that we are being extremely reasonable in doing that. We are allowing the hon. Director of Establishments more than the consultants recommended. The hon. Director of Establishments did tell us yesterday of what had happened as far as he was concerned on this matter. But, Sir, he gave us a cog dissertation on the results of the Salaries Commission. That all happened before the industrial consultants had arrived in the country, and the industrial consultants, I understand, did not leave the Colony until the end of 1949—some time after they had submitted their report—so that there was ample time for the hon. Member to have discussed the matter with the industrial consultant before the industrial consultant left here.

I am, Sir, of the opinion that there is no case put up by the other side against this motion, and I look forward, I hope, Sir, to all the hon. Members on this side giving it their full support.

THE DIRECTOR OF ESTABLISHMENTS: Mr. Speaker, if I might explain one or two points which I think have not been understood by the hon. Members on the other side.

In the first place, the hon. Member for Nairobi North mentioned the fact that there are Establishment Officers in departments. That is perfectly true, but they were made before Mr. Shilham made his report. They were not the result of a new recommendation made by Mr. Shilham. They were there before.

As regards the point made by the hon. Major Keyser, I started off yesterday by saying that I thought that before the Council decided to reduce the establishment of my part of the Secretariat, they would want to have some idea of how the present organization came into existence, and what it does. That is the reason that I went back to 1947—before Mr. Shilham was here, I thought the Council would want to know how the present organization came into being, and what it is doing. I thought that they would also want to know how it is that establishment work has increased as a result of the report of the Salaries Commission.

Now, Sir, it is quite true that Mr. Shilham was here before I went on leave. It is also true he discussed this matter with me, and that almost all the recommendations that he made for the delegation of work from establishments to departments were devised, not by him, but by me, and adopted by him. Where he was wrong was in thinking that that would make such a reduction of work that we could reduce the staff by two. That was an opinion of his, and he was mistaken in it. I am personally convinced from the amount of work that we have now, that we may need four Establishment Officers in addition to myself and the Chief Establishment Officer. I must confess that I am disappointed at the view taken by Members on the other side of the Council. I have said that I am personally satisfied that all these people have got a full job of work. Now, either Members think that I am not speaking the truth and that in fact they have not got a full job of work, or they think that in some way the work should be reduced. The only way to reduce the work is not to do it at all, or to give it to somebody else, that is to delegate it. We have examined the question of further delegation, and we are all satisfied that delegation has gone as far as it possibly can go, in fact some of my colleagues think we have already gone too far. I am personally absolutely convinced that we do need the staff which is provided in the Draft Estimates.

DR. RANA: Mr. Chairman, I have great sympathy with the Moyer of this motion, but I must say that it is the desire of all of us to see the expenses of this Colony, which have been increasing, be reduced, but I am sorry that I

[Dr. Rana] do not agree on this particular item which the hon. Member for Nairobi North has selected.

Generally speaking, it is better to trust the person you know instead of the person you have not seen or do not know. Where you have not only an experienced officer, but with all the experience that I have had with the hon. Director of Establishments, I must say that he has shown always a great integrity and impartiality in every matter that I have dealt with him, and the same is the opinion of many Asian civil servants. Under those circumstances, Sir, not knowing the industrial consultant, nor his knowledge, I hope in this particular case we will rely on the hon. Director of Establishments who has vast experience and also who has worked in this Department for a year, as has been pointed out by the hon. Deputy Chief Secretary. In the circumstances I would submit that, if this item is not insisted on by this side of the Council—I can see the hon. Major Keyser looking furiously towards me (laughter)—I cannot help it, Sir, under the circumstances—it is my habit, I have got to express my views. And under those circumstances, I have got another item. That is the Provincial Administration which I know one of the hon. Members is bringing up. I think we could do a good deal there—instead of these one or two officers on whose services the structure of the whole Establishment and Government have always depended, and who are quite satisfied with the present work and with the decision which has been taken. With those points, Sir, I oppose the motion which has been moved by the Unofficial Members.

THE CHIEF SECRETARY: Mr. Speaker, I only want to say one more point. The hon. Member for Trans Nzoia says he has taken issue with me as to whether the consultants did or did not recommend reductions in staff. Well, I do not want to argue that point. Anybody who wishes can see the report and judge for themselves. The point is that they said that if you did so and so, it would result in less work and that would result in less staff, so that I would admit that it comes to the same thing. Whether they actually recommended reductions in staff or not does not really matter. The

result of their recommendations, to say that, would lead to reductions in staff.

Well now, as I have said, we have put all their recommendations into effect with one exception—that is, that we have not been able to delegate as far as they advised. We have considered that very carefully and we have come to the conclusion that it is not possible. The question whether the work is there, or whether it is not there, is a matter of fact and anybody is at liberty to come and see. All I would say, Sir, is that the work is there; if hon. Members do not accept what we have said, they have got a perfect right to cut this out if they wish. We ask for four officers and in support of that, we say that they are needed in order to maintain maximum efficiency.

MR. COOKE: Mr. Chairman, in the whole course of my life in this Parliament—in this Council, I do not think I have ever listened to a speech so full of illogicalities and so full of non sequiturs as that of my hon. friend, Dr. Rana. Of course, if we adopted his principle, it would not be worth while consulting an industrial consultants at all because, according to the logic of my hon. friend, the industrial consultants must be known for a longer period than my hon. friend the Director of Establishments.

There is one other point, and I hope I am not being out of order when I use this word, gentlemen on the other side of the Council are trying to arrogate to themselves the right of being judges in their own cause. Now my hon. friend the Chief Secretary says that he is convinced that these four Establishment Officers are necessary. He is convinced only looking on that matter from his own personal point of view, I remember perfectly well four years ago when we first started on trying to re-form the Secretariat, we had exactly the same assurances from the Chief Secretary and from the Chief Secretary's immediate colleagues, that the Secretariat was reaching its maximum efficiency; they were satisfied then that everything was efficient. Then we brought in these consultants from England and they pointed out weaknesses in the set-up and the gentlemen on the other side of the Council arrogated to themselves the right to pick what they like, what happens

Mr. Cooke] the recommendations of the industrial consultants—if the hon. gentleman wants to interrupt me I will sit down—and to say that they must be the judges in their own cause is no objection whatever on my hon. friend. We all know he is a very capable officer but our sole criticism is of the set-up of the system.

MR. NATHOO: Mr. Chairman, Sir, the only thing I have not been able to understand is that after having spent such a large sum of money on these industrial consultants, why their report was not circulated or published, even as a confidential document to the Members of this Council. (Hear, hear.) Then, Sir, we could have studied this thing. I am a member of the Standing Finance Committee and the only time I saw the report was when it was sent to me to look at and return. I may be mistaken but I do not seem to have received papers where any definite action was reported in this thing.

Now, Sir, with the reputation that these people enjoy, as industrial consultants, I, as a business man, would have the greatest confidence in their recommendations and as I said, I would be prepared to give them a trial and see what could be done. That was my opinion, Sir, till the Director of Establishments spoke about the matter and I feel, Sir, that whilst there may be a lot of justification in giving the recommendations a trial, after what the hon. Director of Establishments has said, I feel that it would be unwise to have this done immediately as is suggested by the motion of the hon. Member for Nairobi North. Therefore, Sir, I would request him that, let us give the Government another chance to see during the year whether they can implement this particular recommendation of the industrial consultants and see whether economy can be established. Sir, on the facts before the Council, as given by the hon. Director of Establishments and knowing him as I do and knowing the staffs he controls, I most reluctantly feel that I cannot possibly support the motion.

MR. USHER: Sir, I think we all agree in our admiration here of the work done by the hon. Director of Establishments and we all know that his staff are over-

worked. The short point is to delegate or not to delegate and we have been given one reason and one reason only against delegation, and that is, and it was brought in late in the debate, no doubt in the hope that the vote would be split thereby—that some vague request had been made by certain associations in this connexion. I do trust that that vague suggestion will not be taken seriously on this side.

MR. BLUNDELL: Mr. Speaker, I do not want to say very much. It is only this arising out of what the hon. Mr. Nathoo said. I have quite an open mind on the matter, but we did ask the industrial consultants to look into the set-up of the Secretariat. They made certain recommendations. Mr. Nathoo says, in effect—don't let us try it out, let us see what happens. I would prefer to put it the other way round. I would like to reduce the establishment by one and then see what happens. There is nothing to prevent us subsequently, if necessary, to admit the industrial consultants were wrong. In this way, we will never find out they were wrong—never, and as far as I can see, all we are going to do is merely to prove, as far as I can see, that the Government is right.

THE FINANCIAL SECRETARY: They are right.

MR. HAVELOCK: Sir, on this matter of delegation which the hon. Member for Mombasa touched on, why is it that no further delegation can take place? Is it because the hon. Director of Establishments thinks officers in the departments cannot handle the work properly and are not reliable? Is that the case? If that is the case, is that not a matter of training the case, is that not a matter of bodies? If they rather than a matter of bodies? If they do not know the work sufficiently and at the moment, cannot handle it well, why cannot we train them? Is that really an argument that there should be a reduction in the headquarters of the Establishment Branch? I suggest, Sir, that that is the answer to delegation. There can be further delegation if the officers in the departments are trained for it and I therefore support the amendment.

MAJOR KEYSER: Mr. Chairman, the hon. Chief Secretary said they could not accept or adopt all the recommendations of the industrial consultants in regard to

[Major Keyser]

delegation. He used the word "all". From that, I conclude that some of them were adopted. If some of the recommendations in regard to delegation were adopted, surely those some resulted in some necessity or possibility of reduction of staffs, and we are only asking for some reduction, not for the whole reduction. We are asking for the reduction of one and I think that one would probably be possible in view of the fact that all his recommendations were not adopted but some were.

The question that Item 1—35 be reduced by £1,005 was put and negatived on a division by 21 votes to 14.

Ayes: Messrs. Blundell, Chemallan, Cooke, Gherise, Havelock, Hopkins, Keyser, Maconochie-Welwood, Mathu, Ohanga, Preston, Salter, Shaw and Usher.

Noes: Messrs. Adams, Anderson, Carpenter, Cavendish-Bentnick, Davies, Gillett, Hartwell, Hobson, Jeremiah, Matthews, Mortimer, Nathoo, O'Connor, Padley, Pritam, Rana, Rankine, Rhodes, Shatry, Thornley and Vasey.

Did not vote: Messrs. Patel and Salim.

Absent: Mr. Madan.

THE CHAIRMAN: That has completed down to Item 35. Are there any other motions to omit or reduce under 2—12? If not, if the Committee is agreeable I will put the question that 2—1 be approved.

The question was put and carried.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that section 2, the Press Office, be approved.

The question was put and carried.

Group 2—Head 2

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2-2, Administration be considered.

There are few major changes in this vote this year except in the matter of the Social Welfare Organization which, hon. Members will see, has been very materially reduced in staff; that reduction—or in fact a lot of it—took place early in the year as a result of the investigation that the hon. Chief Secretary and the Member for Development said he would have carried out in regard to

the Social Welfare Organization during the Budget debate of December last year.

The total vote this year is £681,734 and that shows an increase of £7,500 roughly over last year. Now, the increase in the costs of the Administration without the Social Welfare Organization is actually about £18,500. It is reduced by the reduction in the Social Welfare Organization by £8,000 and the further £3,000 saving on the non-recurrent vote. The savings in the Social Welfare Organization fall into two parts. In the Headquarters staff, there is a reduction of some £3,000 and at the Jeanes School a reduction of £10,000. Because we have taken over this year into the Social Welfare Organization the Mobile Cinema Unit, that reduction is reduced by £3,200. The Mobile Cinema Organization this year was estimated to cost about £6,500. The increase, Sir, this year, this coming year, of the £18,000 to which I have referred is made up for the most part of an increase for district officers of £5,490, an increase for Asian clerks of £1,025, and for an increase in the number of chiefs' messengers—the cost of that is £3,500 odd and there is an increase of £7,740 on travelling. Now these increases that I have quoted represent practically the whole, seven-ninths in fact, of the increase of the £18,000 to which I have referred. They represent an effort to get, in effect, closer administration and for more contact between the officers and the people which is extremely necessary and ever more necessary in the growing complexity of administration in these days. For administration these days is not only concerned with the maintenance of law and order, with the supervision and development of Africa courts, it is concerned more and more with the ever-growing work of local government and in fact has to do much of the executive work still of that local government and it has—and I am very glad to say so—it has more and more to do with the economic development of the African areas. We have listened, Sir, if I may say so, during this session and during the session which preceded it, to a number of extremely interesting and thought-provoking speeches on a variety of subjects such as soil conservation, livestock improvement, the possibilities of large-scale projects for irrigation, and

63 Supply

The Chief Native Commissioner] for the movement of populations: we have heard about the activities of secret societies and we have argued as to whether we prefer our spivs in the town or in the country, and we have heard from time to time speeches about pasture research.

Now, Sir, all these subjects are of vital interest to the administrative officer. There are nowadays I know, and I am very glad that there are, an increasing number of technical officers whose job it is to attend to many of these technical matters, and these officers work more and more as a team with the district commissioners, but I must emphasize that all these many activities and subjects, represent a host of human problems and it is the human aspect of these affairs which particularly affects the administration. That is why the closer touch of the Administration with the people is ever more necessary. It is just as necessary now as it was in the early days of administration, in fact it may even be more so, and Sir, I think that this closer touch is necessary as much outside the African land units as within them. Those areas outside the African land units must, I think, get—they certainly deserve, and they must somehow get closer attention. Now closer contact cannot be effected without more staff and an increase, and I think perhaps a more modest increase has been asked for in these estimates. There is an increase asked for of an establishment of five district officers and there are two more African administrative assistants than there were in the 1950 estimates. The increase in the travelling vote and also the major part of the non-recurrent expenditure is designed also towards this end of maintaining or getting and maintaining closer contact.

The present staff position, Sir, is serious and our resources are being stretched to their utmost limit. The latest survey of our present establishment showed that at the end of this year, we shall be eleven officers down on our present establishment and we expect to lose at least another half-dozen next year. There are a number of cadets now in training and they will be with us, I hope, by September next year but we may have to make some immediate appointments. We are very thin on the

ground. Meanwhile, Sir, it must be appreciated that of our present 139 on the establishment, we have 72 officers who joined the administration after the war and about one officer in five has only two years' experience. Now under these conditions, Sir, we are still trying to stick to the policy of keeping the district commissioner of all the larger districts in his place for five years at a time, but the movements of junior officers are frequent, far too frequent both for their liking and for mine. Meanwhile we are constantly faced with demands for officers to go on a boundary commission, to look after a settlement area, to take over the training of *moran* and this and that. Events in North Nyanza, and just the size of it, has demanded the opening of a sub-station and the posting of an officer. Again, I think it is quite obvious that in our more remote areas, we have in several cases, got to put two officers where there was previously one. As hon. Members are also aware I think, we had an administrative officer at Makueni for some time in charge of the settlement. We had no establishment for that and we are proposing to make that a post in the establishment. So far we had to fill that place at the expense of other districts.

In the Rift Valley Province in the non-native areas, there is also, I am quite convinced, a need for closer administration and an increased staff and I hope very much we shall be able to post one extra officer there during the coming year.

Now as regards the Social Welfare Organization, Sir, a good deal of re-organization has been effected and a great reduction in staff. This organization is looked upon, certainly by people from other colonies, with a good deal of envy and a lot of admiration, and I believe that the time is coming when even, if I may say so, even this Colony is beginning to look at that organization with quite a lot of admiration. I have a lot for it myself. I believe that there is a growing appreciation of the work that is being done at the Jeanes School, particularly in the training of African leaders. I think the main thing that I should say over the developments at the Jeanes School and in the rural

[The Chief Native Commissioner] areas as well, is the increased attention that is being paid to the training of African women, and I am glad to say that that training is taking place on the scale and with utensils and so on that are perfectly capable of being put into use and practice in the native homes themselves.

I should like, Sir, before I sit down to pay a tribute to the administrative officers who in these difficult days are carrying out an extremely difficult, task loyally, ably and cheerfully. (Applause.) Sometimes I think, Sir, we are inclined to take what they do rather much for granted. Their task, I know—I have enjoyed it for a good many years, is extremely interesting and it is one which calls for everything that an officer can give to it. Now, Sir, I am glad to say that the vast majority of these officers are giving and giving unsparsingly. The disinterested development, I believe, Sir, of this Colony, of its human and natural potentials is a service, a real service, a service with a capital "S". Now that may be a word that is rather out of date in these days, but I believe that service is as it always was of the very essence of good administration.

No doubt, Sir, there will be many questions which the hon. Members or some, I hope not many, which hon. Members will want to ask and I will do my best in reply to answer them. Meanwhile, I will go no further into details but I commend these estimates to the consideration of the Committee.

THE CHAIRMAN: Before I propose the motion, I would like Members to have regard to the new Standing Order 91B and paragraph 2 in particular. The last line of that uses this phrase. I will read the last sentence:

"The Member moving the substantive motion in respect of any vote or head,"

it follows after this considered business—"shall not be limited on such motion or in reply."

Is it the understanding of Members that there is to be a formal debate, that is a debate which is finally wound up by a speech in reply and concluded.

MEMBERS: Yes.

THE CHAIRMAN: In committee, there is the general rule which is laid down

in 43 (vi) in the ordinary old book "that 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 or when Council is in committee".

When Council is in committee, the general rule is you speak as often as you wish and you have been doing so rather on these consideration debates. Will some Member rise and say what the understanding is.

MR. HAVELOCK: We did hope, Sir, on this side of the Council that this matter could be agreed to by convention, that there should be a reply; that it was not necessarily laid down in the rule, which means that normal committee procedure could be followed, but that we were agreed by convention as regards this particular policy debate, not upon the items.

THE CHIEF SECRETARY: Mr. Chairman, what the hon. Member for Kiambu has said is quite right. We are in committee and therefore, of course, the ordinary rules relating to committees would apply, but it has become the practice for his motion to be moved and for Members to try and confine themselves to one speech and then for the Mover to wind up.

THE ATTORNEY GENERAL: That was the intention, Sir, in the Standing Committee which framed these rules and orders.

THE CHAIRMAN: As long as it is understood. Then, I now propose the question that Head 2—2 be considered.

MR. HOPKINS: Sir, I should like, with your permission, to avail myself of the privilege of speaking for more than ten minutes.

THE CHAIRMAN: Half an hour.

MR. HOPKINS: I am pleased to see there is going to be in 1951 a small increase of five district officers and also that the ten district welfare officers will now be called district officers, community development in brackets. I hope that in future years the words in brackets will be omitted because I have always believed that it is the district officers themselves who should carry out such welfare work as is necessary, and the more experience they have in other

Mr. Hopkins] of the Administration the better will they be able to judge what welfare work is necessary and the manner in which it should be carried out. There has in the past been a very inadequate appreciation on the part of the public generally as to the difficult and complex task which administrative officers have to carry out in the native reserves in teaching backward Africans to adopt more up-to-date ideas and methods while, at the same time, doing everything possible to slow down the break-up of tribal laws and tribal customs, which provide so effective a cushion against the impact of civilization in the case of people who have not yet reached the stage where they can withstand these impacts without considerable reorganization to the society and the restraints under which they live. This lack of understanding as to one of the main functions of administrative officers has led in the past, time and time again, to agitations for the reduction of the administrative staff of the Colony. At one period also it was urged very strongly that district commissioners had lost their usefulness in the settled areas and should be replaced by magistrates. A direct outcome of a series of these agitations was the disastrous Pim Report which resulted in a reduction not only in the number of administrative officers but in their prestige. In addition to these factors, Sir, which have tended to keep the administrative staff low and down to the danger level, there have, of course, been other matters which have contributed towards the decline in effective administration which is so apparent today, and to these matters, Sir, I will refer presently. Such small increases as have from time to time been made in the administrative staff have all been absorbed by the huge increase in office work which has taken place in recent years. For several years now the mass of correspondence which has to be dealt with daily has had the effect of making district officers, and indeed departmental officers as well, think twice before going out on safari for more than two or three days, as if they stayed out longer than this the accumulation of work on their return to their stations would be so formidable. Now

we all know that it is mainly due, to this increase in clerical work that administrative officers are no longer able to keep in such close personal touch with the people they are supposed to be administering as they were in the past, but the puzzle has been to decide what the factors are which have given rise to this increase of work which now occupies district officers to the detriment of their true administrative tasks.

Now one of the reasons for this increase of office work is, of course, the extension of departmental activities in the native reserves and, to this extent, it is unavoidable because the time is long past when the District Commissioner can attend to all the medical, agricultural and veterinary work, survey all the roads, collect the taxes, try the cases and so on, but it is quite mistaken to believe—and I fear there are some people who still so believe—that the more departmental officers you have in a district, the less work there will be for the administrative staff. While this support of departmental officers and the carrying out of work through them is, therefore, essential, hon. Members will realize that it is not the type of work which tends to keep administrative officers themselves in close touch with their tribesmen, and to this extent, the speed-up of work has its disadvantages. I am, however, firmly of the opinion that it is the creation of the provincial team system which, more than anything else, has given rise to this huge increase in correspondence and office work at both district and provincial headquarters and so to the inability of officers in the districts to spend sufficient time in the field. Now in case some hon. Members do not understand what I mean by this term "provincial team", I would explain that I mean the build up which has taken place at provincial headquarters in recent years of senior departmental officers who, though nominally under the jurisdiction of the provincial commissioner, are, in effect, the provincial authorities for all work and all officers coming under their departments throughout all the districts of the province. Thus, where formerly there was at provincial headquarters only a provincial commissioner, who exercised light supervision and light co-ordinating

[Mr. Hopkins] control over the work in the various districts of his province, we now have, in addition to the provincial commissioner, a senior medical officer, a senior agricultural officer, a senior superintendent of police and so on. Each of these senior departmental officers, of course, requires adequate staff to enable him to carry on his work. He also requires proper office accommodation for his staff, suitable housing, transport, tentage, typewriters, stationery and the hundred and one other things which are necessary to keep a Government organization in being. It is, of course, very difficult for anybody who is not familiar with the way in which a province and a district was run in the past to realize how enormous has been this build up of provincial secretariats. It is also difficult to assess the cost, either recurrent or capital, of this system, because so much of it is hidden in the votes of the various departments concerned. What I have said will, however, enable hon. Members to realize one of the reasons for the erection of so many large offices, so much housing, and the huge increase of staff which has taken place in places like Nyeri, Nakuru and other provincial headquarters.

In the days when the district commissioner was more or less in complete charge of such departmental officers as were working under him, there was close co-operation between all. They were a real team, even though a very much smaller one than one gets at present and they were able to get on with their work without frequent references to headquarters. To-day, the district commissioner is captain of his team in name only, as quite inevitably the various departmental officers in the district look upon their departmental seniors at provincial headquarters as their real captains. It is unnecessary for me to stress, Sir, how this type of set-up not only tends to prevent co-operation but is liable to become a source of friction within the district team itself. Instead of making for team work in the districts, I have reason to believe that this provincial team system with its incessant reference to provincial headquarters, besides creating a tremendous lot of office work, slows down and destroys team work in the districts. District teams and provincial teams are very attractive

names but we must not forget that no team can work really effectively under a number of different captains. Now, the provincial team system provides promotion in posts for outstanding departmental officers. This, of course, places heads of departments and, might, at first sight, appear to be one of the strong advantages in favour of the system, but in actual practice, it is liable to be a serious disadvantage, as it results in the best of the departmental officers, who have built up their reputation by first class work in the districts, being transferred to provincial headquarters when they become, virtually, supervising officers and officers in charge of general organization. I think, Sir, that these senior posts should undoubtedly remain, but I submit that those who are appointed to them should be able to carry on with the executive work in which they have built up their reputations and not be transferred to these supervisory jobs for which they are often quite unsuited. Now, Sir, I am aware that there are arguments which can be put up in favour of the provincial team system, but I am quite convinced that the arguments against it are quite overwhelming. Such arguments as there are will doubtless be put up most ably by Members of the other side of this Council, and if my criticisms meet with any measure of support on this side, I am quite sure that we will be asked to meet the Chief Native Commissioner, the Provincial Commissioner and probably to make tours of provincial headquarters, when we will be shown how extraordinarily well this system is working, and how impossible it is under modern conditions to revert to the old simpler methods of administration. I am also sure that provincial commissioners will put up most ably and adequately the arguments in favour of the provincial team, but I am equally sure, Sir, that none of them will, in their heart of hearts, believe that the new system is any improvement on the old, in spite of the huge amount of extra staff and funds which it provides, or that it makes in any way for better administration. I submit, Sir, that on various occasions on which Members of this side of the Council have asked for decentralization, what they visualized was the delegation of more authority to the executive officers in the district to enable them to get on with their work

Mr. Hopkins] constant reference to headquarters. The last thing hon. Members visualized was the creation of these huge provincial secretariats which, in the very nature of their setups, are able to exercise, and in fact do exercise, a far more strangling influence over initiative in the districts than ever has the Secretariat in Nairobi.

THE CHAIRMAN: Have you completed your half-hour?

MR. HOPKINS: Yes, Sir.

Committee adjourned at 11 a.m. and resumed at 11.20 a.m.

THE CHAIRMAN: Question before the Committee.

MR. COOKE: It might be a good opportunity to dispose of the business while there are so few here!

THE CHAIRMAN: If no other Member wishes to speak—

MR. NATHOO: Mr. Chairman, there are one or two points on which I would like to say something under this Head.

I notice, Sir, that an Entertainment Allowance has been given to the District Commissioner at Mombasa. I would like to know, Sir, from the hon. Member for African Affairs as to why the District Commissioner at Mombasa is receiving this allowance whereas his counterpart at Kisumu and Nairobi, who being stationed in big towns have got certain obligations to entertain as much as the District Commissioner at the Coast and I would like to know from him why this differentiation has been made for the Coast.

The second point I should like to make is about the Jeanes School. Under the re-organization, Sir, the Special Commissioner of Welfare, I believe, is in charge of the school at the moment and I feel, Sir, that the amount of work he has to do in the way of welfare away from that place will certainly interfere with the efficient working of that school. Recently a lot of economy has been made on this vote, but I still feel, Sir, that with a little more attention, the efficiency can be increased and the cost, even now can be decreased.

Sir, I beg to support.

MR. USHER: Mr. Chairman, Sir, there are two matters which I should wish to ventilate, while we are discussing the

policy of Provincial Administration. One is perhaps of less importance, but I do want to refer to the momentum of the department in the matter of expenditure. We have to watch the recurrent expenditure very carefully and later on when we come to the detail of the matter, I shall have to be referring to a particularly large item—Chiefs Messengers I think it is—which runs us into many thousands of pounds and to which I feel no adequate reasons have been given. The reason actually given for a very large increase is assistance in collection of tax. That is the sole reason given, but the increase is out of all proportion to the object, I will deal with it later when we come to the special items. At present, I can only suppose that my hon. friend the Chief Native Commissioner has been taking advice from the White King. May I read. There was a discussion between Alice and the White King about messengers. One was called Hatta and the other was called Haigha, and the White Kings says:—

"The other messenger's called Hatta. I must have two you know—to come and go. One to come and one to go."

"I beg your pardon?" said Alice.

"It isn't respectable to beg," said the King.

"I only meant that I didn't understand," said Alice. "Why one to come and one to go?"

"Don't I tell you?" the King repeated impatiently. "I must have two—to fetch and carry. One to fetch and one to carry."

Well, Sir, we shall be dealing with that later—I now want to pass to another matter—Welfare.

In his speech on this subject, the hon. Chief Secretary last year impressed upon this Council that hitherto, the Administration has perhaps tended to be negative—to concern itself with Law and Order and little else. What he invited us to do was to pay more attention to giving and to giving them our way of life, and I am sure that we all agreed with him. But I have grave doubts whether we are giving them our way of life.

I am a member of the Mombasa Municipal Board and I am concerned to some extent with the African Affairs Committee there. The African Affairs Committee has as its officer, an officer

[Mr. Usher] of the Administration now, and of great ability and who works extremely hard and I am afraid to little effect or, perhaps, to an end which we might perhaps not desire. If you look through the minutes of the African Affairs of that Council, you will find that it is almost exclusively concerned with three matters. Beer from the mainland—that is out of the coconut—beer in bottles and football. Football is a good thing, particularly if you play it, but we are mostly concerned there with the arrangements for people who only watch. With beer I have no quarrel at all—(Applause)—provided that it does not assume too important an aspect in the life of the consumer. I do not know quite how it is possible for us to impart our way of life to the African. I am speaking chiefly now of this urban area which I represent, but I do not feel that we are going the right way about it. We have a place called Tonoloka there. The word, I believe, though I have never heard a Swahili who knew it before, is Kutononoka which I believe means to be uplifted. It is anyhow the place of uplift. Now what is the uplift there? There is a great deal of beer consumed there, they have wattresses, because we have nippies, I believe, and they show cinema films of such a kind as to have aroused the protest of Africans in Mombasa that we were merely teaching the *totos* there to pick pockets. Well, Sir, this is all disturbing to us. I do not know quite what our way of life is but it is those qualities in our national character which are universally admired and have been admired in the past ages, not necessarily the ways of the English people to-day. I do feel that we are trying to introduce to the African a way of life which we do not ourselves really admire. We are giving him beer and circuses. It is supposed by some people, mostly petty politicians, that by introducing him to these things we make him something like ourselves, but nobody wants to see an African a bad imitation of a European, and these people who think they can bring other races on by such matters are wrong. All parturition is painful and from conception to parturition takes time, and sooner or later they will find themselves face to face with the army of unalterable law.

Sir, I beg to support.

THE DIRECTOR OF MEDICAL SERVICES: Mr. Chairman, I would like to say a few words in reply to the hon. Member for the Aberdares, when he discussed in a well-reasoned speech the question of the Provincial Teams. What I have to say, of course, refers only to the medical member of such a team. Well, Sir, in my opinion, the Medical Department is now far too large to be administered adequately from Medical Headquarters in Nairobi. After all, many of the provinces in this country are as large, or a good deal larger in fact, than many British colonies which have machinery of administration including a Governor, Chief Secretary, Director of Medical Services and medical headquarters. If it was only a question of medical officers in the districts running their hospitals and looking after the sick in the hospitals then it might be possible to administer such a chain of hospitals from Nairobi, although even this I am inclined to doubt. But, Sir, we must realize that the work of a medical officer has a very much wider significance than this. He has to co-ordinate the work of his district and in particular he has to evolve schemes for preventive work throughout his district.

Now, Sir, it is in this field particularly that the advice and counsel of a senior man who can see the problem on a provincial scale is in my view absolutely essential. The provinces, taken by and large, as regards health problems are extremely homogenous. Each province has health problems which are common to that province and are often strikingly similar to the health problems in other provinces, and a province is, as a rule, of a convenient size for policy to be administered by one departmental officer. I submit, Sir, that the presence of such a departmental officer is absolutely essential for the proper functioning of the medical policy. We could never direct public health campaigns in the provinces adequately from Medical Headquarters.

The advice of such an officer is particularly necessary at the present time when so many of our district officers are new to the job and are in their first tour. The kind of work that a District Medical Officer is called upon to do is so different from the kind of work that

[The Director of Medical Services] would have to do shall we say in the United Kingdom or in general practice in a town in this country, that he does need a tremendous lot of guidance and advice from somebody who is near enough to give him that advice on the spot.

Now, Sir, it has been suggested that the Provincial Departmental Officer has a very large and inflated staff. That is the case in so far as the Provincial Medical Officer is concerned. In point of fact he only has one clerk and he does write a tremendous lot of correspondence. It does not lead to a greater amount of correspondence. The fact that he is able to answer questions personally or over the telephone does mean that a tremendous lot of correspondence which formerly came up to headquarters has now been stopped and is carried out by him.

Now, Sir, another point. As far as the Provincial Medical Officers are concerned they all do something in addition to their provincial duties. Two of them are Medical Officers of Health of the towns in which they happen to have their headquarters. One of them is also a medical officer in charge of a large district hospital, which duties he carries out in addition to his provincial duties. The others do a certain amount of district administrative work in addition to their medical duties, and all of them do quite a lot of medical consulting work in the hospitals throughout their provinces.

Sir, the hon. Member suggested that the presence of these departmental officers at provincial level undermined the authority of the Provincial Commissioner. I do not for one moment agree with this. As far as my experience goes, I have always found that in purely administrative matters affecting the district the District Medical Officer goes to the District Commissioner, it is only on technical matters that he goes for advice to the Provincial Medical Officer. In fact, Sir, I would affirm that co-operation between departments at district level has never been closer than it is today. (Applause.)

MR. MATHU: May I claim to speak longer than ten minutes, Sir, I do not think I will require it, but in case.

Now, Sir, I should like to congratulate the hon. Chief Native Commissioner for the way he has presented the Estimates which come under his wing. He did it, I agree very briefly and to the point. I do not want to spoil that lead which he took by going into details so I shall be very brief too, but there are certain points which I feel are very necessary.

Last year, Sir, I, when discussing this vote, suggested that the Administration in this country should go more and more to associate the Africans with the work that the district commissioners and those under them, the provincial commissioners and those under them, are doing. Now, I do suggest, Sir, that it is high time we opened or created high posts in the Administration for the African people. Now the hon. Chief Native Commissioner told us that we have not got the men because a post of a District Officer requires a first-class degree of Oxford or Cambridge University, and we have not got those men. He said that we may have very few. Now what I would like to suggest to him now, could he create one or two posts for those very few that are in the country because I do not think, Sir, we can accept the implicit suggestion that we have to wait until we can produce a thousand Cambridge men before these posts are created. I am sure even the hon. Member for the Coast will agree with me on that one—(Laughter)—that that cannot be our intention because even Britain, Sir, has not waited for a thousand Mr. Churchills, he appeared to be a great leader, they gave him the responsibility which put us through this last war. Now Mr. Attlee has come up in the present Labour Government; the British Government did not wait until they had a thousand of those men but he once there is one that shoots out, he should be given an opportunity and that is what is lacking in the Administration today. And I want to suggest very seriously, Sir, that I would like, not the answer I got last year but a better one—(Laughter)—because I would not be satisfied with the answer I got from the hon. Member last year.

The impression that I got from the hon. Member's speech reminded me of a church service in relation to the Administration where the preacher stands on a

[Mr. Mathu] platform, preaches for a whole hour, the congregation listens and does not question; well nobody is allowed to question, whether he agrees with the minister or not. When the time comes they all walk out and they can grumble in their heart but they cannot question. He says hymn number so and so, if I prefer another one I cannot be allowed to suggest another one I want, I have to sing that one whether I like the tune or not. Now that, Sir, is the impression I got from the hon. Member, the African to act the part of the congregation and the European, the Administrator, to act the part of the preacher. Now, Sir, I may be misinterpreting the hon. Member but certainly that is the impression I got. I would like to say, Sir, that that is all wrong because the Administration should play with the people they are administering, not as passive elements in the Administration but as active ones. I am suggesting, Sir, that the African community should be given an opportunity to play an active part in the whole Administration, and that is why I feel that the impression of the church service is not the one that certainly we have been suggesting.

Now, Sir, the hon. Member when paying tribute to the Administration, you will recall, Sir, he paid tribute to the District Officers. He never mentioned the African counterpart of that, and that shows exactly what I am driving at. The Administration to-day could do nothing without, for example, the Chiefs, and this report, Sir, which the hon. Member for the Coast has read and I have read does say in one part that the Chiefs are the mainstay of the Administration. Now, the hon. Chief Native Commissioner did not even pay tribute to these men who are helping the Administration loyally, faithfully and with very little sufficient material recognition for the services they are doing. Now, Sir, do the Chiefs have to act as part of the congregation and the others do the preaching? I would like, Sir, to suggest that, to fill the gap, and pay here a very sincere tribute to the Chiefs, Headmen, Locational Councillors, African District Councillors and African Members of the Administration from the clerks to the office boys, who are helping the District Commissioners to do what we have

heard from the mouth of the hon. Member. Why leave them out, because we put them I do not think that you can have the glowing terms that you have had in regard to the European Officers. I do not say that they should not have but I want to complete the picture, Sir.

Now, just to have another aspect of the problem which I have strong feelings about, Sir. The word that has kept cropping up in the debate is either "close administration" or "closer administration". Those two have been used throughout and I say that even with that, there have been complaints from the District Commissioners and, some of them appear in this report; the African Affairs Department Report 1948, others have appeared in the addresses of District Commissioners as Presidents of the African District Councils and the complaint is this: that Africans have not got a public opinion to influence those affairs which are anti-social. Now, I agree with those District Commissioners who complain that perhaps there is no public opinion, but how can you have public opinion *in vacuo* when the administration has become so close that it is almost impossible for an African meeting to be held in these districts? It takes a fortnight or three weeks to get permission to meet. You cannot have public opinion when an African is confined to his bed when we fellows cannot come together and leaders have the opportunity to talk without going and getting permission which is not very easy to get. How is it possible to create public opinion? Even in this country, European organizations are the forum for creating European public opinion, the Electors Union and all the other European organizations. They have almost a free platform for it and we do not get them complaining that they do not get permission every time they want to meet, and they meet every time they want. The African press has been a case of censure in this Council and throughout the country, and because we discouraged them to have this press so for the educated there is no forum in the way of the newspapers because of the discouragement we give them. In the way of people meeting together there again is a difficulty. Can you tell me how we can create public opinion without these avenues? Now, Sir, this Report of the African Affairs, if you read

[Mr. Mathu] where it deals with social and political aspects of the African areas, will be left with a feeling of despondency. There the officers in the field give the impression of feeling extremely happy when an African organization breaks and falls down to pieces. That is where they feel that that is a good job. Certainly that is not the way. How can we develop the African people to take part as co-partners with the immigrant people of this country if they are not given an opportunity for voluntary organization? We cannot expect them to become Members of the African District Council and official organizations only. Surely they must have opportunities for organizing themselves for their own good at the work of the administration, I feel, is mainly confined to seeing that an organization can exist and no organization can succeed. That is the impression we get here, and I know it is a fact that most of the time of the District Officers is wasted in checking that a meeting is to be held, no three or four persons are going to be together, and I do not think that should be the way to deal with the matter. This report, Sir, in that particular section I referred to, makes very uninteresting reading. It encourages those who want proper co-operation with the Government and with the Administration here, and I suggest, Sir, that we have to change our attitude towards this. The hon. Member himself mentioned secret societies. We do not want secret societies in this country, we do not want them. It is unhealthy, but what are you to do if you are put in our position? What else can we do but go underground and scheme and plan? What else can we do? We are beaten after all. It is a complaint I want to raise in this Council because I have raised this before without any effect. I would like to repeat it, to say it is spoiling the happy relationship of the inhabitants of this land. I suggest, Sir, that what is meant by closer administration, it has been extremely successful. Whether it is what we want, it is for the hon. Members, if they were put in the African position, to gauge.

The hon. Member for the Aberdares usually talks about the "backward" African, the teaching of the backward

African. You know, there are schools in England and in Europe and they have been started in this Colony for the backward children. Is that what the hon. Member for the Aberdares means when he thinks about the African people? The word "backward" requires definition. If he reads any books he likes on abnormal psychology from William MacDougal right down to Fisher he will get that definition, and if he could apply that to the African people, Sir, I say that he will find it extremely difficult to justify. I suggest, Sir, that the African people as a whole are not backward. They are an intelligent lot, and that is why the British administration in this country has got a name in the world. It has a name because, as I say, what the British Government and the British representatives have done in this country, they have reached that standard from our point of view because of the native intelligence we have, and if the hon. Member for the Coast will rise and tell me that self praise is no praise, I will tell him I have taken the cue from the Europeans in this country, who say they are the only people who have the intelligence or who are capable to lead. Now why the hon. Members here talk about success or otherwise is because the African people have adjusted themselves very quickly to a new situation. I think more quickly than the British did when the Romans inhabited that island which is so famous to-day. That is my submission, Sir. If you read Julius Caesar, *De Bello Gallico*, you will see what I mean is correct.

Now, Sir, I have one further point to raise. I have raised it before. It is a suggestion, Sir, to the hon. Member for the Government and this hon. Council to consider a progressive programme of divorcing executive authority from judicial authority which is now combined in the district commissioners, where they become magistrates at another time. They become executives at another time. The hon. Member last year agreed with me that the situation, as we have it, is not that we would like to see a healthy, that we would like to see a separation of powers, but circumstances do not permit. I suggest, Sir, one of the increases in public funds that I would increase whole-heartedly would be such as would be to appoint magistrates to deal with cases and to release the district commissioners of this magisterial power.

[Mr. Mathu]

I submit that suggestion again, Sir, as I have done more than once before.

Sir, the question of the work of the administration in economic affairs—that point I dealt with fully in the main debate, Sir—and I support the hon. Member that it is true that the administration is helping a great deal to improve the economic situation of the people, but may I say, Sir, as I have said before, we are only beginning. We are far from reaching even a fraction, because poverty is still the rule in African areas. Insanitary conditions, bad houses and all that—we are only beginning to tackle the problem and I suggest, Sir, that by providing places, opportunities for the educated Africans in the administration, we can do it more quickly because however we like it, it is not possible to support a very expensive hierarchy of administration. The African will do a good job and we will pay him less, not because he should be paid less but circumstances are that he will definitely work for less than the other communities because this is his country and I do not think that a very expensive Civil Service can be supported by the financial resources that we have at our disposal. That is why, Sir, I have suggested from time to time that opportunities be given to Africans to help in the running of affairs in this country.

Sir, before I sit down, I should like to say that the field officers in the African areas, as I have done before, are doing a fine job and are doing a very worthy job. They are doing a good job. The hon. Member for Aberdare complains about the provincial team. I am with him there. I support him. I think it is an unnecessary set-up. We can do without it and very well too, and when it comes to discussing the details and the Heads we might perhaps find it necessary to refer to these particular sections which create these duplications in the posts of the administration. It is a very expensive set-up and I think we can do with less. The hon. Member for Aberdare also complained about paper work, clerical work for the district commissioner. My suggestion would relieve him. It is this, that the district commissioner ought to be able to delegate some of this routine work to African clerks,

African executives in his office, but at the moment, they seem to be so jealous of even parting with any tiny responsibility to give to the African people, I suggest, Sir, that that is how we know to do it—delegate the work of a routine nature to the African people and let them do it. I am sure they will do it better if they go on like this without being given any responsibility, surely what we should produce—you will have a demoralized community who will be very passive, who cannot criticize anything nor do anything. Surely that cannot be the desire of the Government or people of this country. We want active brains, people who can criticize the affairs of this country and constructively at that. That is why I am suggesting, Sir, that opportunity should be given to Africans in this field, and I do think that we shall find that we can move more quickly than we are moving at the moment.

I support the motion.

THE DIRECTOR OF AGRICULTURE

Mr. Chairman, I had not meant to speak in this debate, but in view of the fact that the hon. Member representing African Interests has again referred to the question of provincial teams I feel I must rise, Sir, and endorse most fully the remarks made by my hon. friend the Director of Medical Services. As far as the Agricultural Department is concerned I would resist to the utmost any suggestion of the removal of senior agricultural officers from the provincial headquarters, because I consider the provincial team is absolutely vital to the success, which I do think hon. members will agree, we have made in agricultural progress in the African land units during the last few years. Now, Sir, if the senior agricultural officers at provincial level were removed it would undoubtedly throw considerably more work on a head office, and in consequence we would have to have more departmental officers in that office. That is one thing which I think we want to try and avoid. We must try and get our men in touch with the field work and not have too many in Nairobi. In my own view, the fact that we have a senior agricultural officer at provincial level assists us tremendously in the working of the department, and I am also quite

Administration
Supply

The Director of Agriculture] Provincial Commissioners would be that the presence of a senior officer seconded with him is of very great value. I think it is wrong to suggest, Sir, that the provincial set-up is extravagant. I cannot be the remarks made by my hon. friend the Director of Medical Services. I say that the senior agricultural officer at provincial level has one clerk to assist him, and it is not unwieldy or cumbersome.

Now, Sir, as regards the remarks of the hon. Member for Aberdare that the presence of these officers under the authority of the district commissioners, I would suggest, Sir, that in the opposite is the case. To start

MR. HOPKINS: On a point of explanation, I never made that statement. I did not take it up with the Director of Medical Services, but I never made that statement although I do believe it has precedence—I never made that state-

THE DIRECTOR OF AGRICULTURE:

I accept the hon. Member's statement. I would like to say that I am quite satisfied in my own mind that the district commissioners welcome very much the considered opinion of a senior agricultural officer in their district affairs.

As my hon. friend the Director of Medical Services stated, we have unfortunately to-day got a very large new staff in the field and many of them have not the experience we would like them to have had, and as a result the senior agricultural officer, on his frequent visits to these headquarters, does, in my opinion, render the district commissioner a most valuable service.

I beg to support.

MR. SALTER: Mr. Chairman, we have heard from the hon. Mr. Mathu the very general desire of the African to be more closely associated with the administration of this Colony. I would like to ask the hon. Member if he would be good enough to reply to say what Government's policy is with regard to identifying the African and locally-born European with administrative appointments in this Colony and what steps are being taken to follow out that policy. Now, Sir, I

know this is not a new subject and I know it has been given consideration before and, probably, at present, but I do feel, Sir, that it would help a great many people in this country if a clear statement were given about that matter. Now, Sir, I know that high qualifications are needed for the important task of administering this Colony, but I refuse to believe that there are not to be found here the qualifications which are needed and to which can be added the inestimable advantage of complete local knowledge.

Sir, I beg to support.

MR. OHANGA: Mr. Chairman, I had no intention whatsoever of speaking at all, but I thought it would be good if I rose at this time to endorse most fully what my colleague has said on behalf of African people and to emphasize only one point which I think is worth repeating over again, until something is done about it. The point of closer administration in the country, I think, is being carried to a very far extent even to a point where we feel that more harm will be done generally than good, and I should like to contribute one more point towards that thought. I am quite sure that the best administration of a country and of a people would be that one in which everybody took an active interest, and the interests of a people, I believe, can only be cordial when they themselves have free forums for discussions and thinking. The attitude of the Government as it seems to be in the rural areas is to fight any thought of free voluntary associations or meetings of that kind. Now, the people as a result find it very very difficult to meet and discuss things of common interest, to discuss things to the Government, and to everybody generally, and I do not think that the co-operation of the people can come until and unless they are afforded that vital opportunity of meeting and discussing things themselves free of any official participation. At the moment, whenever the question of voluntary associations arise anywhere the answer is "You have your Local Native Councils, you have your Locational Councils". I agree, they are there, and we like them, but I do not think that they can do the whole lot of what is needed to be done. Wherever you have a Government

[Mr. Ohanga] official, naturally that element of free talk which is necessary in voluntary co-operation goes away and the people want to be afforded opportunity to meet by themselves without any official taking part in order that they may be able to talk freely with open minds. But I must emphasize that that is not forthcoming in the Reserves now and it is the main thing that keeps the African people back.

I beg to support.

THE CHIEF SECRETARY: Mr. Chairman, there are two points on which I would like to say a few words.

The first concerns this question of freedom for meeting and discussion. I think everyone will agree with me when I say that we all know that the Government is most reluctant to place any restrictions on such free meeting and discussion. (Hear, hear.) The liberties of the subject are matters to which we in all British territories attach the very greatest importance. Freedom of speech, freedom of expression, are rights which have been achieved through many centuries of patient effort by gradual building up, and concurrently with those rights there has grown up a great sense of public responsibility in their exercise. We hope that it will be possible in this Colony to give complete freedom. We hope, too, that, concurrently with that, will grow up the same sense of responsibility and I think everybody realizes that the one thing that can prevent that freedom being given free rein is abuse of it.

The second point I wish to refer to, Sir, is the remarks by the hon. Mr. Mathu with regard to the attitude of the Administration towards Africans. I think he suggested that certain district officers rather looked for failures in certain respects and he even went so far as to say they rejoice when those failures become apparent. I think that most people realize that the African in this Colony has got no greater friend than the district officer. (Hear, hear.) No one has done more to help him on the road to progress, no section of the community or no branch of the Service has done more to help him along the path, and I can assure the hon. Mr. Mathu that any achievement on the part of an African will be rejoiced in by a district officer.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I will try to reply to a few of the points which have been raised by hon. Members which have not already been replied to by hon. Members on the side of the Council. On the question, Sir, of provincial teams, we have already heard two or three Members on this side of the Council speaking. I can only reiterate really what they said before. My firm belief is that provincial teams made for a tremendously increased contact and co-operation between the departments of Government so that we are not, I am very glad to say, anything like so departmentally minded as we used to be, and that is not only at district levels but also at provincial level. I think a Provincial Commissioner is just as liable to become departmentally minded as a district commissioner, and I am glad to say provincial teams go a long way to preventing that sort of thing entering into his mind. As far as paper work is concerned, I believe there would be far more paper work if district commissioners all corresponded direct with one section or two sections of the Secretariat and heads of departments all round the place.

Another point on that, Sir, we have heard that there are these large provincial secretariats. I do not quite know what that means, because the provincial offices that are up merely house officers who were previously in separate offices who used to write to each other and now talk to each other.

The hon. Mr. Nathoo raised the question of entertainment allowances. I asked why the District Commissioner for Mombasa, was in that fortunate position of having an entertainment allowance and not the District Commissioner for Kisumu, and the District Commissioner for Nairobi. I think the answer is quite frankly that the District Commissioner for Mombasa, requires it infinitely more than the other two district commissioners I have just mentioned. Mombasa is an extremely hospitable place, if I may say so, and as a member of the board he has a lot of entertainment to do, and also at the port of this Colony he has a good deal more put on him. He certainly requires it. I would not be the District Commissioner, Nairobi, and not require help as well, but I think the needs of the District Commissioner

The Chief Native Commissioner] the Member, are infinitely greater. The hon. Member referred to the work of the Commissioner for Social Welfare, now, I hope, called the Commissioner for Community Development, and suggested he would have too much work to do in his new set-up to enable him properly to look after the Jeanes School. I have come to the conclusion, Sir, that is perfectly correct, and a post has been put in which is called Assistant Commissioner for Community Development, about which no doubt various people hold various views, but my view is that one is that that gentleman will be able to carry out the work of the full-time principal of Jeanes School and will in fact be able to do a good deal more as well.

The hon. Member for Mombasa quoted from a book which I think must have been "Alice in Wonderland". I could not think of any reply to quote from it; I believe he borrowed the book from me. He referred to chiefs' messengers and stated he was going to raise it when that item came up for discussion, so I do not propose to say very much at the moment about chiefs' messengers. They come and they go—the same ones come and the same ones go. He referred to uplift. He was at the time, I think, talking about the uplift of the elbow, but I do not think he meant that. I know it is extremely difficult, this business of putting across what he called the British way of life. I do suggest, though, that in urban areas it is a good thing to provide decent liquor in place of Nubian gin, and decent places to consume it in. I think it is a good thing to provide decent films, and I do not here say that all the films are good by a long chalk, of course they are not. There are some that probably should not be shown, but we are trying to get films which will interest and amuse the African and give him somewhere to go and something to do in his spare time. Football, I believe, is of great value both to the onlookers and to the players, and I am a little surprised at the hon. Member for Mombasa, who, I am sure, is tremendously proud of his new stadium, suggesting that football is not a thing we should provide.

MR. USHER: Sir, on a point of explanation, I do not think I said anything of the sort. What I said was that—the

substance of what I said was that we were providing beer and circuses and nothing else, or very little else.

THE CHIEF NATIVE COMMISSIONER: Thank you, Sir. I can only add then that we are providing libraries, debating societies, decent housing, decent sanitation—numbers of other things as well as beer and football.

The hon. Mr. Mathu—here, Mr. Chairman, I should don my surplice and put my collar round the other way, but I will try to come out of the pulpit. I am very glad to say that he introduced and paid a tribute to the Chiefs, the headmen and the sub-headmen, the *olagongos*, and the *intlangos*, the clerks, the African administrative officers, the local native councillors, and all the large African staff—the location Councillors, and so on, all of whom, of course, play an enormously large part in the development of the African areas, and I would join with him—and I must apologize for not having before paid them the tribute that he paid on my behalf.

I think the question of public meetings which he raised has been dealt with by my hon. friend the Chief Secretary. As far as closer administration is concerned, he asked does this mean repression, does it mean not holding meetings? Of course it does not. What it means is closer contact with the man and the woman; the African man and the woman in the field; putting across to him all the infinite matters which closely affect him; his health, his agriculture, his communications, his marketing, all kinds of subjects which very closely concern him; and showing him, trying to show him the way he can go to better and uplift his present state.

The hon. Member Mr. Mathu also brought in a suggestion again that the executive and the judicial, should be separate. As I said, I think in the debate last year, I agree with this entirely, and it is of course a matter of staff, finance, housing, bodies—the usual difficulties.

MR. MATHU: Reduce the provincial team.

THE CHIEF NATIVE COMMISSIONER: Well, when these bodies are available there may be a chance of fewer district officers. I cannot myself see much chance of that in the future, as our job

[The Chief Native Commissioner] gets bigger and bigger year by year. One point, an important point, made by my hon. friend the Member for African Interests, Mr. Mathu, was the question of taking the African more and more into the Administration. Now there are, I think I am right in saying at the moment 12 District African Administrative Assistant Officers, some of whom are doing extremely good work. One only, I think, has so far passed his law examination, but they have been going for four or five years only, and we are considering whether or not we could get some system of accelerated promotion going for those outstanding ones of whom there are, I am very glad to say, a few.

The hon. Member for Nairobi South raised the question of the recruitment of locally born Europeans into the Administrative service in Kenya. There are, at the moment, Sir, I think, I am right in saying, six of those who are already in the Administration in this country.

I think, Sir, I have dealt with all of the questions that have been raised, and I beg to move.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: I beg to move that Head 2—2 (1) General Staff, be approved.

THE CHAIRMAN: Are there any motions to omit or reduce?

MR. BLUNDELL: Mr. Chairman, I wish to move that Sub-item 10, District Officers (Community Development) be reduced by £100.

THE FINANCIAL SECRETARY: Item (1) 10, Sir.

MR. BLUNDELL: Item (1), Sub-item 10.

THE FINANCIAL SECRETARY: Item (1) 10.

THE CHAIRMAN: Does any other Member wish to move any preceding item?

MR. BLUNDELL: Mr. Chairman, hon. Members will remember that when this item appeared in the Budget Estimates last year there was a division on it, and the voting was very close as to whether these officers should be retained in the estimates or not. My reason for raising it this year is that I wish to put a point of view to hon. Members opposite and

ask them to examine it. I believe, Sir, that these officers should be definitely part of the administrative service. We have moved a little bit that way, because they are now District Officers (Community Development) in brackets, but I would rather see, if it is necessary, the District Administration increased by the number of officers, and these officers as an integral part of that service, rather than officers for the specific purpose of community development. It will be seen for one thing that these officers, on the scale at £960, whereas the District officers carry on, I think, to £1,200. There is only that difference, except that these officers also start at a slightly higher point.

Now, Sir, I do not want to waste time of the Council because we have debated the whole of this last year. I want in moving my reduction, to do it solely for the purpose of debate. I believe that these officers should be part of the administrative system. I think it is wrong for the Administration to be able to have, as it were, a small section only concerned with community development. As we pointed out last year, that is one of the main functions and responsibilities of every administrative officer. (Hear, hear.) If it is a question of our getting more people for closer contact with the Africans, then I will agree to bring them on the higher scale. On that I wish to say something. If these officers are going to be absorbed into the Administration it may be necessary—some may be capable of entering it at once, other may have to remain until the whole process can take place over several years, but the point I wish to make very shortly, Sir, is this: that in absorbing these officers into the Administration, I believe every Member at this end of the Council, on this side, believes that the Administration is not a matter of race, it is not a matter of education, all, it is basically a matter of integrity and character. (Hear, hear.) Those are the qualities which we seek.

Now I am not going to blow anybody's trumpet unnecessarily, but at least, with all the criticisms I have made of hon. Members opposite, I do firmly believe that under the British Colonial system we do get officers of character and ability, and I want to take the opportunity of saying so now, because

Mr. Blundell] when these officers—when consideration is given to their being absorbed into the Administration proper so that it is one whole service without a small block of officers with a specific job—when consideration is given, I wish to make it clear that officers who enter, as it were, the senior part of the service and drop the brackets after their names of "Community Development", must only do so provided they have the necessary qualifications, and I stress it of character and ability. Those are the qualities that are wanted in our administration.

With these words, Sir, I move my motion.

THE CHIEF SECRETARY: Mr. Chairman, although we cannot go 100 per cent with the hon. Member for Rift Valley, there is a great deal indeed in what he says, and the fact is that the job and the function of the District Officer, in fact every District Officer, is community development, if you look at that in the very broadest sense. What I can give the hon. Member, if it is any assistance to him, is an undertaking to examine this question and see whether it would be possible to delete this particular item and increase the number of District Officers accordingly.

What he has said with regard to integrity and character is of course quite true. It is one of the things to which we pay the very greatest attention when appointing officers, but I think we will appreciate that the qualifications for District Officers go further than that, and also that, if we have to use a District Officer to discharge every function of the Government, it would be an extremely expensive way of doing it. There may be functions which have to be carried out for which it is not necessary to employ a fully qualified District Officer or an officer paid on that scale. It is possible, on the other hand, that many of the officers, or at least some of the officers in the vote to which he is drawing attention, may have qualifications for appointment as fully fledged District Officers. As regards that I cannot, of course, give any undertaking at this stage, but I will say that the Government will examine it.

MR. BLUNDELL: Mr. Chairman, I have just one point on the answer of the hon.

Chief Secretary. I did envisage when I was speaking and I thought I had made it clear that of course it may not be possible to absorb all of these officers into the Administration for reasons which the hon. Chief Secretary gave. I want to emphasize one thing, and it is this: It may be a little more expensive to use administrative officers in the way that the hon. Chief Secretary put forward but, Sir, certainly when those officers are junior and indeed are only District Officers and not District Commissioners that is the best way in which they will get in closer contact with the ordinary man and woman, which the hon. Member opposite the Chief Native Commissioner, would like. Sir, in view of the assurance which the hon. Chief Secretary has given that he will consider the matter and see whether they can be absorbed into the administration I will withdraw my motion.

THE CHAIRMAN: I take it that it is the wish that the motion is withdrawn. Is there any other motion?

MR. HAVELOCK: On Item 6, Sir, page 48, I would like to ask a question of the hon. Chief Native Commissioner of which he has had notice. Before moving the amendment to it, Sir, could the hon. Member tell me how much of that £4,000 for Colonial Administrative Service Course is used for courses for people prior to coming out to East Africa the first time and how much is used for officers who have already been in these territories and return on leave for courses of that kind?

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I have had notice of this question, but I regret to say I cannot give him the complete answer which the hon. Member would no doubt like to have. The bills come from the Crown Agents for the Colonies, and I cannot, I am afraid, divide between one course and another. Even if one could divide those up they could not give you very much to bite upon, because the numbers of officers at the two courses vary tremendously from year to year and vary as between the two courses very much. Generally we have three or four members of the Administration on leave at the second Devonshire Course, whereas there are 13 cadets, I think, this year at the first Devonshire Course.

MR. HAVELOCK: Mr. Chairman, in view of that rather unsatisfactory answer, Sir, I wish to move that this item be reduced by £2,000. The reason, Sir, for proposing this reduction is that I consider that the Course for the cadets before they come to this country is a waste of time. This matter was raised during the last Budget debate and explanations were given, but since then we have had on this side of the Council opportunities of meeting officers who have taken these courses and discussing the whole matter and it does seem to us that the value of these courses is much greater when the officer concerned has had experience in the territory and has then some local background against which to put the instruction that he receives at these courses. Taking the other side of the picture, a great deal of instruction is wasted on the officer concerned; he has not stayed in this country, he has not experienced any of the conditions. Therefore, Sir, I suggest that the second Devonshire Course, as I think the hon. Member has named it, should continue but the first Devonshire Course should be stopped. We feel, Sir, that in place of such a course the new cadets coming to this country might well be attached to a provincial headquarters or a district headquarters before being given any particular posting and there to get the background and experience of the country, and then after their first tour they can take the second Devonshire Course if that were necessary.

Sir, I beg to move.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I know that the opinion which has been expressed by the hon. Member for Kiambu is one which is held by quite a number of people and that it is one which I too have heard expressed by officers who have themselves been on the first Devonshire Course. But, having been in the Colonial Office at the time when the Committee under the chairmanship of the Duke of Devonshire was considering the whole question of the training of colonial administrative officers, both before coming out into the field, and after a period in the field, I am inclined to doubt whether the young officer on first appointment is necessarily the best judge of the value to him as a member of the Administration of this course. I do know that this Committee

sat for a long time and took a very great deal of evidence from senior officers of the Administrative Service and the other colonial services before reaching the conclusions which they did reach. I would like to let hon. Members know what these young men are taught during the first of the Devonshire Course. They receive instruction in anthropological studies, Colonial and Local Government studies, economics and especially agricultural economics, geographical regional studies, colonial history, land use and field engineering, local languages, law, and in particular Islam and Moslem Law. Now, Sir, I myself did not receive precisely the same course of instruction before I came out, it has varied from year to year, but generally speaking the most important of those subjects have been taught for more than 20 years now, ever since a course of training at the universities has been established for officers joining the administration; and I do believe from my own experience that there is value in this training. I am not going to say whether I think—because I am not quite sure—that the first course is more or less valuable than the second course which follows after a period of some years in the field, but I definitely do think that both courses of training are valuable and that the first course is particularly valuable for the young officer who comes straight from the university before coming out into the field and in fact officers who are appointed older than the normal age, and they still are being appointed to the Service, are not required generally to take the first course. But I would repeat to hon. Members that from my own experience I genuinely believe that for the young officer, and it is only the young officer who is required to take the course, it is a valuable assistance to him; probably of considerably more value to him than at the time he himself realizes. I would ask hon. Members, Sir, to allow the sum of £4,000 under this item to remain undisturbed.

THE CHIEF SECRETARY: Mr. Chairman, may I say a very few words in addition to what my hon. friend the Deputy Chief Secretary has said on the subject of these courses. The first question is whether there should be a course or not. The curriculum of the course has been most exhaustively examined by everyone who

[The Chief Secretary] ought to be able to give advice, people in London, ex-Governors, ex-civil servants, the university authorities, people in the Colonies, the Governments and other people who have taken the courses, have all been asked for their views; in addition to that, the officers who run the courses have visited the Colonies and discussed the matter with us. We have reached the conclusion that the courses are most valuable. I agree with what my hon. friend the Deputy Chief Secretary has said, that the officers who have just taken these courses are not always in the best position to judge. There is a great deal in what the hon. Member for Kiambu has said, that many people have had anxieties as to the value of these courses. I would not be presumptuous enough to suggest that my views are particularly valuable, but I do get forward the view that they are most valuable. They give the young officer before he comes to the Colony a grounding in some of the essentials which he needs to do his job, such as language, law, economics, agriculture, history, especially Colonial history, and I think all Members will agree that an objective study of Colonial history and aims is an extremely valuable education and grounding for an officer before he comes to this country. I know when I did the course myself I was extremely impatient at the time. I wanted to get out to the Colony and get on with the job. I could not see any particular value in the studies which I was doing or in the information which was being imparted to me. After 20 years' experience in the Service I can say, Sir, in all honesty, that I have found the grounding that I received at that time extremely valuable. I do suggest that this grounding in basic knowledge for the young officer before he comes to the country and starts his job is valuable whether he himself at the time thinks so or not. I also suggest that a second course later on, after an officer has gained some experience and knowledge of the conditions in which he is working, is also extremely valuable.

In conclusion, I would suggest that the first course is essential for everybody. The second course is of main value to those officers who make the best of it. (Applause.)

MR. HAVELOCK: Mr. Chairman, I have listened with great interest, Sir, to the hon. Deputy Chief Secretary and the hon. Chief Secretary and I agree that the course can be of value, that is the first course, but I still consider, Sir, that all the subjects that have been detailed by the hon. Deputy Chief Secretary are those which could be best studied and to a greater advantage for the person concerned against the background of the country where he is to make his career, and I still feel therefore that the second course yes, is extremely valuable, but I cannot see that the first course is more than a waste of money in that it is merely an extension of general education and I feel that the specialized courses should be taken after the person concerned knows what type of job he has to face in the future.

I therefore still beg to move.

THE CHAIRMAN: It is now 12.42. Do you think someone should move to report progress?

MR. HAVELOCK: May we put the question, Sir?

THE CHAIRMAN: One Member was rising to speak. If you do not wish to speak, if you abandon your right, I will put the question.

MR. MATHU: I will only spend three minutes, Sir.

THE CHAIRMAN: Then somebody else will want three minutes, and so on—I cannot stop them.

THE CHIEF SECRETARY: May I move that the Committee reports progress and asks leave to sit again?

The question was put and carried.
Council resumed.

ADJOURNMENT
Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Thursday, 7th December, 1950.

Thursday, 7th December, 1950

Council assembled in the Memorial Hall, Nairobi, on Thursday, 7th 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 6th December, 1950, were confirmed.

NOTICE OF MOTION

MR. USHER gave notice of the following motion—

That this Council is of opinion that the rent reserved by the Special Commissioner of Lands in the case of a Temporary Occupation Licence issued by him to Messrs. Taylor Woodrow in respect of a portion of Plot No. 277 of Section XXI, Mombasa Island, is excessive and requests the Government to reduce it to Sh. 40 a month or to some nominal rent of that order.

ORAL ANSWERS TO QUESTIONS**QUESTION No. 86**

MR. S. H. SHATRY:

Is it a fact that the Government turned down the proposals submitted by the Mombasa Chamber of Commerce and the Mombasa Municipal Board to the Mombasa Shop Hours Ordinance?

If the answer is in the affirmative, will the Government please state the reasons for taking such a decision?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: No, Sir. The Mombasa Shop Hours (Closing of Shops) Order, 1950 (Government Notice No. 1217 dated 2nd November), brought into effect the provisions of the Mombasa Shop Hours Ordinance, 1949, and included the majority of the recommendations made by the Mombasa Municipal Board and the Mombasa Chamber of Commerce. Some clauses in the proposals submitted by the Municipal Board recommended exemptions from the application of the Ordinance of such a sweeping character that they would have largely defeated the object

of the Ordinance which is designed to protect shop assistants and journeymen. Enforcement of the Ordinance would, as a result, have been rendered almost impossible. These clauses were, therefore, omitted from the Order and have been referred back to the Municipal Board for further consideration.

QUESTION No. 87

MR. S. H. SHATRY:

(a) Is the Government aware that since the operation of the said Ordinance great hardship has been caused to the Arab and African workers who have to leave their work after six and cannot, therefore, do the necessary shopping until after six; and

(b) That the closing of the shops at 5.30 p.m. encourages burglary in the Majengo area especially due to the darkness?

(c) If the answers to (a) and (b) are in the affirmative, will the Government please consider introducing amendments to the said Ordinance as soon as possible to exempt the small shops run by the owners themselves from the application of the said Ordinance?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: (a) Yes, Sir. The Government has been informed by the Mombasa Municipal Board and the Administration that the Mombasa Shop Hours (Closing of Shops) Order, 1950, has caused hardship to casual Arab and African labourers in the port because they leave their work after shops are closed and are, therefore, unable to purchase their requirements.

(b) The Government does not agree with the contention expressed in the second part of the question.

(c) In view of the representations made, however, Government is prepared, as an interim measure, to exempt from the provisions of the Order any shop which is owned and operated by a sole proprietor. An Order to exempt businesses of this nature has been published in the Official Gazette (Government Notice No. 1331 dated the 1st December, 1950) and has been the subject of an Official Press Communiqué. If this endangers the protection afforded to shop assistants by the Ordinance, the position will be again reviewed.

The Tea (Amendment) Bill**SESSIONAL COMMITTEE REPORT**

THE CHIEF SECRETARY: Mr. Speaker, before we proceed to the other business, may I take the opportunity of reporting that the Sessional Committee has appointed the Members of the Select Committee on the East African Power and Lighting Company, Limited (Validation and Licensing) Bill as follows. The Committee consists of the following hon. Members:—

Mr. W. B. Havelock (Chairman).

The Solicitor General.

The Secretary for Commerce and Industry.

Mr. C. W. Salter.

Mr. I. E. Nathoo.

Mr. Sharif Mohamed Shatry.

Mr. B. A. Ohanga.

BILLS**FIRST READING****The Tea (Amendment) Bill**

On the motion of the Attorney General, seconded by the Solicitor General, the following Bill was read a first time—

The Tea (Amendment) Bill

The question was put and carried.

Notice was given that all subsequent stages of the Bill would be taken during the present sitting.

COMMITTEE OF SUPPLY**ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951**

Council went into Committee of Supply to consider the Draft Estimates of Expenditure for 1951.

Group 2—Head 2

THE SPEAKER: Council will resume in Committee of Supply. We were dealing last with the motion by the hon. Member for Kiambu that Item 6 under Head 2—2 be reduced.

MR. MATHU: Mr. Chairman, before Council rose yesterday, I was about to make some remarks on the motion proposed by the hon. Member for Kiambu that Item 6—Colonial Administrative Service Course be reduced by £2,000. I do not think I can support this motion because I happen to have had personal

knowledge of the students who were proposing to take Colonial Service in Oxford and I was surprised at the ignorance that these students, graduates, had about Africa. I am not referring to other Colonies but African Colonies. It was not unusual for the students—and I have attended quite a number of lectures in Rhodes House, prepared for these students—to ask me whether Kenya was in the north of Nigeria. Now that seems a very small thing but it is a fact and I feel, Sir, that the year's training first course that these men would get would be extremely useful for them not only in the subjects that the Deputy Chief Secretary enumerated yesterday, but in other subjects as well. That year, I know these students spend in Oxford before they come out here, I think is a year well spent and it does definitely expand their knowledge of matters specifically colonial, and I feel, Sir, that it would be a mistake to deny them that privilege of having a look, at any rate a theoretical look, at the problems that they are going to be faced with when they take up colonial appointments. In view of these reasons, Sir, I am going to oppose the motion.

MR. BLUNDELL: Mr. Chairman, there is one small point.

In the debate on the Salaries Commission Report, hon. Members opposite did give us an assurance that, in view of the increased salaries, greater attention would be paid to the suitability of candidates and that the provisions for probation would be properly enforced. That being so, I do think that this money is better spent after officers have come here and after they have survived a probationary period, when we know then they will be retained in the Service and can then be sent back for a course in order to put the seal on their careers as it were.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I would like to make one or two remarks about this course. I personally feel that the problems that these men are going to face are problems which are not only to be found in Kenya and, as my hon. friend opposite, the hon. Mr. Mathu has said, they are African problems and they are common to large parts of Africa. I think it is a very good thing for these men to read and be told

[The Chief Native Commissioner] about those common problems before they come here and before they in any way become more parochially minded, not merely more Kenya-minded but more possibly East African minded. I feel that the background material to which the hon. Member for Kiambu referred yesterday saying that they might get it better out here, I am very doubtful whether background material on economics, on colonial history, on regional geography and so on, and I would say even on language could be as well given here as it is given at home, probably by the best teachers you can find on those subjects, anyhow at the British universities. I do not know whether any hon. Members on the other side of the Council would like to take on the teaching of those subjects here, but I doubt anyhow whether they would find the time.

One other point, Mr. Chairman, that is, these men are members of a common service, are members of the unified service and may be transferred, as we know, from Colony to Colony. I think it is a good thing for them to realize that they are members of the Colonial Service and get the *esprit de corps* that goes with the membership of that service and realize that they are members of one body. We have, Sir, 13 cadets on the 1950-51 course. If we are—and we are committed at least so far to those men being on that course and I would far prefer that this money should be available for them to complete that course.

One other point, Sir, that is, if this Colony only withdraws its support from this course, I do not know what the effect is going to be upon the recruitment of men for this Colony and I think that we want the very best men we can get.

My final point, Sir, is that these men with all due respect to my hon. friend Mr. Mathu, are now all going to Cambridge and I do not think we could leave them in better hands.

The question was put and negatived on a division by 20 to 15.

Ayes: Messrs. Blundell, Cooke, Gheris, Havelock, Hopkins, Keyser, Maconochie-Welwood, Nathoo, O'Kanga, Preston, Salim, Salter, Shatry, Shaw, Usher, 15.

Noes: Messrs. Anderson, Carpenter, Cavendish-Bentline, Chemallan, Davies,

Gillett, Hartwell, Hobson, Jeremiah, Madan, Matthews, Mathu, Mortimer, O'Connor, Patel, Britan, Rankine, Rhodes, Thornley, Vasey, 20.

Absent: Messrs. Adams, Padley, Rama.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2-2, sub-head 2, Nyanza Provincial Administration, be approved.

MR. USHER: Sir, if no one has anything before this sub-item 11, Chief messengers, page 49—

MR. MATHU: I have a point on sub-item 5, Sir.

THE CHAIRMAN: Are you proposing to move?

MR. MATHU: I want to propose that the vote be reduced by £10. The reason, Sir, why I moved this motion is that last year I asked the hon. Member for African Affairs to give us the information whether at least some of the chiefs were pensionable or not. He did tell me that those who reached Grade I are pensionable and I asked that this should be specifically shown in the Estimates as other appointments with these stars, not only for the Nyanza Province, but for all provinces so that we know exactly what our commitments are as far as pensions go for African chiefs. Sir, although I say I got the information from the hon. Member in writing after the debate last year, it has not been shown in the estimates and I submit, Sir, that it is a very important one in the establishments of these chiefs that we should know, as I have said, who are pensionable and who are not and that is why I want to draw the attention of the Committee to that very point.

I move that this item be reduced by £10.

THE CHIEF NATIVE COMMISSIONER: I am sorry we have not divided the Chiefs and Headmen into pensionable and non-pensionable officers. We will go into that and see whether it can be done, whether we can divide them and show those pensionable, with asterisks, and the number that are not, without asterisks.

MR. MATHU: As I understand from the hon. Member that will be done to show the pensionable and non-pensionable chiefs, I do not think I would

MR. MATHU: I beg to move that this motion to a division. I beg to withdraw.

THE CHAIRMAN: There is no objection. It is withdrawn.

MR. USHER: Sir, Sub-item 11, Chiefs' Messengers. As I indicated the other day, I view with some alarm the increase in these private armies. The fact is this—these boys—the increase in the total vote in the estimates for 1951 is 24 per cent, £3,545, a very large sum, but I may say it once that it is only in this province that I am going to attack the vote. The Nyanza collection estimated increase is 22 per cent and the memorandum states that the purpose of the increase in the chiefs' messengers is to assist the tax collection. The increase asked for here in this item is 54 per cent.

Now, Sir, I do not know if it is going to be argued that the memorandum does not state the real reason, but surely the increase should contain an element for increments and should otherwise be proportioned to the increase in tax to be collected, unless, of course, these messengers are secretly sweepers, as in the case of the Secretariat office boys, or whatever it may be. I do think, Sir, it one allows for increments and gives some margin, say, agree to 30 per cent increase, that would be quite sufficient. I therefore beg to move that the item be reduced by £1,000.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, we are trying to get towards a situation where a headman or sub-headman may be provided with the not over-generous staff of one messenger to 5,000 people. To do that in Nyanza we should require another 160-odd messengers over and above the ones we are budgeting for this year. Their duties are in the first place tax collection, and they have numerous other duties as well, and if you are dealing with a number of people in terms of thousands, when you have one messenger only to run your messages, to take them and bring them back, to call people in, to see that people know when various events are going to happen, when work is going to be carried out in certain places, when inoculation is being carried out at certain times and so on, it is absolutely essen-

tial that the headmen have an adequate staff. I do not think that this can be termed "extravagant"; in fact I think if anything it is understaffing.

I beg to oppose.

MR. BLUNDELL: Would the hon. Chief Native Commissioner explain whether, in referring to 5,000 people, he meant 5,000 families or, in effect, about 1,000 families of about 5,000 people.

THE CHIEF NATIVE COMMISSIONER: One thousand families of 5,000 people.

LT.-COL. GHERSIE: Mr. Chairman, just one question I would like to ask the hon. Chief Native Commissioner on this subject with regard to the point raised by the hon. Member for Mombasa. The 408 chiefs' messengers in the Nyanza Province cost £6,600. In the Central Province 392 cost £7,350. There are less individuals in the latter province but it costs infinitely more.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, they are presumably faster messengers!

MR. USHER: I still do not feel that my question has been adequately answered. It appears that these messengers—of course as one knew—are used for other purposes than the collection of taxes. That was never disputed. The point is that this increase—and it is a much greater increase than in the case of any other province—though I am not attacking the other provinces—this increase is out of all proportion to the others, and I am afraid, Sir, that I must persist with my motion.

THE CHIEF SECRETARY: Mr. Chairman, it is quite true, Sir that if you want to pick holes in these Votes, it is fairly easy to do so. You can make comparisons with regard to the number of messengers and the tax collection in exact percentages; you can, of course, compare the cost in one Province with another. On the Government side we would not suggest that all those matters are directly related; what I would suggest is that, taking the whole field of the Colony, the staff to administer it is still a good deal less than is really desirable. We have the difficult problem always of relating the desirable to the question of expenditure. I can assure the Council

[The Chief Secretary.]

that these estimates have been drawn with the greatest of care, bearing all those things into consideration. We are not asking for what we regard as the 100 per cent desirable. We are asking for what we consider to be practicable in the circumstances. I think that the Council as a whole does know that, on the ground, the Administration is rather thin, and I think it knows also that, if we are to get good administration which includes good tax collection, it is desirable to increase the staff. It is for these reasons that we ask for this number of messengers. It is within the rights of the Council to reduce it, but we ask them to vote it.

MR. COOKE: Are we not being rather "penny wise and pound foolish", with all respect to my hon. friend on this side of the Council, in inquiring on these very small matters. Now, Sir, when I brought up under general principles a matter which involved hundreds of thousands of pounds, I got very little support from this side of the Council. Though, no doubt, they would be very much in sympathy with me. But I do really think that these small matters are quite unworthy of consideration by this Council in this present contingency. (Applause.)

MR. MATHU: Mr. Chairman, I rise to oppose this motion—to say as the hon. Member for the Coast has said, I think we are going too far. These messengers are very important. Perhaps some hon. Members do not know the conditions of the roads in these areas. There is no transport, motor cars or lorries or anything. These men are necessary because they are runners, you see. They go through these African paths to get the message from one chief to another, and I think they are extremely important. Until we can have public transport in all these areas and make sure that a fellow can get on a bus and then deliver the message, or a telephone service, now how can you dispense with these men? These are essential, Sir.

I oppose this motion.

MR. USHER: Sir, we are divided clearly over here, and I have also listened carefully to what has been said on the other side. I would ask for an assurance that votes of this kind, which involve so

large a sum as I have mentioned, will be very carefully watched, and if that can be given, on the understanding that that will be given, Sir, I beg to withdraw my motion.

THE CHIEF NATIVE COMMISSIONER: I can certainly give that assurance.

THE CHAIRMAN: Is there any other item under Sub-head 2?

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2—2, Sub-head 3, Provincial Administration, Rift Valley Province, be approved.

MR. CHEMALLAN: Mr. Chairman, I would like to refer to Sub-item 11, Frontier Allowances. I merely wish to bring to the notice of the Government, Sir, that representations have been made to me by some African clerks in the Administration stationed in the Northern Frontier and some parts of the Rift Valley Province requesting for eligibility of these allowances which are already extended to other members of the service stationed in the same areas. These African clerks, Sir, come from a district where the climate and conditions are quite different and they certainly endure some physical strain while they are working in these frontier areas. I should like to request Government very earnestly that they consider extending the privileges to them.

THE CHAIRMAN: Did you move a proposition? I could not hear very well.

MR. CHEMALLAN: I was just notifying the Government the need.

THE CHAIRMAN: There is no motion.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, on a point of explanation, the Northern Frontier allowances are paid to European and Asian officers, and Africans are given—the highest paid Africans are given—a ration worth Sh. 30 per month for which they are charged Sh. 10/50 only, and the more junior Africans get their rations free.

MR. CHEMALLAN: I do not think that is the sort of answer that I should have liked to have had, Sir. I should like to see that these people are given the allowances in cash and let them do what ever they wish with the cash, and not to be given anything in kind at all.

THE CHIEF NATIVE COMMISSIONER: The Government will go into that question, Sir, and see whether that is possible to pay more allowances to Africans in cash rather than in kind.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2, sub-head 4, Provincial Administration, Central Province, be approved.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2, sub-head 5, Provincial Administration, Northern Province, be approved.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2, sub-head 6, Provincial Administration, Northern Province, be approved.

MR. HOPKINS: Sir, I beg to move the motion of Item 1-13, Frontier Allowances.

I think the time has come when all frontier allowances should be abolished. I understand that these allowances were instituted after the war largely to meet the case of older married men who came to the Administration from the army. Recruiting has now got back to normal and I do not think this need exists any longer. In any event, Sir, I feel that those joining the Administration should be prepared to do their fair share of service in the less comfortable districts of this Colony without expecting extra remuneration. (Hear, hear.) I feel, also, Sir, that young men who wish to get started in the early years of their service should be told, as they used to be, that if they do so, they cannot expect to get preferential treatment because they are in the Northern Frontier—and indeed when the hon. Member for the Coast did, as he promised me—my frontier station, where incidentally there was no housing or decent accommodation whatever, was six weeks hard *safari* from railhead at Thika. There was no other white officer, no European, no wireless, no roads, and no motor transport. If one wished to get a doctor, the nearest one was three weeks journey away. In those days tours were long. My first tour was over three years and there was no chance of popping

down to Nairobi on local leave. In those days we did not ask for extra pay and we did not get it. To-day, Sir, housing is reasonably good. There are good roads to all the different stations in the province, medical facilities, and housing have greatly improved. There are wireless facilities provided by Government, which keep officers on *safari* in touch with the *boma* and the *boma* in touch with Nairobi. Landing grounds are situated at convenient points all over the province. Stores no longer have to come up by destructive camel *safaris*, but are brought up, I believe, very largely by Government motor transport. I am even assured, Sir, that Government now provides refrigerators in the houses of officers so that they can keep their supplies of beer cool.

Sir, I beg to move.

MR. MADAN: I am sure, Sir, we all feel sorry for the hon. Member.

MR. MATHU: Mr. Chairman, it is all very interesting to hear the hon. Member for Aberdare recounting the old days, but may I put it to the hon. Member, Sir, that, during those days, the cost of living was extremely low, and the salaries also.

MR. COOKE: £240 a year.

MR. MATHU: Well, that is very good money.

I oppose the motion, but I would like to get the assurance from the hon. Member that these frontier allowances, as he assured me he was going to look into the question of similar allowances in the Rift Valley Province, and put the African communities on exactly the same basis as the other communities. If I get that assurance, I shall not oppose the motion; if I do not get that assurance I shall.

THE CHIEF SECRETARY: Mr. Chairman, may I begin by congratulating the hon. Member for Aberdare on the magnificent job that he did under difficult circumstances? (Laughter and applause.) He went on to say that, in the frontier, there now was good housing stations, and medical facilities. Well, Sir, it is true; and I believe that in one station there is a doctor. It is also true that, in some of the stations, there is housing.

Mr. HOPKINS: May I explain that I said medical facilities were much improved and in that I included the fact that it is now possible to send a wireless message to get a plane up and come down to Nairobi in a few hours.

THE CHIEF SECRETARY: I am glad to hear his explanation, Sir, because it certainly removes a misapprehension which existed in my mind after he had spoken. With regard to housing, it is one of my functions to try and improve housing. I have been round that province and I have looked at all the houses, and, if any Member thinks that the housing in that province is good, I should like him to go and have a look at it.

MAJOR KEYSER: Mr. Chairman, I am going to oppose this motion for a reason which has not been given yet, that is, that the administrative work on the Northern Frontier calls for a very special type of man. Because it calls for this very special type of man—I am not suggesting, Sir, that either the hon. Member for the Coast or the hon. Member for Aberdares were not the particular special men that were wanted there—but, Sir, because it calls for that particular special type of man, it is desirable to keep him on the Northern Frontier for long periods, for several tours, rather than being moved about all over the country. I think that, if you are going to keep an administrative officer for considerable periods, and some of them did serve half their service, in the Northern Frontier, then I think you have to give them very special conditions. It would be perfectly all right, I would accept the hon. Member for Aberdares argument that an officer should go wherever he is sent, if at the same time he was only sent for as short a period as anyone else is, if the period were divided amongst the whole lot, but my argument in favour of keeping these Frontier Allowances is that you want a very special type of man for that very special type of work. Therefore, Sir, I am going to oppose the motion.

Mr. COOKE: Mr. Chairman, the hon. Member who has just spoken could not have been more wrong in summing up the position because the "special type" of man who goes to the Northern Frontier, goes there whether he has a wife or no wife, whether he gets an allowance or

no allowance. The other people who there to-day are men who are seconded for a short period. They do not fulfil the desideratum which my hon. friend has envisaged. They go for men for a year or two and are paid the allowance and then they come back to good station in the highlands; they probably never see the Northern Frontier again for the rest of their lives. The whom my hon. friend is envisaging, of whom all know who they are, who spend half a lifetime there, were men who would have spent that lifetime there whether they got allowances or whether they were married or not. Actually, I think the right solution of the whole problem would be, and I think I believe my hon. friend once suggesting it, and entirely support him, to get men like those who were seconded to the Sudan a few years ago, men who perhaps served in the King's African Rifles or some of the Indian Regiments, over 30 or between 35 and 45, the man who has a calling for that kind of job, who is keen on big game shooting and so on, and so forth. It seems to me that would be the type of man who would be required in the Northern Frontier, under, of course an officer in charge, a provincial commissioner, who himself had very great knowledge of the Northern Frontier.

With regard to housing, Sir, as I understood my hon. friend to say, it was not that the housing in the Northern Frontier to-day is very good, but it is very much better than it was in the old days. In fact, there was no housing at all in the old days, not even a *banda* at times, and we mostly lived in tents. I entirely agree with my hon. friend, the Chief Secretary, that housing should be improved but even as it to-day is it is infinitely better than it was when my hon. friend and I had the honour to serve there twenty-five to thirty years ago.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, most of the arguments we have heard so far, I think, Sir, do show that perhaps we ought to have paid Frontier Allowances twenty or thirty years ago and not only to have started after the war. Conditions are still very arduous in the Northern Frontier Province, though I am perfectly sure they are better than they were when I was there. If we send these men to these

the Chief Native Commissioner] arduous and arduous places, I think we should make their life as comfortable as we can for them and I strongly oppose the motion.

The question was put and carried.

Mr. SHARY: Sub-item 15. I see that the salary is £25. As we all know there is only one *kathi* throughout the frontier districts and if you have not got a capable clerk to assist him, I think this *kathi* will have too much work. I would request the Government to consider an increase in the salary of this post.

THE DIRECTOR OF ESTABLISHMENTS: Mr. Chairman, we will consider the salary of this clerk.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 1-2, Sub-head 7, Provincial Administration, Masai District, be approved.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 1-2, Sub-head 8, Tribal Police, be approved.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 1-2, Sub-heads 9, 10 and 11, be approved.

Mr. MATHU: May I ask a question on the Control of Kibera. Could the hon. Member tell us whether they are now in a position to move some of the people from Kibera to somewhere else, Kibiko, I understand, or whether if they did move them there, this vote would still be necessary?

Mr. COOKE: I think the hon. Member is under a misapprehension. It is proposed to move to a place called Kibiko later on, not Thika.

Mr. MATHU: I said, "Kibiko".

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, that is still under consideration and I am not able to answer whether or not the vote will then be required.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head

2-2, Social Welfare Organization, Sub-head 12, be approved.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2-2, Sub-head 13, Jeanes School, Kabete, be approved.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2-2, Administration (50), Non-recurrent, be approved.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I apologize I omitted to move Head 14, Mobile Cinema Units, half-way down page 60.

THE CHAIRMAN: It must be taken as carried, I think. I will call it. 14 is proposed.

The question was put and carried.

THE CHAIRMAN: That completes 2-2. Are you proposing to deal with 1-2, Judicial?

THE CHIEF SECRETARY: Yes.

Group 1—Head 2

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Group 1-2, Judicial, be now considered.

Excluding additional expenditure of the Court of Appeal for Eastern Africa with which I will deal later, the net increase on this vote is £4,118, of which by far the greater proportion, that is £3,305, is accounted for by provision in the Estimates for three additional resident magistrates to be stationed respectively at Kisumu, Eldoret and Thika. When I mention, Sir, that according to figures supplied to me, magistrates' cases in the Colony have increased by no less than 15,076 between 1946 and 1949, I do not think that the necessity for three more resident magistrates will be seriously challenged. That is an increase with which special magistrates, in spite of their devoted and most useful efforts, cannot really be expected to cope, and the expedient of engaging temporary magistrates, which has had to be resorted to in certain cases, is not in all respects satisfactory. I do not mean to imply, by saying that, any reflection upon the temporary magistrates, far from it.

[The Attorney General]

During the same period, that is between 1946 and 1949, revenue from the courts increased from £39,842 in 1946 to £65,728 in 1949. That is an increase of 65 per cent. Expenditure during the same period increased by 55 per cent, so that I think it can be said that the ratio of increased revenue to increased expenditure is satisfactory.

The work of the courts has vastly increased, particularly on the civil side, with the result that judges and magistrates are all, or nearly all, working at very high pressure, too high pressure. Civil cases filed for 1946 were 4,241, and in 1949 were 9,957. That is more than double. Now, lately, some circuit judges have had to refuse to hear civil cases on circuit, owing to pressure of other work. I suggest, Sir, that there is nothing surprising about this trend, this increase in the civil business of the courts. This is a growing and expanding Colony, and, as wealth increases, civil litigation will increase and go on increasing. That is a necessary concomitant of the impact of western civilization, and of western and eastern commerce and industry, upon the people of this, or I suggest any other, Colony.

I wish I could say, Sir, that I thought that the pressure of criminal work and the number of criminal cases would decrease, but I do not feel able to give any such assurance. Apart from the normal increase following increases in population and following the policy of the Kenya Police taking over the policing of African areas, matters such, for instance, as the present Mau Mau cases throw a considerable additional burden upon the courts.

In this connexion, the hon. Member for African Interests, Mr. Mathu, referred to the right of private assembly, which he said was unduly curtailed. I asked for examples and he gave me an example of a case in the Fort Hall district, where a meeting, which was advertised to take place at a particular time, and on a particular date, was required to be held in another place and on another date. There may have been a perfectly good reason for that and I have asked for an inquiry into it, and, if it appears that the action was in any degree high-handed, I hope

that suitable action will be taken to prevent a recurrence.

I am always ready, as I have indicated, to have any cases of that kind investigated. But, the hon. Member went on to say that the spread of Mau Mau was due to a curtailment of the right of private assembly. Now, I hope that I am not digressing unduly if I take the time of the Council for a few minutes—because this does have a very definite bearing and impression on the work of the courts—if I take the time of the Council for a few moments to illustrate the right of free, I repeat, free, assembly as practised by that body. If I may quote from a case in the courts reported on 5th December:

"The evidence was that on 10th April, this year, a schoolmaster at the African Anglican Church Mission School was stopped by the first three accused while on his way to visit relatives. He was told to accompany them to a certain place, but refused and after argument and scuffle he was carried to a house. There he was forced to take an oath which purported to make him a member of the Kikuyu Central Association . . ."

and so on.

Another report, I shall only read very short extracts, this was a report of another case. The witness said:—

"After they had been made to take the oath, they were told that they had been made members of the Kera African Union. He was tricked into going into the hut and when he arrived he found 30 people there singing, stamping their feet and praying. He and his wife were forced to take the oath as they feared for their lives."

One more:—

"The oath, it was alleged, purported to bind the three complainants to the Kikuyu Central Association and they were threatened with death if they revealed details of the ceremony."

Sir, I am unable, I fear, to agree that the Mau Mau Association has anything whatever to do with the right of free association, or free assembly, which does not itself practice, I would remind the hon. Member that there is also a freedom of non-assembly which the law

The Attorney General] bound to protect and that no one will be permitted—to kidnap decent law-abiding citizens and take them to any assembly of any kind whatever.

Mr. COOKE: Is the hon. gentleman strictly in order?

THE ATTORNEY GENERAL: I have finished that part of my speech Mr. Chairman, to illustrate the increase in the pressure of the work in the courts—

Mr. COOKE: Mr. Chairman, I am sitting on a point of order. Sir, is the hon. gentleman strictly in order in replying to a matter which has been mentioned under another Head? I thought we were not in order in doing so.

THE ATTORNEY GENERAL: May I speak on the point of order, Sir?

THE CHAIRMAN: You may.

THE ATTORNEY GENERAL: Sir, my remarks were apropos the pressure on the courts which is caused by these matters such as the Mau Mau cases.

Mr. COOKE: Very clever reply.

THE ATTORNEY GENERAL: And I have finished that portion of my speech, Sir, and I am now going to deal with other matters relating to pressure on the courts.

THE CHAIRMAN: I have to answer Mr. Cooke's point.

The motion before the committee is for this particular vote—Judicial Department—be now considered.

I took it that, when the hon. Attorney General opened the debate, he was opening it upon matters which he had been pressed by Members on the other side to deal with. I did not therefore, interfere and rule him out of order on my own volition because, knowing that there are these conventions and understandings, which to my mind are somewhat vague, nevertheless, the debate itself is just the same as a debate in the House of Commons to the Speaker to leave the Chair so as to go into Committee. Amendments could have been moved to which would raise all these matters. All the same, I understand that it was a subject which the Members wished to have debated, therefore, I did not interfere. As he has now spoken and there is so way of bringing him back, he must continue with the other matters.

Mr. MATHU: Can I make an explanation, Sir.

THE CHAIRMAN: I cannot see that you have any right yet to speak on a point of explanation because the hon. gentleman happens to be off his feet on a point of order. That seems to me to be taking an undue advantage of the Member who has the floor at this moment.

Mr. COOKE: That, Sir, is the reason I drew your attention to the hon. Member being possibly out of order because it leads to interminable discussion.

THE CHAIRMAN: How am I to confine these policy debates? No Member suggests anything. You will have them in the rules.

THE ATTORNEY GENERAL: If I have transgressed, Sir I can only apologize to you and to Council and to the hon. Member for the Coast. What I am trying to point out, Sir, is this. We are asking for an increased expenditure on the courts, we are asking for an increase in the establishment, and in a policy debate, Sir, I did think—if I am wrong I stand corrected—I did think that I was entitled to put before the Council certain matters which lead to this undue pressure on the courts. Now, Sir, if I may leave aside that subject and go on.

The subordinate staff of the courts is also inadequate to cope with the increased and ever increasing demands made upon it. There are serious but, at present, inevitable delays in obtaining records and sometimes, therefore, delays in hearing appeals and there is little doubt in my mind that we shall have, at some future date, to come before the Council and ask for substantial increases in certain directions. In particular, I think that the staff of typists will have to be increased and the standard of interpretation and the number of interpreters will probably have to be impolved and augmented. There is a certain provision for that in next year's estimates and I suggest, Sir, that it will probably occur that higher salaries will have to be offered to attract persons of higher attainments to that branch.

Now, Sir, as regards the Court of Appeal for Eastern Africa, I do not propose to deal with that at length because hon. Members had before them, a very short time ago, a White Paper in

[The Attorney General]

which figures were given, and they then had an opportunity to debate that matter. I will merely point out that the estimated share of Kenya for 1951 is £3,100 recurrent, whereof, I should hope that a considerable proportion should be recovered from court fees in Kenya Appeals.

The Judicial Department is, of course, a revenue-earning department and quite apart from that, it is one of the first duties of any State to provide adequate means for the efficient and reasonably speedy administration of justice.

Sir, I do not propose to take up more time in moving this present motion, but I will endeavour to answer, so far as I am able, any questions which may be addressed to me by hon. Members opposite and to give what information I can, bearing in mind, Sir, that this is not one of the departments for which I am administratively responsible and, therefore, I may not be completely *au fait* with its finances.

Sir, I beg to move.

MR. MAHUI: Mr. Chairman, I want to comment on the point that the hon. Member for Law and Order has raised to show why court work has been increased as a result of some of these meetings for unlawful oaths taking.

Now I would like to know from the hon. Mover whether the conclusion, the deduction, he wants us to draw is that if what I have said is incorrect, therefore, restrictions for public assemblies must continue. I must agree to disagree with him that I was incorrect in suggesting that one of the contributory factors of these secret societies is undue restrictions on Africans to meet. I must agree to disagree with him. I must at any rate claim the knowledge of the mind, the movement of my own people and what I have said here before this Council is sincere, honest and it is true whether the court work has been increased as a result of that or not. The fact remains that the complaint of the restriction of these Africans to meet is one of the reasons why they go into these organizations.

MR. SALTER: Mr. Chairman, I have had the opportunity of discussing this particular Vote with the hon. Member for Law and Order and I found him—

as indeed we have all come to expect to find him—most sympathetic to the suggestions which we make to him. (Hear, hear.)

It is, therefore, possible for me to deal with the matters very shortly, but I would like to offer, Sir, for consideration one or two comments, and possibly suggestions, which fall into two classes, those in connexion with the steps that could be taken to expedite the process of justice and those which affect the administration of justice itself.

Sir, dealing with possible steps which may be taken to expedite the speed of the courts, it has, I know, for some time been suggested and has received the entire approval of the Law Society of Kenya that we should, if possible, have either shorthand writers or, if it is cheaper or more expeditious, the use of Palantype transcribers in the courts. Sir, those who have knowledge of the process of the courts will confirm that it is a very great strain—indeed, Sir, I am sure you would agree—a very great strain upon a judge to have to write down in longhand all the evidence of every witness. It is an intolerable burden on the judge himself and it possibly distracts his attention sometimes from the demeanour of the witness and so on, and it takes a great deal of time in order to get all the evidence down. I feel, Sir, that any extra expense in that direction would be more than offset in the saving of judicial and public time.

Now, Sir, there has been discussed from time to time a reorganization of the courts and I realize, Sir, that it is not within the province of the hon. Mover, but of the Chief Justice to consider this matter. I would ask the hon. Mover to make those representations to His Honour the Chief Justice.

One of the methods whereby the courts could be reorganized in order to quicken the process of justice would, in the opinion of many, be the institution of Courts of Quarter Sessions. These courts, Sir, would relieve the very considerable burden upon the High Court in hearing appeals and in trying cases of lesser crime which have been committed to the High Court. Sir, again—and indeed as the hon. Mover has said—we are conscious of the very high pressure under which the judges and magistrates are now working and we, therefore,

Mr. Salter]

would welcome the extra expense of an additional judge or the exercise of the powers of the Chief Justice to appoint a Commissioner of Assize when the occasion arises.

Sir, the hon. Mover has mentioned the possible future increase in the subordinate staff of the courts. Amongst these there are many who would welcome an increase in process servers. Considerable delay is occasioned by the present few numbers.

Sir, those shortly are some of the points in connexion with the steps to be taken to expedite justice.

Now, Sir, coming to the administration of justice, I would like to say one word on the question of sentences. Sir, it has already been mentioned that there is a great wish to see increased sentences imposed upon such offences as receiving, or imposed upon receivers, and to that may would like to add offenders against Price Control. (Hear, hear.) We all welcomed the recent amendments made to the Penal Code which deal with the taking of unlawful oaths, or the administration of unlawful oaths, but, Sir, there is another matter which also affects sentences and that is the question of uniformity of sentences. No one would, of course, wish to fetter in the slightest way a judge's discretion, or functions, in passing sentences and, of course, everyone recognizes that every case must depend to a large extent upon its own merits, but where there are wide differences in sentences passed for the same type of crime with no corresponding difference in aggravating or mitigating circumstances of the particular cases, then, Sir, there is a danger that the administration of justice may fall into disrepute. It is as important that justice should seem to be done as that it should be done, and I would ask, Sir, that consideration may be given to a greater uniformity because there have been wide emergencies in this matter.

Sir, again, I have to represent the question of the court at Kitale. It is recognized that it is rather a poor kind of office in which to shelter the dignity and panoply of the law. It is like many other courts in this country. There have been cases where stalwart spear men have been known to appear within the

sanctity of the judge's room, for prosecution witnesses to have pushed past him while he is endeavouring to robe to go into court, but at Kitale I am told the High Court of Justice no longer uses this court except in rather special circumstances, such as has happened lately. The result is that witnesses and parties have to go perhaps 40 miles, or sometimes more if they live beyond Kitale, to Eldoret if they wish to have their cases tried or give evidence. That causes great inconvenience and great expense and often leads to great delay because it has been found that the judge who is sitting at Eldoret cannot continue to sit there for more than an allotted period.

Now, Sir, these are only some matters, and I offer them as a sincere contribution towards speeding up the administration of justice in this Colony.

THE ATTORNEY GENERAL: Mr. Chairman, I will deal with the points raised by the hon. Member for Nairobi South.

First of all in regard to sentences: I would respectfully agree with the necessity for deterrent sentences for certain types of crime, particularly for receivers, and I think that I did mention that in moving the consideration of the Police Estimates. I will also bear in mind and convey to the right quarters the remarks of the hon. Member with regard to offences against the Price Control. Sentences are of course, as the hon. Member well knows and has mentioned, a matter for judicial discretion and, therefore, not a matter with which I can interfere. The Crown has no right of appeal against sentence unless the accused appeals against conviction or sentence and, therefore, there is only open to the Crown a fore there is only open to the Crown a limited procedure by way of revision, which is used by my department. It is, of course, impossible for any outside body to consider and take into consideration and assess, in the way that a judge or a magistrate can do it, all the matters which should influence him in imposing sentences.

With regard to the Kitale Court, Sir, the remarks of the hon. Member will be brought to the attention of the Chief Justice. There have been no sittings there for some time and I believe that one principal reason has been because there has been no judge available. I am not referring to the recent trials but to the

[The Attorney General] period before that. When a judge is available, I am assured that sittings there will be resumed.

As regards process servers, I am informed that there is a general shortage of process serving staff and that more staff in that department would be welcomed.

I would also support the proposal which was made some time ago that there might be power to appoint Commissioners of Assize which would relieve the judges to some extent. I have seen that system work well in other parts of the world.

Sir, I think I have covered all the points raised by the hon. Member, except for the question of the lack of shorthand typists to which he drew attention. I quite agree that there is a serious shortage of shorthand typists and that puts an undue strain upon the judges and sometimes results in slowing the judicial machine. That is one respect in which I have already suggested that we must presently be prepared to face an increase in the Estimates—in the 1952 Estimates, if not sooner. There are only two shorthand typists for the whole of the courts, an establishment which was, I believe, fixed in 1930 when I doubt whether the volume of work in the courts was more than about half what it is at present.

Someone has made the suggestion that the Palantype operators, the Hansard reporters of this Council, when they are not engaged in reporting our debates and the, I am sure much less interesting—(laughter)—debates in the Legislative Council of Uganda and the Legislative Assembly, might be made available for reporting in the courts. That, I understand is a suggestion which has the support of the hon. Member and would, to a certain extent, appear to be on the face of it a good idea. But, Sir, I do feel that that will entail a considerable sacrifice by these so efficient reporters who achieve for us what little we can attain of immortality here, and who are wont and in very quick time too) to "give to our airy nothings a local habitation and a name", Sir, I wonder that the hon. Member can really find it in his heart to make such a suggestion, that they should exchange the consecrations of this Council for the recordings of dreary deposition and tedious testimony. (Laughter.)

MR. SALTER: Sir, I was not suggesting that these particular writers should perform that function but rather that we should seek more. (Hear, hear.)

THE ATTORNEY GENERAL: I am obliged to the hon. Member, I did understand that someone, dredging round the bottom of the financial bucket, had made that suggestion. Sir, I am glad that the hon. Member does not press it, but if it should be pressed from other quarters, then I can only suggest that we should have to echo the words of the immortal ballad and say: "We don't want to lose you; but—strictly in the interests of efficiency and economy and solely in industrial consultants—we think you ought to go". (Laughter.)

The question was put and carried.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Group 1—2, Sub-head 1, Recurrent be approved.

The question was put and carried.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Group 1—2, Sub-head 2, Common Expenditure be approved.

The question was put and carried.

Committee adjourned at 11 a.m. and resumed at 11.20 a.m.

Group 4—Head 4

THE CHAIRMAN: Head 4—4, Miscellaneous Services.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Head 4—4, Miscellaneous Services, be considered.

Sir, this is another of those composite Heads which it has fallen to my lot to move and the remarks which I have made in respect of other such composite Heads may be applied equally in respect to this Head.

I beg to move.

MR. HAVELOCK: Would the hon. Member for Finance move item by item as it is a composite Head.

THE CHAIRMAN: I take it that there is no debate on the policy in general? You now move what items you wish to move to approve.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Item 10—1, be approved.

THE CHAIRMAN: Would it not be better procedure for you to move the

[The Chairman]

of Sub-head 1, Recurrent, then anybody who objects can move a resolution on a particular item. Mr. Cooke puts his head in agreement.

MR. COOKE: No, Sir, I was trying to agree.

THE CHAIRMAN: Yes, I know, in agreement—it is so seldom you and I but ourselves in complete agreement.

THE FINANCIAL SECRETARY: We too take our heads in agreement.

THE CHAIRMAN: I beg to move that Head 4—4 (1), Recurrent, be approved.

MR. NATHOO: Before I proceed, have I your permission to comment on all the items which come under this Head, Sir?

THE CHAIRMAN: If you wish to move on the general motion that (1) Recurrent, be approved, if anyone wishes to add or reduce, will they please give me notice now before we start a general debate.

MR. HAVELOCK: Item 8, Sir.

MR. NATHOO: I do not wish to move any reductions, Sir. I want to comment on certain items.

THE CHAIRMAN: It would be simpler if we deal with specific Item 8.

MR. HAVELOCK: A deletion, Sir, of Item 8.

THE CHAIRMAN: There is a motion now to delete Item 8. If nobody wishes to delete or to reduce up to 7—

MR. MATHU: I wanted to ask a question on Item 4.

THE CHAIRMAN: You can ask as many questions, but if we pass a motion on 8, then you will be barred.

MR. MATHU: I would like to ask a question when the time comes.

MR. CHAIRMAN: Well, ask it now, please.

MR. MATHU: Item 4, Sir. I raised the question last year, Sir, on this item suggesting that an Alms House—the Government should consider setting up an Alms House to remove the increasing number of crippled beggars in Nairobi

streets last year. Now, the hon. Member for Finance did not agree with that, and I want to raise this question again because the number of these beggars is increasing and, indeed, defacing our city. I am suggesting, Sir, that Government should consider, in conjunction with the proper authorities of the city, setting up an Alms House, where it would be obligatory for these beggars to go, be looked after, be given some opportunity of doing something industrious to support themselves, and so on. Leaving things as they are, I think it is difficult—

THE CHAIRMAN: What you are proposing now is really the subject of a separate motion entirely. It may have to do with destitute persons, I quite agree, but it has nothing to do with the maintenance of the destitute persons which this Vote is designed for. I cannot see that this is at all relevant to Item 4 at all.

MR. HAVELOCK: I think the hon. Member would like to suggest that some of this money, £5,500, might be devoted in this way to the maintenance of destitute persons.

THE CHAIRMAN: I cannot see how you can build an Alms House for £4,000 these days.

No, I do not think it is in order as we are now dealing with the approval of this item. If there had been a general debate in advance, that would have been another matter. Now, I have a motion before me—to omit Item 8.

MR. NATHOO: Before you go on to that I should like to say something on Item 1, Sir.

MR. CHAIRMAN, what I would like to know from the hon. Member for Finance is whether his attention has been drawn to the fact that, whilst these agents in Karachi are acting for the Government to secure passages and make other arrangements for the Government servants, is he aware that these organizations are not functioning as well, and if I might say so, as efficiently as they might, and that quite a lot of bribery is going on which is perhaps beyond the knowledge of the people in charge there. But I would like him to go into the matter and see that people who are there for their passages and things, they get treatment according to the priority and the

[Mr. Nathoo]

order of their coming and so on, and the families, and that some people may not get away with something else unduly and in a manner which is to be deprecated.

THE FINANCIAL SECRETARY: Mr. Chairman, I was not aware that in these agencies at Karachi and Bombay there was in fact wire-pulling. These agents are primarily for the payment of leave salaries and pensions for persons living or staying in India, that is, of course, members of the Government service, and I presume that the wire-pulling, if it exists at all, is confined to procuring priority for passages which would otherwise not be obtained. I have had no complaints brought to my notice, Sir, but now that the hon. Member has raised that, I will have the matter investigated and, if necessary, rectified.

MR. HAVELOCK: Mr. Chairman, this matter was raised in the policy debate when going into Committee of Supply and I pointed out at that time, and I understand that the hon. Member for Finance agreed that as it is now proposed or actually is a *fait accompli*, that the customs duty on paraffin should be deleted, taken off completely, that there is now no need for this particular sum of money, £36,000, which was to subsidize agricultural paraffin to the extent of the customs duty on the paraffin. Therefore, it seems that we should quite legitimately reduce the expenditure estimates by this amount of £36,000.

I beg to move.

THE FINANCIAL SECRETARY: Mr. Chairman, as I explained in the Council, the reason why this item remained in the estimates was because, in investigating ways and means of reducing the cost of living and considering, among other things, the reductions of customs duties, we were faced with the necessity of getting general agreement with our proposals by the other Territorial Governments. That agreement took a long time to secure and, in fact, we did not secure final agreement till these estimates were virtually in print. It was for that reason it was felt unsafe to leave this item out. Had we done so and had we failed to secure agreement, we might have had a special warrant on the 1st

January, 1951, for £36,000. In the light of this explanation, the Government will accept the motion and agree to the reduction by the amount specified.

THE CHAIRMAN: We will record: The motion to omit this item is carried.

Any other motion to omit or reduce?

MR. HAVELOCK: May I inquire whether commission is paid for advice or is simply a commission on purchases?

THE FINANCIAL SECRETARY: Sir, it is not paid for advice.

THE CHAIRMAN: Well then we cannot raise the subject of advice just now.

MR. HAVELOCK: They do, Sir, I believe get a commission on the loan charges on which they advise.

THE CHAIRMAN: That does not arise on this vote, the actual sum is only in respect of commission on purchases, so we must confine ourselves to that.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, the hon. Mr. Nathoo raised Item 23, the administrative expenses for the Coffee Industry (Financial Assistance) Ordinance.

Sir, I am afraid I cannot definitely reply to his query, but what I anticipate is, that this represents money which has to be found for the operation of this Ordinance during this coming year. It is a token vote probably put in at the request of the Accountant General but that money will come back when the loans are repaid.

MR. NATHOO: The only question I asked was, why it was under this Head and not under Agriculture. That was the only reason why I asked, Sir.

MR. USHER: Sir, may speak to Item 9. This is not a motion to omit or reduce.

I have been deputed by Members on this side of the Council to put on record the fact that there is a good deal of criticism in regard to passages, to the large bill which this Colony has to face and the reasons for it. As I say, there is a volume of criticism to which we are all subjected by our constituents outside and there is as much variety of opinion on the way in which these questions of leave should be dealt with. I will illustrate that by saying that some people assert that leave ought to be much less

Mr. Usher] and some find as the cure for his difficulty that it should be much more frequent. The object of my intervention is merely to say that we wish to soon to raise the whole question of leave and passages in debate in this Council.

MR. NATHOO: There are one or two comments I should like to make on two or three items.

One of them, Sir, I would like to have information about Item 18 and to find out why this item is under this Head and what it is for.

The second item I should like to have more information on. Sir, is Item 23. I do not know. Sir, why this item is included under this Head and not under Agriculture.

The final item, Sir, I should like to comment on is the Crown Agents' Commission. Sir, in view of the fact that a large amount of goods that are purchased in the United Kingdom, I do not know whether it would be economical or possible for us to have an organization here to deal with our departments. I hear, Sir, that, in the past, these agents have not been able to give us as efficient and as quick a service as they might have been in comparison with some of the other independent agencies. This may be generally, perhaps, a fallacy, or may be just our imagination, but I should have thought that with the amount of nearly £29,000 to be spent in England on this department, we might be able, perhaps, to have a more efficient office of our own.

THE DIRECTOR OF ESTABLISHMENTS: Mr. Chairman, with regard to Item 18, Separation Allowances.

THE CHAIRMAN: We are down to 18.

THE DIRECTOR OF ESTABLISHMENTS: That is the one I am talking about. These allowances were instituted in 1945 and they are intended to be paid to an officer who is unable to obtain passages for his wife and family, or whose family is compelled to remain in England, or elsewhere, on account of shortage of housing accommodation. As I say, it was instituted in 1945. It is reviewed every year with a view to deciding whether the necessity for it still remains

and the latest decision was that it is still necessary to keep it.

MR. HAVELOCK: Mr. Chairman, Item 24.

There is a great deal of criticism, Sir, of the activities of the Crown Agents and I would be glad of an assurance from the hon. Member for Finance—I think it is his responsibility—that this matter will be investigated. It was the intention that hon. Members on this side of the Committee might move a reduction in this vote, but if the hon. Member will give that assurance, I do not think there is any need for such a motion.

But the grounds of criticism are, first of all, that we are not satisfied on this side that the Crown Agents, in purchasing bulk supplies for this Colony, are tapping the cheapest sources and that we could not get cheaper supplies if we used other types of agencies. Secondly, there is general criticism which has been brought up in this Council before. Sir, on the matter of the advice by the Crown Agents on loans, which the hon. Member has had brought to his notice before, that it is considered that other advice would be sounder, even if we had to take the Crown Agents' advice on loan terms ultimately. That our financial officers should at the same time seek the advice of other knowledgeable financial people in Britain.

THE FINANCIAL SECRETARY: There is probably a great deal of point in what the hon. Member suggests. The item probably had a miscellaneous look and therefore found its way into the Miscellaneous Head. But we will look into that.

Now the question of Crown Agents. The first point it is necessary to note is that this item of £29,000 appears for the first time under this Head. There is no increase in payment to the Crown Agents as a result of that first appearance. It is merely that we have taken from all the various stores Heads, the various charges, and brought them all into one place to avoid the multitudinous accounting processes which the separation previously involved. This should involve a considerable saving in paper and other work.

Now, Sir, the Crown Agents are an entirely non-profit-making agency. Their

(The Financial Secretary) function is to give every assistance they can to the colonial territories in the purchase of goods; they inspect, select and give every kind of advice for a very small commission. They also give free of charge engineering advice to the technical departments. Now inasmuch as this department, this agency, is non-profit making, the Crown Agents collect their commission and charges simply to meet the total expenditure of the agency, and; if at the end of the year, it is found that the collection of commission and other fees from all the colonial territories is in excess of what is necessary to meet their own expenditure, then the colonial territories concerned receive a rebate *pro rata* to the amount of work that has been done.

In addition, the Crown Agents perform a number of services for the colonial territories entirely free of charge. They pay pensions and leave salaries and fix passages and so on. There is no doubt, Sir, whatever that if we attempted to break away from this co-operative system wherein the charges for all these matters are shared by all colonial territories and attempted to establish our own agency it would cost us considerably more.

With regard to the suggestion that other agencies, purely commercial agencies, would be more advantageous to this territory, I must say that there is a provision in the regulations governing this matter to provide that, if a territory demonstrates that dealing in a particular case with a commercial agent would be more advantageous, the Crown Agents are the first to advise that that should be done. There is no objection at all, but there is no doubt whatever that in the long run the use of the Crown Agents is very much cheaper and very much more advantageous generally.

With regard to the question of efficiency in securing goods, it is true that in the post-war years and the years immediately following, there were some delays in the securing of goods, but I suggest that that particular phenomenon characterized almost every agent. Some were lucky and got goods forwarded quickly, but being the exception rather than the rule, of course, they were spoken about and the Crown Agents were contrasted

with those few exceptional cases. I understand from the departments mostly concerned with the Crown Agents that from the time of placing an indent to the time of arrival of the goods at Mombasa now averages about three months, a period about which nobody can complain.

I do not know whether I have missed any point that the hon. Member wanted answered, but if there are any other points I would be glad to answer them.

Mr. HAVELOCK: Mr. Chairman, arising out of the remarks of the hon. Member, for which I am very grateful, he has clarified the matter considerably. He said, Sir, there is no objection if a territory wishes to purchase goods from another source, and it is shown that it is cheaper from that source, the Crown Agents make no objection. What I would like to ask, Sir, is do our financial officers, or those concerned in ordering stores, do they consistently try to find cheaper sources for these stores so that they can purchase with the permission of the Crown Agents as has been stated by the hon. Member? Do they make the effort to find cheaper sources of supply?

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, perhaps I could add a few words on this point.

So far as the Public Works Department is concerned, whenever we hear of a better source or cheaper source, we always notify the Crown Agents of that source and they then communicate direct with that particular firm and we have never had any difficulty at all in bringing into effect any suggestion of that kind that we would like to put forward to them.

I would also like to say, Sir, in support of what the hon. Member for Finance has said, that the Crown Agents themselves now are finding themselves in a much better position than they were immediately after the war. Recently two senior engineers have been on tour through the colonial territories to see where and in what way their services can be improved and I would like to say, Sir, that we have been met with every possible consideration in connexion with our work with the Crown Agents. I support very strongly the suggestion made by the hon. Member for Finance that we could not do better by

(The Special Commissioner for Works) arrange for some agreed way of meeting these requirements.

Mr. NATHOO: Sir, I am quite satisfied with the explanation the hon. Member for Finance has given, but there is one remark I should like to make on what he has said. He said this is a non-profit-making concern, but there is a tendency, Sir, when there is not any particular control over any department, and they know there is so much money on hand, there is likely to be a certain amount of wasteful spending and I do hope that the Colonies together take some measure to see that they do not indulge in a spate of spending just because the money is there.

Mr. HAVELOCK: I am sorry to prolong this debate, Sir.

The hon. Special Commissioner said that when they hear of sources of supply which may be cheaper than the Crown Agents, they take the matter up. What I want to know is, do the Public Works Department, or the Financial Secretary, whoever is responsible, search for cheaper sources of supply or do they just wait until someone comes along and suggests there might be one here or there? I believe he should search for the cheaper sources of supply and not just wait for rumours.

SPECIAL COMMISSIONER FOR WORKS:

Mr. Chairman, the normal method of finding the cheapest source of supply is to call for tenders and the fullest possible publicity is given for anything that is required. I do not know of any other way of finding out the cheapest source of supply unless we happen to know that a particular article is manufactured in a certain place, or by a certain firm, more cheaply than some other firm manufacture them. We do have certain or specialized knowledge of that kind at our disposal, but apart from that, Sir, I do not know any other way.

Of course, we keep in touch with local prices and we are also in very close touch with local agents for any particular supply and that is another check on what the Crown Agents do. If we find the Crown Agents' quotations, which they get for us, are more expensive than our own information led us to expect, we immediately draw attention to it and we

arrange for some agreed way of meeting these requirements.

Mr. USHER: I must also apologize for prolonging the debate but I have heard it stated that, for instance, drugs and dressing for our hospitals can be purchased more cheaply by going into the market than to the Crown Agents. That is a matter which would not affect the Government now that we have a hospital authority operating the activities of the hospitals, but it might be worth investigation because, if it is so, then the central stores themselves could be reduced in cost. I wonder whether any hon. Member could confirm or refute what I have heard.

THE CHIEF SECRETARY: Mr. Chairman, may I say a word on this.

I have been into this myself fairly carefully because many people have suggested to me that it is possible to get goods more cheaply from other sources than through the Crown Agents. When you are ordering a large amount and a wide range of goods, as everybody knows, there are a great many people who would like to get your orders. There are a great many people to whose advantage it is to get these orders, and many of them sometimes suggest that they can supply more cheaply than through the Crown Agents. It does not need much stretch of imagination to see the reason for that. I have discussed this matter at great length with the Crown Agents themselves, as my hon. friend the Special Commissioner for Works has said they have sent two officers round recently to discuss the matters with us and to examine all our proposals. So far as I know, there is, or perhaps I ought to say, I should rather perhaps I ought to say, I should rather perhaps I ought to say, there are not the last to suggest that there are not occasions when we can get goods more cheaply from other sources. There is an exception to every rule. But I have found very few cases in which we can do that. The Crown Agents as my hon. friend the Chief Secretary has said, they are in considerable organization, they are in touch with nearly all manufacturers and they have a much better organization for getting the better information and for getting to the cheapest source and I am satisfied that, generally speaking, they do get the goods which we need at the best prices. If there are other ways of getting the goods we want at cheaper prices, then it is open

[The Chief Secretary]

to us to take advantage of them and, as my hon. friend has said, we do that, but generally speaking, I am quite satisfied that we get the best service through the Crown Agents.

MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, just to correct one slight misapprehension.

The hon. Member for Mombasa spoke about drugs and dressings and the Hospital Authority. The Hospital Authority, of course, even at its largest, only dealt with European hospitals and the responsibility for drugs and dressing for Asian and African hospitals and those European hospitals, which were not taken over by the Hospital Authority, remained with the Government. With the acceptance of the Select Committee Report, Sir, the hospitals of the European community are gradually falling under local initiative and those local hospitals are, practically all of them, approaching Government and asking Government to purchase on their behalf, because of the advantage of bulk buying. I felt, Sir, that should be put on record. There is too, of course, Sir, the fact that distinct from conditions in, say, the United Kingdom, where manufacturing chemists hold very large stocks, there is no one in private enterprise as yet holding very large stocks of drugs and dressing in this country and, of course, the amount needed to ensure that a six months' supply or a sufficient supply to meet an epidemic was available, would mean a very large layout of private enterprise capital and under those circumstances, until that position does arise, it is natural that the Government must keep much larger stocks of medical stores, drugs and dressing than would normally be the case; but I can assure the hon. Member, Sir, that we do keep his points continually under review.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman I beg to move that Head 4—4, Sub-head (50) be approved.

MAJOR KEYSER: Unless any other hon. Member has an item before mine, Sir, I beg to move the deletion of Item 6, Revenue Reserve Fund.

THE CHAIRMAN: Anybody wishing to raise 1, 2, 3, 4 or 5? Well, then I propose the motion to omit No. 6, Revenue Reserve Fund.

MAYOR KEYSER: Mr. Chairman, in his opening speech in presenting the Draft Estimates to this Council the hon. Member for Finance referred to this Revenue Reserve Fund, and he said: "It is my very strong view, therefore, that we should be foolish to let pass the opportunity presented by the existing buoyant conditions without building up such a reserve". Since then, Sir, I have been trying to think out what the real object and reason for this suggestion of building up this Reserve Fund is, and I can only find that one as any reasonable reason for the formation of this Reserve Fund. Of course, Sir, if we are in a very buoyant period we are not in a position where we do not know what to do with our money, because we know very well that we have a Development Fund which is starved for finance, and if we have a surplus of money which we do not know what to do with I am quite convinced the right place to put it in is the Development Fund.

Now, Sir, when we are talking about development expenditure or development and the formation of reserve funds, I do think we have to strike a proper balance between the two. I myself believe that it is sound policy to have financial reserves in any concern, and certainly in the present period in Government finance. But I repeat, Sir, that we ought to strike a proper balance between Reserve Funds and developmental expenditure. Now, we have got an excess surplus balance fund of £6,000,000 to-day. I believe, Sir, that the right thing for us to do here is to agree to maintain those surplus balances at a fixed amount, if you like, we will decide on £6,000,000 for the present, and should the situation change in the course of years and the £6,000,000 not be sufficient, then this Council could decide to change the amount of £6,000,000 to some greater amount, and should we be struck by some financial blizzard which necessitates calling on our surplus balances to make up the deficiency caused by the financial blow, then we can call on the surplus balances to retrieve the position. In the meantime, Sir, those surplus balances are being utilized—they may not be utilized 100 per cent, but they are being utilized, they are not lying idle. Now, Sir, in what way would this Reserve Fund which the hon. Member suggested should be built up to the sum of £4,000,000, in what way would it be

Major Keyser]

kept? Would it be kept as cash in the bank, would it be invested or would it be kept liquid? Now, if it is to be invested, then it is no longer liquid and loses one of the important characteristics of a reserve. If it is invested, then, Sir, we are freezing it and I think that it would be very much better if it were put into development, and should we, at the end of a year like—take this present year, where we are budgeting for a surplus of about £300,000—should we, Sir, at the end of this year find that we have a balance of £300,000, or any amount you like, £500,000, and should we also find that our surplus balances are still at £300,000 or the agreed figure, then I would suggest that the surplus balance from this year or the balance of our agreed maximum amount should be put into the development fund and used for development purposes. If this Reserve Fund is to be frozen there is another danger to which it is exposed, and that is the danger of inflation, because putting it in cold storage, freezing it to-day and adding a quarter of a million to it every year, if this inflationary movement continues, in ten years' time we might find that what to-day has a reasonable purchasing power in ten years' time might have a very small purchasing power.

I have one more objection, Sir, to a fund being built up in this form. That is by inserting as an item in the expenditure £250,000 and the suggestion that this should be added every year. It is, Sir, that should we at the end of the year find that we have a deficit, then we would have to call possibly on our surplus balances to make up the deficit and meantime we are putting £250,000 to a Reserve Fund which so far Council has not been told in what way it is going to be kept. Possibly we will be removing a certain amount of money from a liquid surplus balance to freeze in order to create this Fund. Also, Sir, we will be told that having agreed to this item in the 1951 Estimates we have created a precedent and therefore every year we should vote this quarter of a million pounds on the expenditure side. Now, Sir, should our outlook not be quite so favourable as it is to-day, and should the estimated revenue not be sufficient to meet the estimate of expenditure, which included £250,000 from the Reserve Fund, we

would—I have no doubt—be told that we must agree to increased taxation in order to meet this amount of money.

Sir, I beg to move.

MR. COOKE: Mr. Chairman, I agree with my hon. friend the Member for Trans Nzoia in so many things, but I must say that I cannot understand some of the economic theories that he propounds in this Council. Whether, Sir, if I may make an atrocious pun, they come from Keyser or Keynes, I have never been able to ascertain. But my hon. friend, I think a year ago was wringing us in the withers with warnings that we were in for a deflationary period; now he is frightening the lives out of us with warnings that we are in for an inflationary period. Now, I think he forgets that in an inflationary period we, for instance, get very much more from the Customs, because they, as you know, Sir, are based on the landed costs of goods in this country, therefore it cuts both ways, in an inflationary period we should get a good deal more revenue coming in with which to solve our problems. Now, I think the hon. gentleman was saying a year ago he was supporting what I called the very egregious suggestion of my hon. friend who is now on the other side of the Council; that was, the suggestion to build up a tax equalization fund. Surely one of the objects of my hon. friend, the Member for Finance is to put in reserve money against a rainy day, and surely this is the time to do so, when revenue is buoyant, and surely it is the time now, and it is what we all adopt in our own private lives, it is prudent to put money aside. I agree with the hon. gentleman, the Member for Trans Nzoia when he said that he would prefer the money put into development. I would agree so far, but I think it is very wise, Sir, to put this money aside, even though it is put temporarily in a reserve fund.

MR. BLUNDELL: Mr. Chairman, I wish to support the motion before the Committee, and I would ask the hon. Member for Finance to bear with me if I give some figures and a certain amount of detail. My real objection to this Reserve, apart from the reasons which the hon. Member for Trans Nzoia has given, is that we are carrying in this

[Mr. Blundell]

Budget a very considerable sum for the smallness of the Colony's revenue and expenditure items generally, a very considerable sum for development, and I will, although it will be a little bit wearisome, give those figures. In this particular Budget we are carrying £500,000 as our contribution to Development and Reconstruction Authority, which is an increase of £200,000 on the normal, and in so far as that £200,000 is a contribution towards development it is a reserve in that we hope it will create an asset. Secondly, we are making a special grant of £300,000 towards roads. We have put on one side £200,000 towards the rehabilitation of certain areas. We are budgeting for a surplus of £300,000. It may not materialize, but nevertheless it is budgeted for, and if indeed it occurs then it is indeed a reserve. Lastly, we have in the Public Works Department Non-recurrent a total expenditure of something like £217,000. Now, of that sum a certain proportion is given over towards maintenance and repairs, as one might well call it, which, of course, is not creating a capital asset, it is merely maintaining one, but quite a considerable amount of money is for the provision of small new buildings, new water supplies, etc., and in so far as that money is covered for that purpose, so far again it is creating another hidden asset which can be called a reserve. Lastly, Sir, we have a figure which might be missed by hon. Members, we have got £300,000 unallocated in the Development and Reconstruction Authority. Now, although that has not come from the individual revenues of this one year, nevertheless that £300,000, in so far as it is allotted to the Development and Reconstruction Authority this year and is unallocated is again a reserve. Now, the reason, Sir, I have given these figures in detail is this: I wish to submit that in a young and developing country there is no finer use for our money than development. I think we are all agreed on that, and I think that in a Budget of something like just over £10,000,000 net, if you add up the figures which I have given you, it comes to £1,500,000, plus the £300,000 in the Development and Reconstruction Authority, which is not attributable solely to this Budget, it comes to £1,500,000 in

this Budget alone out of a net revenue or as far as I can get the figures, a net revenue of just over £10,000,000. I submit that we are making a tremendous effort as a young Colony towards providing money for development and, in addition, to penalize the Colony by creating a reserve of sterilized money to do that as well as penalizing the development of the country in another form. The Colony's development goes in two ways, it goes in by Government expenditure and by the expenditure of the individuals, and the more money we use in the Government machine basically the less money there is for the individual to spend, and I believe that in this particular Budget we are putting up ample money without the addition of this reserve.

Now, Sir, two points made by the hon. Member for the Coast. Of course the hon. Member for Trans Nzoia was correct some time ago in putting forth a warning about the possibility of a deflationary period, and indeed there was one some twelve months ago, but the international situation has enormously altered since then, and no one can deny we are now in an inflationary period, and one must adapt one's self to the changing circumstances. If for the sake of consistency we were merely to get up now and trumpet that we are in a deflationary period it would be ridiculous.

Lastly, Sir, on the point the hon. Member opposite made when he was in our ranks on this side. I have in mind the tax equalization fund which he suggested was indeed to come from the surplus balances. It was never suggested that there would be what in effect must mean additional taxation or a maintenance of existing taxation in order to create a reserve, which I have tried to show is possibly without the scope of the Colony at the moment, in view of the immense sums commensurate with our total net revenue which we are placing towards development.

Now, Sir, for these reasons I beg to support the motion which the hon. Member for Trans Nzoia has moved.

THE CHIEF SECRETARY: Mr. Chairman, there is one point—the hon. Member for Rift Valley did suggest the £300,000 unallocated in the Development and Re-

construction Authority represented an equal contribution to the Development and Reconstruction Authority.

Mr. BLUNDELL: On a point of clarification, I did not, Sir. I made it clear, I am well aware that money within the Development and Reconstruction Authority, nevertheless because it is unallocated and lies within the Development and Reconstruction Authority provision it is, in effect, a reserve.

THE CHIEF SECRETARY: Well, Sir, I accept his explanation, but I am afraid it is still wrong. It does not represent £300,000 within the Development and Reconstruction Authority which is unallocated. I only wish it did. It is used as an accounting device in order to give flexibility. What in fact happens is this: In particular scheme which is also in the Development and Reconstruction Authority goes rather faster than we expected, and it is necessary during the year to increase the amount voted for that scheme out of the scheme value amount from the unallocated money in order to augment the scheme. In the next year, if it is found necessary during the year to embark on a scheme which is already in the Development and Reconstruction Report, but which has not been included in the Development and Reconstruction Authority estimates, provision is made out of this £300,000 unallocated. In the original Development Committee's Report it was correct that amount, I think, £240,000—I am afraid I speak without the book at the moment, because I was not aware this point was going to be raised—was unallocated, but that I believe, is the total amount which has never been increased.

MAJOR KEYSER: Sir, may I ask the hon. Member, is not the total kept at £300,000 by a replenishment from the scheme total if a scheme for a particular year has drawn on the unallocated balance?

THE CHIEF SECRETARY: Sir, for instance, the scheme to build a school at Uray has a scheme value of £100,000, and in the Development and Reconstruction Authority estimates £50,000 may be needed for 1950. If the building goes faster quicker than was expected, and we wish to spend £60,000 instead of

£50,000, £10,000 is transferred from the Unallocated Head to the scheme for the school at X, but the Unallocated Head has to be replenished by an adjustment from the scheme value of the original scheme.

MAJOR KEYSER: Yes, Sir, therefore, Sir, is that not the point of the hon. Member for Rift Valley? Does it not really constitute a reserve of £300,000?

THE CHIEF SECRETARY: Not strictly speaking, Sir. It does constitute a reserve within our ceiling, but not a real reserve.

THE FINANCIAL SECRETARY: Mr. Chairman, a great deal of what has been said this morning in Committee has already been said in Council. I can add very little more to what I have already said. It is my advice to this Council and to the country at large that we should so arrange our finances that we build up a reserve, as I put it, against the possibility of economic adversity or special calamity. I have indicated what I mean by economic adversity. I have also suggested that no reserve of any feasible proportions could possibly hold off the effect of such economic adversity indefinitely, but it would certainly give us the opportunity to readjust our position without crises and without undue stress and strain. With regard to special calamity, I have instanced the locust threat which we are trying to stave off, which we hope to succeed in staving off, but if we do not stave it off we shall have to find resources to counteract the effect of a large-scale invasion. I have also suggested that if we are fortunate enough over the years to escape the effect of special calamity or economic adversity there is nothing to stop our using the reserve fund, or part of it, for such very laudable objects as funding certain of our pensions schemes and better still, as a nucleus for a post-1955 development plan. We must keep in mind the position which may develop if by the time the 31st December, 1955, comes we have spent our last pound on our present plan. What are we going to do about the future? Quite apart from the fact that development cannot cease, hon. Members opposite who appear very strong in their knowledge of this subject will realize the deflationary effect of

[The Financial Secretary] suddenly stopping the spending of these large sums of money.

Now, Sir, when I made this suggestion last year that we should in fact consider having a reserve fund, I was under the impression that hon. Members, if they did not applaud very loudly, certainly gave me a considerable number of "Hear, hears". I am a little surprised to see that now this proposal has been put into a positive form that it meets with this considerable objection. I should like, Sir, with the permission of the Committee, to read an extract from last year's debate recording a speech made by the hon. Member for Trans Nzoia. He said this:—

"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."

Well, Sir, those words are almost out of my own mouth. They are precisely what I am saying now. I find it extremely difficult to understand the arguments of the hon. gentleman when he makes precisely the reverse proposal now.

There were, Sir, apart from this general question—the hon. Member did raise certain points which I have got down as best I can—my writing is not very good, but I will try and answer them. I think he suggested that our Development Fund was being starved at the expense of the Reserve Fund. Well, Sir, I think the hon. Member for Rift Valley has indicated that this year more than any previous year we have made very considerable contributions from revenue towards the development plan. If you include the amount which we propose to vote for the Rehabilitation Fund the total amount that we are making towards development this year is £1,000,000. I suggest, Sir, that on a net figure of about £10,000,000 revenue that

is no mean contribution. It is indeed very considerable, and I would contest, Sir, that to suggest our Development Fund is being starved in those circumstances is not correct.

He also asked—I refer to the hon. Member for Trans Nzoia—he also asked what we would do with the £5,000,000—whether we would keep it liquid in cash or whether we would invest it. Sir, we would not keep it in cash, we would certainly invest it, and we would secure the interest from those investments. We would not invest it in such a way that it could not be made liquid at very short notice. I suggest, Sir, investment does not mean the funds are not liquid, provided you choose your investment in the right way.

MAJOR KEYSER: Invest it in what?

THE FINANCIAL SECRETARY: Sir, we would probably invest it with His Majesty's Government, as we do now with our other funds. In regard to the other point, Sir, that if we put away £250,000 now in the time of inflation and the inflation persists the value of our money will fall—Sir, I have already answered that point which was raised some time ago by the hon. Member for Rift Valley. There is that danger; I do agree it would be foolish not to accept it; but it is in times of inflation when the revenue is buoyant that you get a chance of putting away money. In the times of deflation, *ex hypothesi*, there is no money, and it is at that time when money is scarce that you need to be able to use a reserve built up in the past to offset the effect of deflation.

Now, Sir, the hon. Member for Trans Nzoia also fears that if we continue with this reserve fund we shall be tempted to increase taxation merely for the sake of putting money away into the reserve fund. Sir, in the strongest possible terms I assure the hon. Member that during my tenure of office no such proposal would ever come before this Council.

Sir, I do not think there is anything further of moment that I need reply to. I can only say this, that the proposal of augmenting our reserve fund this year by adding to it this sum of £250,000 is my financial advice to this Committee and to the country. If the Council, or rather the Committee, wants this sum out

[The Financial Secretary] of the Budget I can only say, Sir, it will be against my advice to omit it.

I beg to oppose.

MAJOR KEYSER: Mr. Chairman, I am glad to hear the hon. Member say that as long as he was a Member of Government he would not increase taxation in order to maintain this fund. I am also glad to know, Sir, that he has such a very great influence over Government, because I hope, Sir, I shall influence him now, and presumably his influence will be passed on to Government and we will reach agreement over this. Sir, he referred to my speech last year and read an extract out of Hansard, in which I said that I proposed that the surplus balances should be placed in a fund to be used as a reserve. Now I certainly did that, and I meant it, and I mean it now, and he was astounded that I should not agree with what he says. He says that I am saying exactly what he is saying. There is one very great difference, Sir, which he apparently has not appreciated, and that is why I am trying to convert him to my way of thinking. The great difference is this, that I would like to form the reserve fund out of the surplus balances which already exist. He wants to maintain the surplus balances where they are and form another reserve fund out of income. Now those are two totally different suggestions in my mind, and the hon. Member must agree that the suggestions are totally different. My fund already exists. All you have got to do is to call it a reserve fund, but he is suggesting creating a new one. Now there is a vast difference between those two suggestions, in my opinion.

As far as my saying the development funds were starved I never used those words of course, but Sir, what I did say was that we do know that the development programme does need funds. Hon. Members from the other side have said so; the hon. Member for Development himself has said that our plans have had to be cut down because the money is not available. If the money was available we would increase our development plans, so that whether I said so or not, it is obvious that our development is starved for funds. If we did have more funds we

could do a considerable amount more development. I do not think it is worth arguing about that one, Sir.

With regard to the manner in which this reserve would be invested, he said it would be invested with His Majesty's Government as our present reserve fund is invested—that is what I understood him to say. Our present reserve fund of £500,000 is with His Majesty's Government and I understand is interest free, so if his proposal is to raise a fund for £4,000,000 and leave with His Majesty's Government interest free and at the same time to raise by loan £15,000,000 for development plans, for development purposes, at possibly 3½ per cent or 4 per cent interest, then, Sir, I cannot say that is sound finance, and I would like the hon. Member to reconsider the whole implications of this reserve fund, Sir.

MR. BLUNDELL: Mr. Chairman, I think that finally enough there are two matters in this debate. The first is, of course, that we are largely splitting hairs, for this reason: if you remove the item from the Budget and you do not make any other changes in the fiscal structure of the budget you are in effect going to increase the surplus balances, so I suspect that is one of the reasons the hon. Member for Finance wishes to have this item as a special item on its own rather than as an increase to surplus balances. As a separate easily identified reserve it makes his prospectus for when he goes to the public for loans more attractive. Did the hon. Member for Finance say "No", Sir? Well, if he says no, Sir, that removes the only one thing, the one single possible reason for putting this item in. (Laughter.)

Now I prefer to have it in the surplus balances. It is more fluid. The surplus balances are obviously continually going up and down in the form of a reserve. Sometimes they will be fully committed as advances pending loans, etc. At other times, when the loan is being floated and the advances have been repaid, I repeat, the surplus balances will be an enormously fat reserve. At other times there will be a thin attenuated line, and there will be the hon. Member for Finance will not know where to turn for more money. Nevertheless they are fluid, liquid, an easily available form of finance for the Colony, and I believe that is where this

[Mr. Blundell] money, if we vote it out will go, provided, Sir, we make no changes in the fiscal structure.

There is one other aspect to which I must just refer to—I think it has escaped me now, as a matter of fact—(Laughter.)—it is this Sir: my other objection to this is a matter of principle. The moment you start in the Budget here and there is a matter such as this, the chances are that over the course of years it has to be budgeted for year by year up to the amount he has given us, a figure of £4,000,000. I do submit that if we are going to do that, let it lie in the surplus balances fluid, easily accessible.

THE FINANCIAL SECRETARY: And easily expended too!

MR. BLUNDELL: The hon. Member is the arbiter for that.

Mr. Chairman, I still wish to support the hon. Member for Trans Nzoia.

THE FINANCIAL SECRETARY: Mr. Chairman, I must refer to a remark made by the hon. Member for Trans Nzoia—that his suggestion is that we should form the reserve from the surplus balances, whereas mine is to form it from revenue contributions.

MAJOR KEYSER: Form a new one.

THE FINANCIAL SECRETARY: I would remind him, Sir, that I did say in the opening speech, that is the so-called Budget speech, that this reserve could, *inter alia*, be nourished from those surplus balances which were in due course repaid by the Development and Reconstruction Authority, so to that extent, Sir, our ideas are quite identical.

I would again remind the hon. Member for the Rift Valley that a reserve fund is a very different thing indeed from surplus balances. Surplus balances are exposed to the vagaries of spending departments and the pressure of spending from all other directions. Sometimes those pressures are irresistible. I would also point out that we have to hold some of these funds against guarantees and so forth—which guarantees may have to be implemented. You put your money in a reserve and there it is safe until such time as spending is authorized, shall we say, by this Council—I think that was my suggestion before—therefore it is safe from the spending pressure of lesser authorities.

With regard to the present reserve fund, Sir, the hon. Member for Trans Nzoia was not quite right—in fact this sum of money, this £500,000 which constitutes the present reserve, was at one time, with the authority of this Council, made available to His Majesty's Government free of interest, but it has now been placed at interest.

MR. HAVELOCK: What interest?

THE FINANCIAL SECRETARY: The interest, Sir, being received is at normal current rates.

Well, Sir, I do not think there is any point in prolonging this debate. Virtually everything that can be said has been said. I merely point out that the country pays me a very considerable sum of money every year to advise on financial matters. I have given my financial advice. If the country refuses to accept it the country must take the consequence. I repeat, if the money is voted out of the Budget it is against my advice—the advice which the country pays for.

Ayes: Messrs. Blundell, Chemallan, Gheris, Havelock, Jeremiah, Keyser, Maconochie-Welwood, Mathu, Nalho, Ohanga, Patel, Preston, Pritam, Rana, Salim, Salter, Shatry, Shaw and Usher, 19.

Noes: Messrs. Adams, Anderson, Carpenter, Cavendish-Bentick, Cook, Davies, Gillett, Hartwell, Hobson, Matthews, Mortimer, O'Connor, Padley, Ruskin, Rhodes, Thornley and Vasey, 17.

Absent: Messrs. Hopkins and Macha, 2.

The question was put and carried on a division by 19 votes to 17.

LT.-COL. GHERIS: Mr. Chairman, there is just one small point, that is in Item 9. At the August session a motion moved by the hon. Member for Commerce and Industry and accepted by the Council to the effect that certain relief would be extended to the mining industry. The sum mentioned, I think, was £40,000, and under Item 9 there is a token amount of £5,000. I know that certain owners of gold mines are very concerned about this and are relying to a certain extent on this relief, and I would be glad if Government could give some indication as to whether that amount, or any other amount in excess of £5,000 will be made available during 1951?

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, when the hon. Member for Commerce and Industry asked that resolution in this Council it was in fact seeking approval in principle on certain steps to be taken. With your permission, Sir, I will read the resolution.

"That this Council, being mindful of the need to develop the mineral resources of the Colony to the full, and realizing that, with regard to the particular case of gold mining, active encouragement and direct assistance are necessary if the industry in Kenya is to be placed on a sound footing, approves, subject to the financial position of the Colony permitting such a course, the payment of grants to cover a proportion of the cost of new and approved underground development in gold mines. It being understood that detailed proposals will be submitted for the consideration of the Legislative Council at a later stage and that the cost of operating the scheme will not exceed £40,000 in the first year of operation. The sums paid as development grants to be subject to a condition of repayment which will be invoked only if and when its implementation would impose no undue financial strain on the recipient of the original grant."

Now, Sir, no one is more sensitive to the need for implementing this scheme than myself. But the position is that there are two significant points in that resolution. In the first place, it presupposes that at a later stage the Government will introduce the necessary legislation to implement it, and that has to be considered in detail and to be approved by this Council. In the second place, it does presuppose further financial consideration. Now, Sir, it is necessary in regard to this scheme to consult His Majesty's Government in the United Kingdom. There are matters of policy, and there are matters which might conceivably affect the Bretton Woods agreement, too, which the hon. Member in whose place I have the honour to sit for the time being mentioned, and in particular the International Monetary Fund. It is necessary to get those aspects clear. It is necessary to introduce the specific proposals to the Council and that is the reason, Sir, why my hon. friend the

Member for Finance included £5,000 only as a token figure. He made reference to that in his speech on the motion to move into Committee of Supply. Arrangements are being made to maintain the necessary measures which would enable payments to be made should this Council consider it desirable when they approve the detailed proposals with effect from the beginning of the year.

The question was put and carried.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I do not know what would be the wishes of hon. Members, but it will take me rather longer moving that this Head, Military, be considered than the seven minutes left before we can adjourn. Personally, it would be more convenient for me to wait until tomorrow morning, but I am perfectly prepared to move the motion now if that would be the wish of hon. Members.

MAJOR KEYSER: We are perfectly prepared to go on, Sir, if he is prepared.

THE CHIEF SECRETARY: We could go on to take 6—6.

Group 6—Head 6

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Items 1 to 14 of Head 6—6, Miscellaneous Services, be approved. Sir, I have at a discussion which I had with representatives of hon. Members opposite, undertaken of hon. Members about Item 14. That is to say something about Item 14. That is the only item on which I have had notice of any questions. I undertook, when discussing this matter with the hon. Members, that I would make inquiries as to the estimate for Mombasa which is to be estimated at £4,330. I have, Sir, discussed this matter with the authorities in Mombasa and I find that this estimate was submitted before the Ordinance actually was applied in Mombasa. There was, therefore, no experience on which it could properly be based. The size of the estimate has been further considered and Government will be prepared to accept a reduction of £1,500 under this item. Possibly some hon. Member might care to move in this sense when I have completed this review.

I also undertook to look into the cost of building the reception centre in Mombasa when the hon. Member for African Interests, Mr. Mathu, during the

7TH DECEMBER, 1950

779 Supply

Miscellaneous Services

[The Deputy Chief Secretary] main debate to go into Committee of Supply, said that there were rumours, I think he said, that there had been unnecessary extravagance in the construction. I have also, Sir, in the interval been into that question and I am satisfied that there has not been any unnecessary extravagance in completing that work. The actual cost of building this centre was more expensive than building the centre in Nairobi because the only available site for it in Mombasa was in rather swampy ground, which required that cement floors should be constructed for the huts. In actual fact the cost of building this camp was some £400 in excess of the cost of building the camp at Nairobi, and I have given the principal reason for that.

Sir, I beg to move.

THE CHAIRMAN: I will put the question from the Chair then, that Item 14 (ii) (in Roman figures), Mombasa, £4,330, be reduced by £1,500.

MR. BLUNDELL: Is that from Items 1 to 14, Sir?

THE CHAIRMAN: No, it is Item 14 (ii) (Roman).

MR. BLUNDELL: We are not discussing now (50) Non-recurrent?

THE CHAIRMAN: We are not on to Non-recurrent yet.

The question was put and carried.

THE ATTORNEY GENERAL: May I intervene for a moment. You put the question, Item 1, Sir. It is Sub-head (1)—there are a great many items.

THE CHAIRMAN: I will put the question, Sub-head (1) Recurrent Item 14 (ii) (Roman) that is reduced by £1,500.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 6—6, Non-recurrent, Items 1 to 4 be approved.

MR. BLUNDELL: Mr. Chairman, I beg to move a reduction in Item 1 from £2,500 to £2,400. Mr. Chairman, I move this reduction because I wish to voice a grievance which hon. Members on this side of the Council feel on this matter. Recently, when I was in the United Kingdom, I visited the Royal Show, and to my pleasure, but also surprise, I met the hon. Member, my hon. friend, on my

left, Mr. Arap Chemallan, the Member for African Interests. I imagined, Sir, he had proceeded home under this item and I wonder why this item cannot also apply to other hon. Members on this side of the Council, because whereas I paid for my passage, a sum of £234, I imagine the hon. Member was financed possibly out of this vote. Now, in addition, Sir, I believe the hon. Member, Mr. Nathoo, going home next year. He might like to be considered, and I am not prepared to sit in this Council and admit that it is not desirable that also we should go home and have visits to the United Kingdom. Lastly, Sir, it does bring up a very profound principle of racial discrimination which has been raised in the Council before on the Frontier under separation allowances and I want an assurance from the hon. Member opposite that, next year, there will be this wording—"Visit of East Africans to the United Kingdom". Then, Sir, if hon. Members opposite want only Africans to go home all they have got to do is to form a committee to interview all applicants and only decide that all Africans will go. In that way, they will pay tribute to the policy of "no racial discrimination", they will look after the susceptibilities of Europeans and Asians and care for the needs of Africans.

THE ATTORNEY GENERAL: May I say we are to understand if this vote were increased next year, that all hon. Members opposite would go home? (Laughter.)

THE CHAIRMAN: You propose to reduce it by £100?

MR. BLUNDELL: If the hon. Member will give me an assurance that the word "East" will appear next year, I will withdraw my motion.

THE CHAIRMAN: As it is now quoted to one, I think that somebody should report progress.

THE CHIEF SECRETARY: I beg to move that the Committee reports progress and ask leave to sit again.

The question was put and carried.
Council resumed.

ADJOURNMENT

Council rose at 12.47 p.m. and adjourned till 9.30 a.m. on Friday, 8th December, 1950.

Oral Answers

Friday, 8th December, 1950.
Council assembled in the Memorial Hall, Nairobi, on Friday, 8th December, 1950.

Mr. Speaker took the Chair at 10 a.m.

MINUTES

The minutes of the meeting of 7th December, 1950, were confirmed.

ORAL ANSWERS TO QUESTIONS

QUESTION NO. 48

MR. COOKE:

Will Government please state the approximate amount of sterling balances held by Kenya in London?

Is this sum blocked or is it available against the purchase of capital goods?

If blocked, is it available for the security of loans on the London market?

THE FINANCIAL SECRETARY: (a) I would refer the hon. Member to the reply given to the Member for Rift Valley on 21st January, 1949, to a somewhat similar question. It is not possible to give any estimate of Kenya's share of sterling balances, but the sterling balances standing to the credit of the East African Territories are estimated at about £110,000,000.

(b) The balances are not "blocked". A proportion of them is available against the purchase of capital goods but it is not possible to say what this is. As far as the Kenya Government is concerned, however, the amount is about £3,000,000. The answer to the last part of the question does not, therefore, arise.

QUESTION NO. 75

MR. T. R. L. PRESTON:

(i) Will Government please state how many persons of all races resident in Kenya who served in the 1939-45 war have not yet received the medals to which they are entitled?

(ii) Is Government satisfied that the present arrangements for distribution of medals to the African ex-soldiers are adequate and efficient?

THE DEPUTY CHIEF SECRETARY: Yes Sir. Up to 31st October, 1950, 63,681 Africans, 3,608 Europeans and 957 Asians had either not received or had

not acknowledged receipt of the medals to which they are entitled.

In reply to the second part of the question, despite considerable publicity which has been given through local headmen to the fact that medals are now available, comparatively few Africans have come forward to receive their medals. Many also have left their last known addresses and considerable difficulty is being experienced in tracing them. Government is nevertheless satisfied that the present arrangements for distribution of medals to African ex-soldiers are as adequate and efficient as circumstances permit.

MR. PRESTON: Arising out of that reply, Sir, can I ask whether, out of the 63,681 Africans, the medals in fact have been dispatched.

THE DEPUTY CHIEF SECRETARY: No, Sir, in many cases, the medals have not been dispatched, because these persons have left their last known address and it is not known where the medals should be sent; but I would add, as part of the reply, that publicity *barazas* have been held especially for the purpose of distributing medals to Africans who are entitled to them and the attendances at these *barazas* have, I have been informed, been very disappointing.

MR. PRESTON: Arising out of that further reply, Sir, would Government consider circularizing through the Kenya Information Office all members with a view to asking them to reply on behalf of those *askaris* who are working for them.

THE DEPUTY CHIEF SECRETARY: Yes, Sir. I will certainly consider that suggestion.

MR. COOKE: Sir, may I say, names have been published in the "Bulletin", which is the paper published by the British Legion African Section every month, and inquires are constantly coming in from *askaris* who have not yet received their medals.

BILLS

FIRST READING

On the motion of the Attorney General, seconded by the Solicitor General, the following Bills were read a first time:—

The Deportation (Aliens) (Amendment) Bill.

The King's African Rifles (Amendment) Bill.

The Kenya Cultural Centre Bill.

Notice was given that all subsequent stages of the above Bills would be taken during the present sitting.

COMMITTEE OF SUPPLY ON DRAFT ESTIMATES OF EXPENDITURE FOR 1951

Council went into Committee of Supply to consider the Draft Estimates of Expenditure for 1951.

Group 6—Head 6

MR. BLUNDELL: Mr. Chairman, with your permission and leave of the Council, in order not to delay proceedings, I will withdraw the motion which I moved yesterday on the question of a reduction in the amount of African visits to the United Kingdom.

THE CHAIRMAN: Evidently Council is agreeable and the motion is withdrawn. I will put the question on 6—6. Sub-head 50, Non-recurrent.

The question was put and carried.

Group 6—Head 5

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 6—5, Military (I), Recurrent, be considered, on page 165 of the Estimates.

Hon. Members will remember, Sir, that during the war years and some time after the war the contribution made by Kenya towards defence was based on the pre-war cost of its own local defence arrangements plus 25 per cent. That was the position until 1949 when the General Officer Commanding in East Africa submitted his plans for the final post-war garrison for East and Central Africa to the Governments concerned and to His Majesty's Government in London. The forces for which that plan provided were agreed as being adequate for the security needs of these territories, both by the colonies concerned and by His Majesty's Government, and the difficulty in 1949 was to find the finance necessary to meet the bill of costs. Therefore, Sir, a conference was called in London towards the end of 1949 at which this plan was discussed. The actual cost of putting it into effect was estimated at

£3,130,000. At the conference in London the territories concerned jointly decided that they could meet £1,200,000 towards this total cost and as a result, after His Majesty's Government had made it known what contribution would be made by them, it appeared that a gap of £1,000,000 remained to be filled. This was too big a gap to be filled at the time and, as hon. Members know, the conference broke down. Since then the General Officer Commanding has revised his plan, including in the revised plan forces of exactly the same size and strength as were in the original plan but cutting down the overhead expenses in connexion with the headquarters establishment necessary and the administrative services by no less than £500,000. It was, Sir, a colossal task and I would like to say to-day how grateful this Government is for the enormous amount of work which had been put in by the General and his officers in preparing this revised plan. (Applause.) With the gap thereby reduced to £500,000 a conference was called which met in Nairobi last October, at which were present representatives of the War Office, the Colonial Office, the Middle East Land Forces, East Africa Command, the East African territories and Northern Rhodesia, Nyasaland and Mauritius. The purpose of that conference was to see how this gap of £500,000 between the contributions put forward by the territories in 1949 and the contribution which His Majesty's Government was prepared to make could be closed, and I would like to say that from the very outset of that conference which lasted for five days, there was a very marked determination on the part of all who were present that it should not this time fail; and I am glad to say, Sir, that after a good deal of argument, by the end of the fifth day, the gap had been reduced as a result of the increased contributions which the territories had agreed to make and the considerable increase to the contribution which His Majesty's Government were prepared to make to the small figure of £20,000. In these circumstances the representative of the War Office made it clear that, speaking on behalf of his department, he would regard the gap as having been closed and the conference as having been completely successful. The effect of that final conclusion is

[The Deputy Chief Secretary] for as this Government is concerned is that the Kenya contribution towards the recurrent cost of these forces was increased by £30,000 beyond the contribution offered at the London conference last year, and it is now for the consideration of this Council whether, if this increase is acceptable to hon. Members, as I very much hope and believe it will be, whether when I come to move the individual items for approval under this Head, I should move an addition of £30,000 to Item 1. I have, Sir, His Excellency's permission to move this addition, and with your leave and permission it will be the wish of the hon. Members that I should do so, I will so soon as when we come to consider the items in detail. The alternative procedure would be, assuming again the acceptance of this increase by Council, for the extra provision to be made by Special Warrant and included in the first Supplementary Estimate for 1951. But that, Sir, although that is the only effect of this policy decision on the Estimates which we now have under consideration is not the only long-term effect to which expression will have to be given year by year when the Estimates are presented to this Council; and as, Sir, this is a policy debate, I think that hon. Members would like me to explain what the long-term commitments of this policy will be in future years which will be reflected in the annual Estimates. Having agreed upon the size of the security forces required in these territories—hon. Members will appreciate that it would be improper for me now, for security reasons, to give them detailed information in regard to this—it becomes necessary, and this, too, was considered at the conference, to finance a works programme for the accommodation of these forces; and there is no doubt that over the period of the next 15 years a lot of money will have to be spent on providing adequate accommodation for these forces. It was felt at the conference in October that it would be unrealistic and indeed impracticable to try and plan here and then for a period of 15 years ahead. The conference therefore devoted itself to considering a works programme regarded as of such urgency that it would have to be completed before the end of 1956. The programme,

Sir, to be covered during the years 1952 to 1956 is estimated to cost £2,125,000. In considering this programme, Sir, it was agreed that the works to be carried out fell into three categories, works for which the colonial governments themselves were entirely responsible, that is works required for the accommodation of their own security forces which this Government has always accepted as its own responsibility, works which may be regarded as of a mixed colonial imperial responsibility and works for which His Majesty's Government have accepted full responsibility. It was also part of the revised plan and part of the General's recommendations for cutting down the cost of administering these forces that executive responsibility for all works required for military purposes should, from an agreed date, pass from the Army to the Public Works Departments of the territories concerned; and so far as Kenya is concerned it was agreed that our Public Works Department should take over full executive responsibility for the execution of the works programme on 1st October, 1951. Sums, which will have to be provided by this Colony for its own security battalions will, of course, be provided fully by us in our Estimates year by year, and the Public Works Department, in the capacity of agent, will do for His Majesty's Government that part of the programme which has been accepted as the responsibility of His Majesty's Government with funds provided by His Majesty's Government. There remained, however, that part of the programme which was regarded as being a mixed colonial and imperial liability, and in order to deal with that territorial representatives at the conference in October were asked what financial contributions their governments would be prepared to make towards this capital and maintenance problem over the period ending in December, 1956.

This Government undertook during this period that it would put to this Council proposals throughout these years which would amount to a total expenditure of £375,000 as their contribution towards this pool. I do not think it would be proper for me to state the amounts which other territories agreed to contribute, but I can assure hon. Members that

[The Deputy Chief Secretary] generous contributions were forthcoming from other territories towards the cost of this programme, and that, with the exception of some £50,000, the total of £2,125,000 will be spent in this Colony. I can, however, say, because I have been informed during the last day or so, that the Army Council have accepted the report of the conference and all its implications—that the War Office contributions to these works of a mixed imperial and colonial liability will amount to £750,000.

I should also perhaps inform hon. Members that it was made clear in regard to the ability of this Colony to execute the works in this programme that the rate at which the capital works would be able to be undertaken would depend upon, and have to be integrated with, our own civil development plans. In actual fact, although we have undertaken to provide finance at an average rate of £75,000 a year over this five-year period, we have made it clear that we shall not be able ourselves to start work on this plan until the second of the five years—at the beginning of 1953. The reason for this is that our Public Works Department has undertaken to carry out some £350,000 worth of very urgent work on the construction of the Command depots at Kahawa during 1951, which will fully stretch the Department at its present size.

There is also in 1952 an urgent commitment which we ourselves will have to undertake, and for which provision will have to be made in the 1952 Estimates. I refer to the construction of permanent accommodation for one of our battalions at Nanyuki. The cost of this work will be of the order of £109,000, and because we are going to be so stretched here during 1951 and 1952, we have agreed that our contribution to what I might call the "Pool Plan" will be at the rate of £96,000 a year over each of the last four years of the period. The full effect, Sir, on the Estimates of this Colony during the period ending 1956 will be approximately as follows:—

Our military contribution towards the recurrent costs of the forces in East and Central Africa, £400,000 per annum; Kenya Regiment, £44,000 per annum; The Northern Frontier Police Force, £128,400 per annum; The Junior Train-

ing Corps, approximately £6,000 per annum, an estimate which has been based on what the requirements will be when the Duke of York School is up to its full strength. Works Services programme, £116,000 per annum. I should explain that the extra £20,000 per annum to the cost of the Works Services programme over and above the £96,000 which I mentioned earlier is the estimate of what the cost of maintenance will be in respect of the accommodation of our own Security Battalions and the Reserve Command Battalion which it is also proposed shall be stationed in Kenya; and I should add to the total £24,000, unless hon. Members opposite have anything to say about this in February, being the Kenya contribution towards the cost of the East African Naval Force. This brings the total up to £718,862; and it is only necessary to add to that figure an approximate sum of £2,000 per annum which this Colony will be required to find towards the cost of non-effective benefits—that is to say, pensions and gratuities. Of the total sum which will have to be found for non-effective benefits, the Army Council have agreed to accept a liability of nine-tenths of that total because, in fact, something like that is being paid out as a result of liabilities contracted during the war which the War Office have always accepted as an imperial responsibility. Therefore, Sir, in future years this Council may expect to have put before it in the annual budgets a sum of approximately £720,000 in all, as our contribution towards defence.

I am sorry, Sir, that I cannot, for obvious reasons, give more details about these forces or their size, but hon. Members will appreciate that it would be improper for me to divulge information of that kind. I would also very much like to be in a position able to inform hon. Members of the contributions being made towards this plan by the other territories concerned, but here again I do not know whether the Governments of those territories have as yet reached decisions on the report of the Conference, and I think that in advance of information of that kind it would be improper for me here to-day to mention matters which are the concern of those Governments.

Sir, I beg to move that this Head be considered,

MAJOR KEYSER: Mr. Chairman, this Colony has now a military history and a tradition of which it can be proud. (hear, hear.) But, Sir, in the past we have made certain mistakes which I think we should consider to-day, at this time, and avoid, and one of the great mistakes made in the past, in my opinion, was the fact that we were totally unprepared to take part in a war, and I welcome, Sir, the increases in this particular vote to-day because it is a sign that this Government is aware of the necessity to be prepared, should we be called upon to enter into a war, Sir, this is one of the votes on which we look on increases with favour. At this time, when the international situation has deteriorated to the extent that it has, we feel that great thought should be given to preparing the Colony for what might eventuate. But, Sir, there are two aspects of it that we will watch carefully. One is that money voted for these purposes shall be efficiently spent, and the other is that the allocation between the territories shall be on a fair basis. Within those provisions, Sir, I think that the Government can rest assured that the European Elected Members will support all their efforts to put this country into a state of defence, and I am quite certain also that all races in this Colony will do the same, and that, should the time arrive when those forces have to be used, we will again see the rush to arms and the effort to defend this Colony and take our part in the defence of the Empire.

Sir, I beg to support.

DR. RANA: Mr. Chairman, Sir, I rise to support the motion, and I would suggest that, at this stage, the time has come that we have, as an Asian community, who have made this country a permanent home, some sort of training in the Army, either in the Kenya Regiment or on an inter-territorial basis, should be made, both for the internal security and as far as any other unfortunate position which may arise.

Sir, whatever one may say, the Asian community has come to stay in this country, and it will be very long before the whole Asian community will become extinct or will become completely driven out of this country. Under the circumstances I think it is the duty of everyone who loves the country and re-

sides in the country, to devote his time and attention to the country in which he is living. Under the circumstances, Sir, I do not intend to go into details about how many Asian youths will be able to come, but I am one of those who will be to that extent even if Government will agree, if they do not come forward, to request that conscription should be applied to all races. Under the circumstances, it has been said during the last war, and after the last war, that the Asian only tried to make money—whatever they could—and did not like to die in the war effort. I want to put these words openly, Sir, in this Council, that if we are not given the chance it will not be the fault of the Asian community. It will be purely the fault of the Government concerned. I think taking the whole of the East African territories, it would be very easy to get a few companies in the beginning formed and they will be given reasonable training under experienced European officers. In time they will be of great use, Sir. I really do not feel that the European and the African communities will be able to completely protect us unless and until we are also given a chance to protect ourselves. With these few words, Sir, I hope that the Government will give serious consideration and make a representation to the War Office that the time has come that, in any future estimates, there should be a certain provision for the Asian Regiment. When I say Asian, I mean the Arabs and the Indians and the others who have made this country their permanent home and who intend to live in this territory, Sir.

With these few words I shall support the motion, Sir.

MR. SHATRY: Mr. Chairman, I would like to support the views put forward by my hon. friend, Dr. Rana. The Arab community has always been very loyal to the British Government—(applause)—and we are glad it is so. My community will always be ready for any defence measures which will be taken by this Government and will co-operate fully and wholeheartedly, and I would like also to propose to the Government that steps should be taken at once to form an Arab Regiment, especially down at the Coast, as we all know the time of crisis that we are passing through now. I think this Regiment is

[Mr. Shatry] very important and should be formed at once.

Sir, I beg to support.

MR. COOKE: Mr. Chairman, I should like to support the last two speakers. It is ten years ago since I said in this Council, that I would prefer to be defended by a loyal Pathan, Arab or Indian than perhaps by some nondescript from Central Europe.

Sir, I heartily support those two speakers.

MR. HAVELOCK: Coming after those speeches, which I personally welcome, I am afraid the point that I am going to raise will seem a little mundane. I want to ask the hon. Mover, Sir, whether he will inquire into the matter of income tax for British officers serving in East Africa. I am told that they are made to pay British rates of income tax. If we, Sir, in Kenya are paying their salaries, even indirectly, through this particular contribution which we are debating to-day, I suggest that it is only fair that these officers should be paying income tax to the Kenya revenue which would be a relief to them and also some further revenue to ourselves.

I beg to support.

MR. MATHU: Mr. Chairman, I rise to support the motion and to ask the hon. Mover whether he can find a way by which certain age groups of the African youths could be conscripted. At the moment the African loyalty to this Government has been plainly on the basis of volunteers, and I do think, Sir, that that voluntary recruitment has not been beaten in my knowledge anywhere else in Africa. They have come forward loyally every time when there has been an emergency, and they have served this Government and the British Government generally, as I say, I think more loyally than anywhere else I know in the British Colony in Africa. (Hear, hear.) I can say without any fear of contradiction that that will be the position in the event of any emergency, that the African will stand firm as he has done, sacrifice his life, his property, sacrifice everything for the security of this land. (Applause.)

A further point I should like to raise, Sir—I have raised this before five years

back—is the question of Africans reaching higher grades—higher ranks—than the regimental sergeant-major. I understand that is the highest they can go, and there are no commissions, either local or King's commissions, for Africans. Surely—

MR. HAVELOCK: Yes, there are.

MR. MATHU: I stand corrected on this one, but I should like to be told by the hon. Mover where I am wrong, what I am suggesting is that, as far as my knowledge goes, Africans are not commissioned to become officers in the army in this country. I understand in Uganda there is the Kabaka's commission for the Buganda African soldiers, but my information is that there is no such local commissioning of Africans here, and certainly not King's commissions. I do say, Sir, that that loyalty which the African has given so freely during the past difficult years should be rewarded by promoting him to the highest post that his capacity and capability warrants.

Sir, I beg to support.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I very much welcome all the remarks which have been made by hon. Members during this debate. Indeed, as the Member responsible for Defence, it seems that my principle embarrassment is going to be this very powerful and very healthy desire on the part of all races in the Colony to play their part in our defence arrangements. But, Sir, as hon. Members know the question of conscription has been under consideration by Government for some time and, in so far as conscription for Europeans is concerned, it has been stated that there shall be conscription.

I have been asked during the last few months why it has taken us so long to come forward with our plans for a measure of conscription and my answer is that a very important aspect of this matter is, as is so often the case in other things, the question of how much finance can be provided; and it is an expensive business. The Government, therefore, considered that it really was not in a position to put forward any concrete plan until agreement had been reached as to how much this country was going to have to contribute towards the regular

The Deputy Chief Secretary] know that we have here. That position has now been cleared up at the conference last October and I hope that I shall be able to come forward very soon now with a definite plan for conscription for Europeans. I welcome also, Sir, the remarks which have been made by the hon. Dr. Rana and the hon. Mr. Mathu. I appreciate very much the desire that they have expressed on behalf of their communities to play their part in this matter.

MR. COOKE: And the hon. Mr. Shatry.

THE DEPUTY CHIEF SECRETARY: I beg your pardon—and the hon. Mr. Shatry. But I must just say this about conscription. Conscription for conscription's sake and for no other reason has, I think, no merit. The purpose behind conscription in the United Kingdom and, in particular, the period during which the youths are called up, has a very direct relation to the services which those men are required to perform, and whether the period is six months, twelve months, eighteen months, twenty-four months or any other period depends on the requirements of the Government at home.

Now, in so far as conscription of Africans are concerned, I think that this is a very important factor which would have to be taken into account. I know, as the hon. Member does, that we have never suffered in this country from lack of African volunteers when Africans have been required. (Hear, hear.) (Applause.) The exact reverse has invariably been the case. I am told that, whenever recruiting officers for the King's African Rifles go out, they are oversubscribed and I am glad to have this opportunity of paying tribute to the amazing way in which they come forward when required. But that being so, I do find it difficult to see how a case could be made out for conscription. I do not really see that one needs to force people to join the ranks when, in fact, you have got more volunteers than you can absorb in them, but I would welcome a talk with the hon. Member and with the other hon. Members on this matter because I do very much appreciate all that is behind their remarks.

MR. MATHU: Cannot Europeans volunteer like that? Why conscript them.

THE DEPUTY CHIEF SECRETARY: Europeans are volunteering and I hope, in a very short time, we will have the Kenya Regiment fully up to strength.

The hon. Member for Kiambu asked me a question about income tax payments by officers of the forces out here in respect of whose pay we are paying a contribution. I will go into this matter with my hon. friend the Member for Finance, but I ought I think, to explain that it has been gone into before, that in fact these officers are paid by His Majesty's Government and it is, of course, because they are paid by His Majesty's Government that they are, I think I am correct in saying, all of them, required to pay United Kingdom income tax. It would not be correct to say that they were paid by this Government.

MR. HAVELOCK: Not indirectly?

THE DEPUTY CHIEF SECRETARY: The hon. Member made the point "indirectly". But I think the view of His Majesty's Government would be that the payment of a contribution only towards the cost which is what we are doing would not be a sufficient argument to persuade them to forego the tax which, at present accrues to the Treasury at home—(shame)—but I will go into the matter as I promised once again with my hon. friend; and I would like to say once again, Sir, how very very warmly I welcome the remarks which have been made during the course of this debate.

MR. MATHU: Would the hon. Member answer my question regarding the African commissions.

THE DEPUTY CHIEF SECRETARY: I am sorry Sir, all I can say on that matter is that it is not the function of the Member for Defence to award commissions. I will see that the hon. Member's remarks are passed on to the proper quarter.

MR. MADAN: Mr. Chairman, would the hon. Member also answer or give an indication in regard to the suggestions made by the hon. Dr. Rana that the Government would consider with favour the training of Indians for military purposes or not?

THE DEPUTY CHIEF SECRETARY: I meant to cover that. This question is

[The Deputy Chief Secretary] under consideration. I cannot go further than that at the present time.

The question was put and carried.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 6-7, Printing and Stationery, on page 166—

THE CHAIRMAN: I thought you were going to move some additional items?

THE DEPUTY CHIEF SECRETARY: I beg to move, Sir, that Head 6-5, Item 1, Kenya Contribution to War Department, be increased by £30,000 to a total of £400,000.

THE CHAIRMAN: I take it that coming from you, you have the necessary permission?

THE DEPUTY CHIEF SECRETARY: I did state, Sir, in moving that this Head be considered that I have His Excellency's permission.

THE CHAIRMAN: I propose the motion that Item 1 be increased by £30,000.

The question was put and carried.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Items 2 to 4 inclusive be approved.

The question was put and carried.

THE CHAIRMAN: The question that Head 6-5, as amended by the addition of £30,000, was put and carried.

Group 6—Head 7

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 6-7, Printing and Stationery, on page 166 of the Estimates be considered.

I should first, Sir, like to say on behalf of the Government Printer, the Assistant Clerk to Council, the Palantype staff and others outside who are transcribing how much they appreciated the remarks made last Friday by the hon. Member for Trans Nzoia—the remarks, Sir, which I am sure we indicated at the time, hon. Members on this side shared to the full.

The total of these estimates, Sir, shows a net increase of £14,061 which is more than offset by the increase of £25,000 under revenue, Item 0-4-2-1, on page 23 of the Estimates.

There have been three points which have been made to me by hon. Members opposite who were good enough to come and talk about the detail of these estimates in advance of the debate and I would like to deal with them now.

First, I am aware that a certain amount of inconvenience has been caused to the public this year through the fact that it was impossible owing to the fewer number of copies which it was possible to print for copies of the Draft Estimates to be available for sale by the Government Printer. I am sorry, Sir, and I would like to apologize for any inconvenience that may have been caused to members of the public because of this. The reason, however, is that the number of copies which could be printed had to be reduced very considerably this year because of shortage of paper and because, as a result of the interleaving arrangement which has been introduced this year, far more paper is required for each copy. The position regarding the paper shortage, Sir, was so acute that I understand that it was only on the morning of the last day on which printing had to be undertaken in order to get copies ready for the day when they had to be laid on this table—it was only on that very last day—that sufficient supplies of paper arrived from the Union of South Africa to make the printing of the Estimates possible, notwithstanding every possible effort which had been made by the Government Printer to ensure that these supplies were adequate. I would also like to say that I understand that everyone who has applied since the first two or three days, to the Clerk of this Council, who had under his care such copies of the Draft Estimates as were available, has in fact received a copy. I hope, therefore, that the inconvenience has not been too great.

The hon. Mr. Ohanga mentioned to me that he would like me to say a few words about the arrangements at the Government Press for training African learners. I have discussed this with the Government Printer and he tells me that he has had some very promising material and has been very pleased with the results of the training which he has been able to give in many cases, but he has been disappointed in that too often these men, having been trained by him in the

[The Deputy Chief Secretary] leave the service of his Department and go out to other concerns who are prepared to offer them more attractive conditions. That being so, the Government Printer is now working on an apprenticeship arrangement under which he hopes that it will be possible to take on new African learners under an agreement which will ensure that he has at least a year or two to benefit from the training which he will have given them. This plan may cost some more money—I think it probably will—and therefore it will probably be most appropriate that consideration should be given to it when we come to prepare the estimates for 1952.

Another point that I was asked to deal with referred to priority of printing for the Government and I was asked whether, in fact, this Government always had priority over High Commission work. Well, Sir, it is my responsibility, as Member, to decide when the pressure on the Government Printer of urgent work is more than he can cope with, which work has to come first, and I think I can say truthfully that no urgent Kenya work has had to be held up because of High Commission printing that has to be done. The High Commission very often do have work which is of the utmost urgency and when that is so it is obviously right and proper that Kenya work which is considered to be less urgent should wait its turn, but I think I can say that this Government has not suffered as a result of this arrangement in the past.

Sir, I beg to move.

MR. PRESTON: Mr. Chairman, I rise to draw attention to one or two other matters of public dissatisfaction with this Department which the hon. Member opposite has not referred to.

The first criticism, which I think is pretty general throughout the Colony, is that of the cost of these publications which are printed by the Government Printer, and I understand that similar documents printed by private enterprise can be put on the market at a very much lower figure. Now, I understand that the Company Ordinance which was sold by the Government Printer for Sh. 18 could, I understand, have been pro-

duced by private enterprise and put on the market at Sh. 7. The Factories Ordinance, I understand, was sold at Sh. 5. Well now, Sir, I think myself that Sh. 5 is quite a lot of money to pay for a document the size of the Factories Ordinance, and there must be many other documents which are published which must be essential for the general public to be in possession of if they are not to break the law or break the regulations. It does seem a great mistake to put such a price on these documents as to discourage the public purchasing them.

Now another complaint, Sir, is the lack of publications at the time when they are required. The hon. Member opposite has referred to the delay in making the Draft Estimates available and I think he has sufficiently stressed the seriousness of the situation and I would suggest that it is not really just a matter of inconvenience, because there is more than inconvenience, because there is no question about it, the public of Kenya this year, and bodies like the Chamber of Commerce and others should have been able to be in a position to advise their representatives as to how they were going to tackle the estimates this year, were quite unable to do so and I do submit, Sir, without trying to rub it in that this paper shortage, I think, might have been foreseen and in these days of air freight, I feel that perhaps something could have been done a little earlier.

Now, other publications which have complaints of the delay in producing them for the public were the Glancy Report which at one time was very difficult to get hold of and at a time when it was required, I think, throughout the Colony.

Another criticism we have received recently is from—it affects both sides of this Council—not only does it affect the general public but it does affect a great many Government officials particularly many Government districts, and that is those in up-country districts, and that is the decision of the Government Printer not to reprint the Ordinances of 1948 and 1949. Well, Sir, we have got as far as the first four volumes of the Consolidated Laws of Kenya, but, of course, dated Laws of Kenya, but, of course, without an index in the latter part, it is not very much help to anybody and there are a great many laws and regulations, particularly those dealing with

[Mr. Preston] labour, which should be in the possession of newcomers to this Colony and I do suggest that they be printed separately as they are of the utmost importance for people who require guidance during the early years in this Colony.

I was very glad, Sir, to hear that the Government Printer is introducing an apprenticeship because I believe myself that the only way we are going to train first-class craftsmen is by the apprenticeship system. I believe that, in fact, if that could be adopted even more so, we are going to get the craftsmen we require.

THE ATTORNEY GENERAL: Sir, if I may intervene for a moment on the question of Ordinances which has been raised.

The indexing of the volumes is now being done. It is, of course, a very long and complicated job but it will be produced as soon as possible.

As regards the 1948 and 1949 volumes, I understand that there are a number of loose copies of this Ordinance but I will again take up the question of producing reprints of the volumes and see whether anything can be done.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, in reply to the hon. Member for Nyanza, I do know that every possible effort was made by the Government Printer to see that he did have enough paper for the preparation of these estimates and I do not really believe that any stone was left unturned in the efforts which he made. I think perhaps the hon. Member may not possibly realize what a vast amount of paper is needed for documents of this kind with this interleaving arrangement, which—I am sure hon. Members will agree with me—is a very much more convenient arrangement for us in this Council than the arrangement of having a number of different volumes which we have had in previous years.

On the question of cost of publications, it has been made known to me that there were criticisms of the cost of the Factories Ordinance and I made inquiries regarding that. I find that one reason for the cost being as high as Sh. 5 is that a hard, rather special, cover

is being provided for this Ordinance to save it from wear and tear, but if there is any great demand for more copies, I propose to ask the Government Printer to print some more and to print them with a less expensive cover in which case he will certainly be able to retail them at a slightly lower cost. The price of the Companies Ordinance has not previously been mentioned to me, but I will certainly go into that matter also with the Government Printer.

There is no desire whatever to make any profit out of the sale of these publications and the charges which are made for them are calculated on the cost of production. I do not think hon. Members would wish to suggest that there should be an element of subsidy in the price at which they are retailed but I will go into the matter and see if it can be arranged for publications of this kind to be produced at a cheaper rate. If it is possible we certainly will do so.

I was not quite sure which of the Glancy Reports—there have been one or two of them—the hon. Member was referring to, but I hope that with the expansion which is going on at the Government Press in respect of what Item 1 under Non-recurrent on page 164 is the last instalment, it will be possible to get these reports out quicker than has sometimes been the case in the past.

I think that covers all the questions asked by hon. Members including the remarks made by the hon. Member for Law and Order.

The question was put and carried.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 6-1, Group 1, Recurrent, be approved.

THE CHAIRMAN: Sub-head 1—it is proposed Sub-head 1.

The question was put and carried.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 6-7, Non-recurrent, on page 168, Items 1 and 2 be approved.

The question was put and carried.

Group 7—Head 8

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that Head 7-4

The Member for Education, Health and Local Government] Town Planning Department, be considered.

In view of the pressure on time, Sir, I am not certain whether hon. Members would wish me to go into a long and detailed explanation of this department, the history of which, I think, is known to most of them. The position at the present moment of these estimates is that the Town Planning Department now appears as a permanent part of the Colony's structure. The first two posts, the Town Planning Adviser and the Assistant Town Planning Adviser, are suggested must now be made permanent and pensionable. The third post, the Town Planning Surveyor, as a member of the Standing Finance Committee all know, was suggested as being permanent and pensionable, but for the present, that has been postponed until we have had time to go a little more closely into the position.

I think, Sir, it must be accepted that town planning is an integral part of any country's development and when we talk about town planning, we mean, of course, town and country planning. This is not a very easy country to deal with on that particular subject. If we take places like Nairobi, where we must prevent the urban sprawl and the destruction of agricultural land for residential purposes as far as possible, we are faced with a situation of a town bordered by restrictive lands of two kinds at its very edge and the difficulty of controlling that development, which can so easily take place on the edge of a big city, is obvious. At the present moment, our Town Planning legislation is not adequate to give us the control that is necessary and the new Commissioner for Local Government, who is an expert in Town and Country Planning legislation, is, at the present moment, at work on an alteration of our Town Planning legislation and when that is in being, the need and necessity for a Town Planning Department will become even more obvious. Now, Sir, last year, hon. Members had various criticisms to make of the policy and activity of the Town Planning Department at that time, and I think, Sir, in order to avoid perhaps a lengthy debate, I would like to read extracts from a circular letter sent out on

17th August which laid down the functions and work and policy of the Town Planning Adviser's Department. In the first place, it was that the town planner should deal only with Nairobi, Mombasa, Eldoret, Kisumu, Kitale, Nakuru, Ruiru and Thika and that his duties should primarily be confined to those cases unless a case of emergency arose. In the second place, I called for a report of the position of planning in all the other places in which he was at that time dealing and have asked for a quarterly report of progress from him on all plans with which he is dealing in order to make certain that no undue delay is taking place. Those plans will be development plans. They will not be attempted plans in detail but rather plans which will act as guides to the local authorities concerned as to the manner in which their town should develop and the possible trends of industry, commerce and residential land in their area. When the development plan, this rough outline, is complete, it will be handed over to the township authority, the district commissioner or the local government authority for them to implement in detail. In the places where local government authorities of a more mature standard are established, the intended policy is that those authorities shall be pressed to become their own preparatory authorities for town planning purposes. If that is accepted, and I think that it must be pressed for, then if any such authority, or indeed any local authority, desires the assistance of the Town Planning Adviser because it feels unable to do the work itself, or feels that it cannot afford to keep a full time Town Planning Officer, as is the case with Nairobi, then it will be at liberty to apply to myself for the Town Planning Adviser's assistance. It will be then, Sir, for me to consider if such assistance can be made available and on what terms. For I think it is important it should be recognized that such town planning assistance cannot be provided entirely at the cost of the taxpayer, when the taxpayer takes the greatest benefit, and I propose, if this department is accepted as a part of the permanent structure of the Colony, to notify all local government authorities to this effect.

Members know that there has been proposed additional legislation, in the near future, with regard to the altered

[The Member for Education/Health and Local Government] responsibilities of local government bodies in district council areas and if that does become effective, then I shall endeavour to see that the same policy is pursued with regard to those local government bodies too.

I think, Sir, that covers the rough outline of the policy and the position as it stands at the present moment. In view of the limited time left for the Committee of Supply, Sir, I do not propose to elaborate unnecessarily but will endeavour to answer any questions that are asked.

MR. MACONOCHE-WELWOOD: MR. Chairman, one cannot but view with regret that all the efforts on this side of the Council for the last two or three years to prevent a new department being built and clamped permanently on the country in town planning have had no effect. Nevertheless, I must welcome in the speech of the hon. Member introducing it, when he said that, at any rate, the activities of the Town Planner would be limited to certain towns and the dead hand of the Town Planner which has lain on some of the smaller townships for the last few years is to be removed. (Hear, hear.) On the other hand, I was a little frightened when he said that this was not only town planning, it was really town and country planning. One has seen the effect of that in the United Kingdom and it has rather disastrously produced the effect of the country being planned by townsmen. I hope it will not do so here. (Hear, hear.) I also welcome the fact that the larger towns employ their own planner. I have always held the view that that is the proper place for a town planner, and if in fact all townships gradually become large enough for larger towns to employ one this office will become redundant, for which reason, I think, it is most deplorable there should be pensionable posts. (Hear, hear.) I have always thought, not only on this subject but on many others that come up before us, that it is far preferable for the taxpayer to pay a very much larger sum for an officer who may later become redundant than to put him on the pensionable list. You know what you can afford year by year, but you do not know what you can afford in the future, and from that

point of view I regret this very much indeed.

The hon. Member did not mention why there is not an architect in the Town and Country Planning Office, because it seems to me that there are architects in the Public Works Department and this is, therefore, an overlapping service. I should like an answer to that when the hon. Member gives his reply.

I regret that I feel so strongly about town planning that I find it quite impossible to support the motion, despite the things which I have said about the hon. Member's speech which I welcome.

I must, therefore, beg to oppose the motion.

MR. USHER: I wish to speak very shortly, Sir, and to ask the hon. Member a question.

The hon. Member for Uasin Gishu said that the dead hand, I think, of the Town Planner had lain heavily on the smaller towns. Upon no town in this country can it have lain more heavily than on Mombasa, the old capital. The question I wish to ask is this, if plans supplementary to or in modification of existing town plans are put forward by the local authority, what will then be the position if the hon. Member be disinclined to approve? What will be the machinery for that? What I should like from him chiefly would be the assurance that we shall not have to have an expensive expert from outside, or be forced, in fact, to have any expert at all, because the delay, when these experts have been called in, has been so inordinate as to constitute a real impediment to the progress of our town.

The Committee adjourned at 11 a.m. and resumed at 11.20 a.m.

THE CHAIRMAN: The motion before the Committee was that Head 7-8 be considered.

LADY SHAW: Mr. Chairman, I feel on this subject I must return to the charge. I believe I made this charge once about two or three years ago on the subject of getting rid of the Town Planner. Now I wish to support the hon. Member for Uasin Gishu in his opposition to the whole of this item. I know I shall be told that we have planned all sorts of things or failed to plan them and

by Shaw]

The things have happened because of lack of planning, but I think a great many terrible things have happened because of the planning in this country. So long ago, I was talking to someone about the Town Planner and I was told that the reasons he was necessary was that he had to advise on a subject called aesthetics and having seen some of the aesthetic production both in draft and in fact of these people, who give us advice on these so-called aesthetics, I think we could very well do without them.

Secondly, Sir, I want to refer to a matter which arises over the making permanent of these posts—permanent or pensionable. I spoke, I think in the Public Works Department debate on the question of contract terms. The hon. Member for Uasin Gishu has also referred to this matter. I feel very strongly that we should employ people of this kind who, I hope and believe will not be a permanent feature of this country's economy—I should hate to think they could be—I think these people should be employed on contract terms, and these contract terms should be made adequate and attractive. I think that nobody, whether he is in the Public Works Department or any other section of Government service—I feel that nobody should be allowed to become permanent or pensionable, because, in fact, he is difficult to keep unless he is made permanent and pensionable. By this, Sir, I mean that it should rest with Government entirely as to whether a post should be made permanent and pensionable. It is so often, I think—and I am referring specifically to the gentleman mentioned here—a pistol is held at Government's head and they are told that unless a post is made permanent or pensionable, the occupier will not remain. I would suggest to Government the giving of sufficiently attractive terms on contract. There are just as good fish in the sea as ever came out of it and that applies to Government service just as much as any other service. (Hear, hear.)

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, there is indeed little in detail to reply because most of the opposition to the hon. Member for Uasin Gishu is the hon. and gracious Member for

Ukamba have put forward has indeed been on a matter of principle. It is a question of opinion, Sir, as to whether planning is a necessity or is not a necessity. Now, Sir, what have we actually put forward in these estimates as being the permanent part of the town and country planning of this Colony. We have indeed, Sir, only put forward two posts, a Town Planning Adviser and the Assistant Town Planning Adviser, and that is the total establishment which at the present moment is being asked for as permanent, in so far as the planning aspects of our town and our country are concerned.

The hon. Member for Uasin Gishu spoke about townsmen planning the countryside. I think, Sir, that he must have missed what I said about the fact that if district councils became more responsible local government bodies, I will ask that they should take over, as preparatory town planning authorities, the responsibilities of their area, and I think, Sir, he must have not heard what I said in my opening remarks which was that one of my own worries about this lack of planning or this inability to enforce planning in the outside areas of such towns as Nairobi was the disappearance of agricultural land now being turned into residential land, something which I feel this country cannot afford. One of the most essential factors in town planning is to prevent the big city becoming an octopus that spreads outwards and to restrict it within its own particular boundaries.

In so far as the question of the architect is concerned, Sir, the hon. Member will note that we have got one assistant architect but his work is indeed supplementary to the three main posts.

In so far as the hon. Member for Mombasa is concerned, Sir, at the present moment the statutory town planning approval authority rests with the Special Commissioner for Lands under the present town planning legislation. That is a matter which is under consideration, so that at the present moment, Sir, it is not for myself to be inclined or disinclined to approve.

MR. USHER: Oh!

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: In the future,

807 Supply

8TH DECEMBER, 1950

Accountant General's Department

807

[The Member for Education, Health and Local Government]

Sir, I hope that we shall place before the Council legislation which will clear up this position of the complete responsibilities of the various authorities in this matter.

With regard to the hon. Member and the delay caused in Mombasa, I think, Sir, he would say that Government cannot be held responsible for the delay which the team of town planners engaged from South Africa has involved the Mombasa Municipal Board in, though I understand his natural worry that such delay has been caused.

With regard to the hon. and gracious Lady's remarks on aesthetics, Sir, aesthetics, like art, are a matter of taste; one man's meat is another man's poison. Indeed, Sir, I had the privilege and pleasure of taking a noted personage round the City of Nairobi not so very long ago and at the end of it, he told me that a group of buildings, which by no means received popular approval, were indeed the only outstanding architectural feature in the town! (Laughter.) This shows, Sir, how far aesthetics and architecture remain a matter of opinion.

Now, Sir, on the whole question of town planning, I suggest that we must have a minimum town planning and country planning staff. This is not a static matter. We shall endeavour to apply it to this developing Colony and our developing towns in the simplest method possible: but, during the period of development in a Colony like this, changes are continually taking place. They are changes which would affect our economy and in many cases affect lives of our people and I suggest that we must have at least a minimum staff to meet what is a dynamic situation, a continually changing affair.

Sir, I beg to move.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Sir, I beg to move that Head 7-8, Sub-head (1), Recurrent, be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to

move, Sir, Head 7-8, Sub-head No. recurrent, be approved.

The question was put and carried.

MR. HAVELOCK: Mr. Chairman, if the wish of hon. Members on this side of Council—that Accountant General's Head 4-1, might be taken next, I understand that the hon. Members of the Government benches are prepared to accept that.

THE CHIEF SECRETARY: We have no objection, Sir.

Group 4—Head 1

THE SECRETARY TO THE TREASURY: Sir, I beg to move that Head 4-1, Accountant General's Department, be considered.

During this year, Sir, the Government was extremely fortunate in obtaining the services of an expert from the Organization and Method Division of His Majesty's Treasury to advise us with regard to procedure in the Accountant General's office. We are very grateful indeed that the valuable time of this officer was made available to us. All the recommendations of Mr. Dunkley have been adopted, Sir, by the Government, but as is explained in the memorandum note on page 105A, the full saving which we hope to effect by the adoption of his proposals will not be manifest in 1951. The reason for this, Sir, is that it is proposed to change over the mechanical aspect of the accounting system, as explained there, and for some time during 1951 both systems, the old one and the new, will be operating side by side. In view of the short time available, Sir, I will not say any more at this stage, but I hope to be able to answer any questions which might be asked.

LT.-COL. GHERSIE: Mr. Chairman, I understand that Mr. Dunkley in his report stated that the installation of "National" accounting machines would result in a saving of approximately £5,000. In fact, Sir, the actual figure was £4,983 10s., whereas the estimates for 1951 show an increase of £3,717. Well, Sir, I realize that there are explanations in the memorandum accompanying the Estimates but the memorandum states that a saving of £2,000 or £3,000 may be effected during a full year of operation

(of Gherrie) that a further £3,000 may be effected if the Department is more conversant with the operations of these new machines. The fact remains, Sir, that Mr. Dunkley did in fact state that there would be savings. It would appear from the estimates that these have been swallowed up in the appointment of additional staff and I would like the hon. Member opposite to give further explanation for the necessity of these particular increases, Sir.

THE SECRETARY TO THE TREASURY: It is true that as a result of Mr. Dunkley's recommendations, it was expected that we might save something of the order of £5,000 a year, and indeed that that is made clear in the memorandum note, as the hon. Member so rightly appreciates. However, Sir, Mr. Dunkley's mission was essentially one to consider the ways and means of eliminating delays, delays which I had said at once, Sir, were not the responsibility of the Accountant General, but have arisen as a result of the very rapid post-war expansion of services, which have their reflection in the work of the Accountant General's office.

Now, Sir, like other departments, the Accountant General's Department is not static department and continues to expand and develop. The increases in staff, the only ones of any significance are the ones, Sir, under Item (1) 4, Senior Accountants and Accountants and Item (1) 1, Clerks Executive Grade (Assistant Accountants) on which I thought, Sir, there were fairly adequate memorandum notes. I myself, Sir, went through the estimates very carefully—perhaps too carefully because, to use a phrase used by the Member for Uasin Gishu, which he applied to the Town Planning Adviser and which I thought was always the prerogative of the Treasury, "the best hand" of the Treasury fell quite heavily on the Accountant General's Department this year. In fact so heavily, Sir, that I rather wonder that it might have been too fierce. I hope it will not have been, but I do think that there is complete justification for the additional staff. As the hon. Member will see, of the three new posts, one is for the Mombasa District Treasury, one is to be added to the Veterinary Department

and one for investigation work with the necessary clerical assistance. I do assure the hon. Member, Sir, that everything possible will be done to keep the expenditure of this Department to a minimum.

LT.-COL. GHERSIE: Mr. Chairman, I would just like to make one comment on the hon. Member opposite's remarks. This investigation—

THE CHAIRMAN: Is the hon. Member going to make another speech, because I thought the understanding was that after the reply the question was put. There is still an opportunity under items you know.

The question was put and carried.

THE SECRETARY TO THE TREASURY: Sir, I beg to move that Head 4-1, Sub-head (1) be approved.

LT.-COL. GHERSIE: I would merely like to make a comment, Sir, that is all, Mr. Chairman. That is, that this investigation took place during the current year. I remember very well the estimates coming up before the Standing Finance Committee when it was agreed that £13,000 for additional expenditure should be allocated for this purpose. I should be allocated for this purpose. I submit that any investigating consultant or expert would have not had regard to 1950 or 1951 when he made his recommendations and that he really sincerely thought that those reductions could be effected by the change-over, that is from "Hollerith" machines to "National" machines.

The question was put and carried.

THE SECRETARY TO THE TREASURY: Sir, I beg to move that Head 4-1 (30), Non-recurrent, be approved.

The question was put and carried.

THE CHAIRMAN: There is Forests, later.

MR. HAVELOCK: We will take the list as it stands now, Sir.

THE CHAIRMAN: All right, Head 5-4.

Group 5—Head 4

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-4, Forest Department, be considered by the Committee.

Sir, the Forest Department estimates this year have been drawn up in lines, or

811 Supply

8TH DECEMBER, 1950

Remaining Heads

81 Supply

[The Member for Agriculture and Natural Resources]

rather, bearing in view the possibility of the eventual adoption of something on the lines of the Hiley Report, and with that in view we have slightly recast the organization to fit in with that report should it in due course receive the approval of this Council. I will, no doubt, be asked what has been done about the Hiley Report, and all I can say, Sir, at the present stage is that the various recommendations of the Hiley Report are at the moment being investigated, and it is not proposed to go beyond that until the arrival of the new Conservator of Forests, whose arrival in this country is expected shortly. I have no doubt, Sir, there may be items which hon. Members would wish to ask, and beyond explaining roughly the lines on which we have drawn up these estimates I do not think, Sir, I need take the time of the Council any longer.

MR. HAVELOCK: Mr. Chairman, there is only one question I would like to ask the hon. Member. Is it really necessary there should be a loss on the Forest Department? I am not talking about capital expenditure, which comes under a different heading of the Development and Reconstruction Authority. As I have calculated the cost of the Forest Department it is £167,000-odd, whereas the revenue is £151,000. Is it not possible to balance that so that at least there is no loss to the Forest Department to the Colony?

MR. BLUNDELL: Mr. Chairman, I have one question I would like to ask the hon. Member, and I could ask it in his office, but it is not so easy to get there owing to the pressure of work of the Council. Could the hon. Member see that labels could be put on the trees in the Arboretum—(laughter)—that comes under the Forest Department. There are some beautiful trees there, and I think the public would like to know what the trees are, with a view to spreading them.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg your pardon?

MR. BLUNDELL: Trees in the Arboretum. Would the hon. Member ask the Conservator of Forests to label the trees in the Arboretum correctly?

MR. MACONOCHE-WELWOOD: Mr. Chairman, there is only one point I wish to make, which has a bearing on the question of the hon. Member for Kiambu, and that is whether the Member would say whether Government is considering the increase of royalties on forest trees, because at the present moment I think the real answer to the hon. Member's question is that the royalties in this Colony are the lowest of any country in the world, and in point of fact the public, though it does not think so, is getting timber at an incredibly low price. The actual position is this: that the price of timber in the United Kingdom to-day is so high that it is possible to export timber and get a price for it f.o.b. Mombasa which is about 40 per cent or 50 per cent in excess of the local price.

MR. HAVELOCK: Not from Sweden.

MR. BLUNDELL: Just like maize.

MR. MACONOCHE-WELWOOD: If the hon. Member could import from Sweden cheaper than he can buy here I should be interested to hear what channels he can do it through.

THE CHAIRMAN: This being the last allotted day, I must forthwith put every question necessary to dispose of the Head. Shall I put the question now that 5-4 be considered?

The question was put and carried.

The question that Head 5-4 be approved was put and carried.

THE CHAIRMAN: Can I have a list of the remaining Heads unapproved?

THE FINANCIAL SECRETARY: Sir—

THE CHAIRMAN: You cannot report until we have approved everything under the rule.

THE FINANCIAL SECRETARY: Sir, in accordance with Standing Rule—

THE CHAIRMAN: The rule says that the Chairman shall put the question without doing any moving whatsoever at this stage. I will put it as one question. I will name the Heads.

That the following Heads be approved:—

Head 1-1, The Governor.

Head 1-3, Legislative Council.

(The Chairman)

Head 1-4, Audit Department.

Head 2-3, African Information Services.

Head 3-1, Office of the Member for Law and Order.

Head 3-2, Immigration Department.

Head 3-3, Legal Department.

Head 3-6, Registrar General's Department.

Head 4-2, Loans from Revenue.

Head 4-3, Inland Revenue Department.

Head 4-5, Pensions and Gratuities.

Head 4-6, Public Debt.

Head 4-7, Rent and Interest to His Highness the Sultan of Zanzibar.

Head 4-8, Subventions.

Head 5-5, Game Department.

Head 6-1, Coast Agency.

Head 6-2, Labour Department.

Head 6-3, Lands Department.

Head 6-4, Survey Department.

Head 6-8, Registrar of Co-operative Societies.

Head 7-1, Office of the Member for Education, Health and Local Government.

Head 7-2, Services under the Authority of the Member for Education, Health and Local Government.

Head 7-3, Local Government Department.

Head 7-5, Government Chemist's Department.

Head 7-6, Local Government Contributions.

Head 7-7, Medical Department.

Head 8-1, Office of the Member for Commerce and Industry.

Head 8-2, Services under the Authority of the Member for Commerce and Industry.

Head 8-3, Mines and Geological Department.

Heads 8-4, Weights and Measures Department.

The question was put and carried.

THE CHAIRMAN: Will you move to report?

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee report back to the Council.

The question was put and carried. Council resumed.

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to report that the Committee of Supply, having considered the Draft Estimates of Expenditure for 1951, has approved the following Heads with amendment: Head 4-4, Head 6-5, Head 6-6, and the remaining Heads without amendment.

THE SPEAKER: Will you move that the report be adopted?

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move that the report of the Committee of Supply on the Draft Estimates of Expenditure, 1951, be adopted.

THE CHIEF SECRETARY seconded. The question was put and carried.

ADJOURNMENT

Council rose at 11.50 a.m. and adjourned till 10 a.m. on Tuesday, 12th December, 1950.

Tuesday, 12th December, 1950

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 12th December, 1950.

Mr. Speaker took the Chair at 10.05 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 8th December, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE ATTORNEY GENERAL:

Registrar General's Annual Report, 1949.

BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:

Review of Kenya Fisheries, 1948 and 1949.

NOTICE OF MOTION

Mr. MATHU gave notice of the following motion:

That in the opinion of this Council the rate of African Poll Tax should not be altered in 1951.

Mr. USHER gave notice of the following motion:

That this Council notes with regret that the negotiations with Messrs. Nyali Estates for the purchase of Nyali Bridge have not been concluded and requests Government to take the following action should no agreement have been reached by the end of the year 1950, viz.:—

(a) To give one year's notice to the Company of intention to purchase in accordance with clause 18 of the agreement;

(b) To make the necessary supplementary provision for the interim relief of users of the bridge upon the basis accepted by this Council in the 1950 Budget.

ORAL ANSWERS TO QUESTIONS**QUESTION No. 77**

Mr. I. E. NATHOO:

How many Asians have been taken into officers' posts in the East African Railways and Harbours?

THE SECRETARY FOR COMMERCE AND INDUSTRY: One Asian, an Assistant Engineer, holds an appointment equivalent to senior officer grade.

QUESTION No. 78

Mr. I. E. NATHOO:

What qualifications are required of Asians for promotion to these posts?

THE SECRETARY FOR COMMERCE AND INDUSTRY: The qualifications required for promotion to any senior officer's post in the Administration are the same for all races. They vary as to technical qualifications with the posts concerned.

QUESTION No. 79

Mr. I. E. NATHOO:

Is it a fact that some persons have recently been engaged or promoted to Traffic Inspectors' posts?

THE SECRETARY FOR COMMERCE AND INDUSTRY: During the past 12 months one Traffic Inspector Grade I and two Traffic Inspectors Grade II have been appointed.

QUESTION No. 80

Mr. I. E. NATHOO:

If the reply is in the affirmative, will Government please state what qualifications these persons possess?

THE SECRETARY FOR COMMERCE AND INDUSTRY: The Traffic Inspector Grade I was a man with 23 years' experience with the British Railways and is an expert in railway traffic matters; of the two Traffic Inspectors Grade II one was appointed specially for the Tanganyika Road Services because of his experience and knowledge of road transport, and the other was transferred from a clerical post because of his suitability for Traffic Inspector's work.

QUESTION No. 81

Mr. I. E. NATHOO:

Why were Asians possessing the recognized qualifications not considered for these posts?

THE SECRETARY FOR COMMERCE AND INDUSTRY: There were no Asians who combined the necessary qualifications in the way of traffic experience and general characteristics.

Oral Answers

QUESTION No. 82 (a)

Mr. I. E. NATHOO:

Is the Government aware that there is a serious discontent amongst the Asian staff of the East African Railways and Harbours due to the fact that their grievances are not redressed?

QUESTION No. 82 (b)

Mr. I. E. NATHOO:

If the reply is in the affirmative, will Government please state what action is proposed in the matter?

THE SECRETARY FOR COMMERCE AND INDUSTRY: Government is not aware of any serious discontent amongst the Asian staff of the East African Railways and Harbours. Government is aware that the Asian staff have made representations to the Administration on certain matters which are receiving consideration.

QUESTION No. 84

Mr. E. W. MATHU:

Will Government please grant to African doctors the right of private practice while in Government service?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Since the introduction of the revised scales of salaries for Medical Officers, African Assistant Medical Officers are required by Government to attend members of the European and Asian communities as necessary in certain stations where there are insufficient private medical practitioners. African Assistant Medical Officers can in these stations charge fees to these private patients. In towns and districts where there are a sufficient number of private medical practitioners Government doctors of whatever race are not allowed to engage in private practice.

2 Government doctors of whatever race are not allowed to charge fees to African patients.

SUSPENSION OF STANDING RULES AND ORDERS

THE ATTORNEY GENERAL: I beg to move, with your permission, the suspension of Standing Rules and Orders to enable the 1951 Appropriation Bill to be taken through all its stages.

THE SOLICITOR GENERAL seconded.

THE SPEAKER: I suppose I have to give my consent, but there is no reason why Standing Orders should be suspended and why this Bill should not get the usual notice of Bills received, at least, no reason has been explained to me. The rule says "with the consent of the person presiding". I want to know why I should give the consent before I put the motion to the Council. You may have arranged something—I do not know.

THE FINANCIAL SECRETARY: Sir, perhaps the following may be a valid reason in your opinion. It is necessary to pass this Bill in the present sitting as early as possible and immediately after completing the labours of the Committee of Supply and the adoption of its report, by the Council. It is not known until the Committee of Supply has completed its labours and its report is adopted, what amounts should go in the schedule to this Bill. Therefore, it is necessary to keep this back until these amounts are known and since it is necessary after that to pass the Bill as soon as possible, this is why it is put forward as an urgent measure.

THE SPEAKER: May I suggest you publish the Bill in the same terms as you publish the Estimates, and then amend it in Committee? That is in order, I think. However, I will put the question, that Standing Orders be suspended to enable the Bill to be taken in all its stages.

The question was put and carried.

BILLS**FIRST READING**

The 1951 Appropriation Bill
On the motion of the Attorney General, seconded by the Solicitor General, the following Bill was read a first time—

The 1951 Appropriation Bill
Notice was given that all subsequent stages would be taken during the present sitting.

MOTION

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move that the Council do resolve itself into Committee of Ways and Means to consider of the ways and means for raising the supply to be granted.

THE CHIEF SECRETARY seconded.
Mr. SPEAKER: I put the question as I have to do as a matter of form.

The question was put and carried.

COMMITTEE OF WAYS AND MEANS

ON THE DRAFT ESTIMATES OF REVENUE, 1951

Council went into Committee of Ways and Means to consider the Draft Estimates of Revenue for 1951.

CUSTOMS TARIFF ORDINANCE

Cap. 262

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Schedule to the Customs Tariff Ordinance, Chapter 262, of the Laws of Kenya, be amended in accordance with the provisions of the Bill entitled "An Ordinance to Amend the Customs Tariff Ordinance, 1950" and published in the Official Gazette on October 25th, 1950.

Sir, the amendments suggested by this resolution seek to provide for the reductions in customs duty, which reductions are proposed in pursuance of Government's policy to bring down the cost of living. The reasons why these items were chosen, and why in fact, these reductions are suggested, were given in the budget speech and during the debate on the motion to go into Committee of Supply, so I do not think I am called upon at this stage to enlarge upon these reasons.

Sir, I beg to move.

THE CHAIRMAN: It is proposed that the Schedule to the Customs Tariff Ordinance, Cap. 262, of the Laws of Kenya be amended in accordance with the provisions of the Bill entitled an Ordinance to amend the Customs Tariff Ordinance, 1950, and published in the Official Gazette on October 25th, 1950.

MR. HAVELOCK: Mr. Chairman, there has been some criticism, Sir, of the actual items which have been given some relief from customs duty. Quite a number of public criticisms have been raised and I wonder if the hon. Member has taken note of them. There are indeed anomalies caused by this Bill such as, for instance, cardigans and jerseys and slip-overs, etc., customs duties have been deleted, whereas I understand that knitting wool is still in exactly the same position as it was before, therefore it means that it is cheaper for someone to go to buy these things from a shop rather than to

occupy their time knitting jumpers. That is what I have been told.

I understand also the absence of reduction on knitting wool will have effect in the African Reserves where African women like to knit their own things. I would like, Sir, if the hon. Member could explain that particularly anomaly and if he would give consideration to it. Of course, there is also, Sir, I must express other views, to the effect that the reduction of these customs duties which was welcomed as an attempt to help the cost of living, will not make any real difference to the cost of living index. I do not know whether the hon. Member has been able to forecast what he thinks the difference will be, and if he could possibly give this Council some idea as to how many points the cost of living index might be reduced by owing to reduction in these duties. Also, Sir, we were told—I think the hon. Member told us in his speech going into Committee of Supply—that the reduction of these duties would affect all communities and all classes and that was one of the reasons why these particular items were chosen. I believe that that is rather exaggerated. It does seem to me in a way that the townsman will get little relief from the reduction of these duties and in fact he has not been given quite as fair a deal as the countryman in this particular matter.

There is one other criticism which I would like to bring forward, that is the matter of artificial silks or materials containing artificial silks. Are they really utility essentials. There is criticism to the effect that by reducing these customs duties, you are really not helping the poorer people at all but the more wealthy classes who would be wearing and using this sort of material. In spite of these criticisms, Sir, I would certainly not oppose this motion and I beg to support.

THE FINANCIAL SECRETARY: Mr. Chairman, I think the hon. Member for Kiambu first of all referred to certain anomalies in the reduction of these customs duties. He referred, I think, specifically, to knitting wool and suggested that it was cheaper now to go and buy a knitted garment like a cardigan from a shop than to go and

buy the knitting wool and knit it yourself. Well, Sir, I am not sure that everybody could agree with that wholeheartedly, but quite frankly, and speaking personally, I am not in the habit of going to the shops and buying wool to knit so I cannot really contradict him. In any case, it is hardly an anomaly. As I explained to the Council when moving the original motion to go into Committee of Supply, we had to find those articles which would produce the maximum reduction in the cost of living with the minimum loss of revenue and the articles chosen were chosen for that reason. We might have chosen many others but we cannot just afford to take off the customs duty on anything that presents itself for this purpose. But, Sir, I admit there may be anomalies in regard to these adjustments and we are, in fact, looking into such anomalies as have been brought to our notice. If possible, we shall rectify them, but I must remind hon. Members that, in these matters, it is most important to keep in step with other territories and we necessarily have to secure agreement with those territories before making such adjustments.

The hon. Member then went on to say that there is no real effect on the cost of living and asked me how many points the index was expected to be reduced by bringing in these measures. Now, Sir, when I referred to this matter in the Budget Speech, I was careful to use the words, we expect a significant effect. I did not bind myself to any particular number of points because I know how dangerous it is to attempt to forecast such a matter, but if hon. Members press me for a figure I would say this, that these measures, plus the price control measures, plus the other measures pertaining to cash and credit, if all those measures are implemented to the full, a five-point reduction might be expected. I know it is not a great deal but it is something and I think we must aim at that something.

I am not quite sure, Sir, what the hon. Member meant when he said that the townsman was not getting a very fair deal in this matter. It is true that we deal to cover all communities and attempted to cover all communities and I think the townsman uses—certainly uses—knitted and made-up garments. He

certainly uses blankets and as far as I know he uses khaki drill. If, however, the hon. Member will explain to me precisely what differential treatment he means, I will do my best to answer him.

With regard to artificial silk, does the hon. Member refer to nylons?

LADY SHAW: No.

THE FINANCIAL SECRETARY: If so, am I to understand that every Member of the opposition in the front bench is in agreement with him that we should not in fact have reduced the duty on these articles? I am rather doubtful whether we should have unanimous opposition on that! The reason why these goods were included, Sir, is that the Tariff Item "Made-up Garments" is a composite item which happened to cover these particular goods and it would have been very cumbersome to take them out.

Sir, I think I have answered all the points raised by the hon. Member and I beg to move.

MAJOR KEYSER: May I ask the hon. Member, Sir, why he referred to the importance of keeping in line with other territories in these matters? Have the other territories made the same reductions as these?

THE FINANCIAL SECRETARY: Yes, Sir, they have, except in the case of Tanganyika, which has not gone the whole way with us in regard to kerosene and made-up garments.

MR. HAVELOCK: Also petrol.

MR. BLUNDELL: May I also ask the hon. Member a question? I understood him earlier in the Committee of Supply to say that he had had a great deal of trouble in inducing other territories to come into step. He contradicts that now with the answer in this Committee. How does he square this now with the statement that the other territories have now come into line?

THE CHAIRMAN: Why did not the hon. Member rise to speak before I asked the hon. Member to reply? In this way we would prolong the matter indefinitely. I understood that you may only speak once in the Committee of Ways and Means. I gave everybody the opportunity of speaking once before I asked the hon. Member to reply.

MR. BLUNDELL: I accept, Sir, your ruling, but the hon. Mover had not replied and it was out of his reply that I was asking him for an explanation.

MR. HAVELOCK: Sir, in the Committee of Ways and Means, I think the hon. Members are allowed to speak twice according to the rule.

THE CHAIRMAN: I have got two copies of these Rules, and I have got one upstairs in my room which has been supplied to me since I returned, where it is stated everybody can only speak once in both Committees; which is true and revised copy, I am unable to know. If you speak twice, then I shall not in any way attempt to call upon anybody to reply to a debate. Therefore, go ahead, please do. When the three days are up your will know what will happen.

THE ATTORNEY GENERAL: Mr. Chairman, it was the intention of the Select Committee that two speeches should be allowed but that the debate should be concluded by the Mover replying. I think that I am right in saying that is what the precise position is, but if, in replying, the Member raises a new matter I do not pretend to know.

THE CHAIRMAN: He is not allowed to raise a new matter in his reply.

THE ATTORNEY GENERAL: I think, hon. Members who served on the Committee with me, will agree that it was the intention that, although any Member might speak twice in the debate, the debate in Committee of Ways and Means should be concluded by the reply.

LADY SHAW: Mr. Chairman, does that mean that the Member who moves the original motion is not allowed to intervene and use the same right that other people have. In other words that he may intervene and answer certain questions before making his final reply.

THE CHAIRMAN: Having been under the distinct impression, and having been used to the rule that everyone can only speak once, I will require notice before I rule on that. All I can say is I have no power to intervene to call upon any Member to reply, as everybody has the right to speak twice. That is clear.

MR. BLUNDELL: Mr. Chairman, I did not wish to speak, Sir.

THE CHAIRMAN: I am sorry you have not yet understood me. I was working on the assumption there was a rule made to speak only once; as that assumption is wrong, therefore, you are quite in order in rising again.

MR. BLUNDELL: Mr. Chairman, I thank you for your ruling, Sir, I did not intend to speak, I was merely asking on a point of explanation what appeared to be a discrepancy in the reply of the hon. Member in what he said in Committee of Supply and what he is now saying in Committee of Ways and Means.

THE CHAIRMAN: Perhaps the hon. Member might at first point out the discrepancy before asking anybody to explain what it is.

MR. BLUNDELL: Mr. Chairman, I understood in his reply just now the hon. Member for Finance said one of the difficulties was that he had to keep in step with the other territories over the fiscal structure of the Customs, but I understood earlier on in the Committee of Supply that he had said one of his difficulties was in inducing the other territories to alter their Customs Tariff to fit in with the recommendations he is now making. It appears to me those are two diametrically opposite things, but I may be wrong.

THE CHIEF SECRETARY: Mr. Chairman, I merely rise on a point of order.

The rule which we were discussing reads as follows: 91E (2) "When the Council is in Committee of Ways and Means the proposed method of raising funds shall be open to discussion. 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. The Speaker may permit four speeches by Unofficial Members and one speech by an *ex officio* or Official Member not exceeding thirty minutes each. All other speeches shall be limited to ten minutes and no Member may speak on any motion in Committee of Ways and Means more than twice." It was intended, Sir, that no Member should speak more than twice, but I would submit that there are the overall rules governing any debate, which are that the Member introducing the motion shall have an opportunity, when all other

The Chief Secretary] Members have spoken of winding up the debate, and that that then finishes I would suggest that the rule limiting Members to speaking not more than once is not intended to overrule—that is. Members may speak twice; the hon. Mover may speak twice, but when he has been called upon to wind up, after that, obviously you cannot have other speeches, otherwise the debate is prolonged indefinitely, and never is wound up. (Hear, hear.)

THE CHAIRMAN: Does any other Member wish to speak on that particular point of order?

I think that is the right way to do it, but when I find that debate flags and stops, everybody seems quiet, and once I ask the hon. Mover to reply, if nobody steps up quickly then that shall be the end of it.

Now let us proceed.

MR. COOKE: Mr. Chairman, with regard to Customs and Excise, may I sit—

THE CHAIRMAN: I am not going to call upon the hon. Mover to reply upon this particular motion yet, because I asked before under a misapprehension. Mr. Cooke.

MR. COOKE: May I ask if there has been any amelioration in the position since the Estimates were prepared? There has been a drop in customs during the first six months—has there been any amelioration in the position since?

THE FINANCIAL SECRETARY: Mr. Chairman, like you I was under the misapprehension that I had replied, but I shall reply again.

The hon. Member for Rift Valley suggests that there is something contradictory in the two statements I made, first in the Committee of Supply, and now in this Committee. What I am saying, Sir, is this: that it is very desirable for obvious reasons to keep in step with the other territories on the matter of Customs Tariff adjustments. Now, we in this territory were anxious to undertake certain adjustments for the purposes which I explained. In view of the desirability of keeping the other territories in step, naturally they were consulted. What I said was we found it extremely difficult to secure agreement to certain items. I

cannot see that there is anything mutually contradictory in that chain of statements.

MR. HAVELOCK: Have you secured agreement?

THE FINANCIAL SECRETARY: If the hon. Member wishes to speak, I will sit down.

MR. HAVELOCK: Would the hon. Member state, Sir, if he has secured agreement? We on this side of the Council understand that there is a great variation in other territories especially in Uganda with petrol and Tanganyika with other items.

THE FINANCIAL SECRETARY: In regard to items in which we took the initiative, we secured agreement except in the case of Tanganyika which did not come all the way with regard to "made-up garments" and kerosene. That was the only difference.

With regard to the very pointed question by the hon. Member for the Coast, the answer is that there has been an upward movement since the Estimates were made, but I would, however, indicate that conditions are rather abnormal with the rearmament pressure and pressure to import goods. Bearing in mind that the explanation is as stated it is conceded that we have had an upward trend since then.

The question was put and carried.

EXCISE DUTIES ORDINANCE

Cap. 265

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Schedule to the Excise Duties Ordinance (Cap. 265) of the Laws of Kenya be amended in accordance with the provisions of the Bill entitled an Ordinance to amend the Excise Duties Ordinance, 1950 and published in the Official Gazette on 25th October, 1950.

Sir, this amendment seeks to remove the existing, or rather, the pre-existing excise duty of 15 cents on each pound of tea. This measure, like the Customs measure, is in pursuance of the policy to reduce wherever possible the cost of living. No further explanation is called for and I accordingly beg to move.

MR. PRESTON: Mr. Chairman, I rise to oppose this motion for a number of

[Mr. Preston] reasons. The first reason is that I consider we shall be losing very easily and painlessly obtained revenue to the extent of some £40,000 a year with very little hardship to the general public. The price of tea, as is well known in Kenya is cheaper than anywhere else in the world, in addition to which the producer has for many years been subsidizing the consumer, which he has been forced to do by control, which has been exercised on tea, and which debars the producer from selling on the world market at a price which would give him 100 per cent more than he would be able to get to-day. Therefore, Sir, I do submit that the price of tea in Kenya is not causing undue hardship to the consumer, and I think we should do well to consider whether we can afford to lose £40,000 of revenue which is obtained so easily and with so little friction.

There are other reasons, Sir, for which I oppose the Bill. The effect of the removal of the excise duty will have the effect of removing the control of movement of tea between the territories and if we can remember that Tanganyika has just raised the price of tea by Sh. 1 a pound, it is not inconceivable that we shall have tea being taken from Kenya across the border to the benefit of anybody who chooses to indulge in this activity, of something like £300 illicit profit on every 3-ton lorry load of tea.

Sir, without customs excise, it is going to be very difficult to control the movement of tea, either interterritorially or from an export point of view.

Another point, Sir, to which I must draw the attention of this Council is that the tea industry, as such, was not consulted at the time or before this alteration took place, which I think was a great mistake because for some number of years now the distributors have, I think, assisted the Government in every way in controlling the movement of tea. Again, Sir, without excise duties, it is going to be very difficult to assess what proportion of tea the producer is going to be entitled to export on the quota. So I do hope, Sir, this Council will think well before they pass this motion.

Sir, I beg to oppose.

MAJOR KEYSER: Mr. Chairman, I also rise to oppose this motion. Principally

because I think that a tax on a commodity which is used by all classes and all communities and on which the excise duty is so very low is a good tax to keep in being. Sir, in a previous speech to-day the hon. Member for Finance put great stress on the importance of keeping in line with the other territories. I think, Sir, he might, in moving this motion, have told us what the position is in regard to excise on tea in the other territories.

I, Sir, beg to oppose.

MR. MATHU: Mr. Chairman, I rise to support this measure and am doing so because I feel that however small people may think 15 cents a pound, which is the excise that has been removed, however small they think it is, it is a very healthy element in the cost of living of the very poor. I may say, Sir, that you can describe tea and sugar, we are not dealing with sugar, tea as food made up with sugar and milk, as the food of the very poor and that the very small concession that this country wishes to make in that direction I think is most welcome and I would like to support this motion as moved by the hon. Member, the Financial Secretary.

THE CHIEF SECRETARY: Mr. Chairman, I rise to support the motion.

The cost of living is a problem which has been giving us all grave cause for concern. It is not too much to say that nearly everyone in this Colony was of the opinion that the Government ought to make some attempt to control it. It is also quite clear to everyone, who gives any thought to the matter, that to control the rise in the cost of living is an extremely difficult business. Many people seem to think that the Government can do it, as a sort of *Deus ex machina* without giving adequate thought as to how it is to be done.

A very large proportion of the factors which affect the rise in the cost of living are obviously beyond the control of the Government, or anyone else for that matter. The Government has given this the most careful examination and thought. My hon. friend, the Financial Secretary and his advisers and colleagues have spent many hours in an anxious examination of the matter. They have produced constructive suggestions

[Chief Secretary] deal with the problem. Admittedly, my proposals do not go very far, but I suggest that any reasonable man can suggest why they do not go very far.

Sir, in dealing with the individual suggestions, it is very easy to put them all down for one reason or another. It is hardly to be expected that anyone would agree with them all, but I suggest that this is a constructive way to deal with the problem, and even if we do not agree with all the suggestions of the individual suggestions, nevertheless this Council, recognizing that they are an attempt, and a constructive attempt, to deal with the problem, should forego any individual objections to individual items and give its proposals their wholehearted support.

MR. BUNDELL: Mr. Chairman, I do wish to oppose this motion because I think it is a genuine attempt on the part of Government to meet the rising cost of living. As the hon. Chief Secretary has said, it is obvious there are many to be many views as to the best way in which the money can be put, but I would like to ask the hon. Member for Finance to review the matter during the year to see whether in fact the proposals we are releasing in this way will not be better used. I am not saying that he has not already given it deep consideration, but I personally could have opposed this removal of this 15 cents on a pound of tea for these reasons. In the upper and middle income groups, people drink tea in their stride (laughter)—and I do not think I am, one way or another, makes any reference. I have a lot of sympathy for the hon. Member for African Interests and I think perhaps he is a little bit wrong in this way. It is very regrettable but among the poorest classes in this country, they cannot afford to drink tea anyway, and when the poorer classes within their own standard of living group, I will call it when they pull themselves slightly out of the lower depths of poverty, it is not that they drink tea, so in effect I think it is a fair tax. We have got the very varying living standards in this country—we cannot ignore it—and amongst Africans I think myself that when they have raised their income a

certain amount, then they start to drink tea and they are indeed rather more able to afford it than the ones at the very bottom. I have stressed to the hon. Member on my left that it is regrettable, and I therefore would have preferred to have left this excise on tea and would have preferred to consider whether the same money could not be better used elsewhere. I admit, Sir, it is a matter of opinion, but in supporting this motion I am asking the hon. Member for Finance to consider better methods.

For instance, one of the very heavy items of the cost of living in towns is undoubtedly, transport and I am wondering whether it would not pay us to subsidize additional transport services within the towns. It is the towns that are feeling the cost of living. Again, this money might be better used there. It is a matter of opinion and I am not going to press it now, but I would like the hon. Member for Finance to give us an assurance that he will review it all again.

MR. COOKE: Mr. Chairman, I support the proposal on the principle that "every mickle makes a muckle".

MR. HAVELOCK: Mr. Chairman, I also support this motion. Sir, I do not agree entirely with the hon. Member for Rift Valley. I believe that the lower-paid African is using tea as the medium in which to take his sugar, which is an extremely important part of his diet. That applies, I believe, to the labouring classes as well as others, but I would like to ask the hon. Member a question. Has the price of tea come down in the shops since this excise duty has been removed? Is it going to come down or is there going to be another access put on tea by the tea industry itself which will merely balance the whole picture and make no real difference to the consumer? I am a little vague on this matter, but I have heard certain reports of that kind and I would be grateful for an explanation by the hon. Member.

THE ATTORNEY GENERAL: Mr. Chairman, I would like to support this proposal largely for the reasons given by the hon. Member for African Interests, Mr. Mathu, and for the reasons given by the hon. Chief Secretary. It is part of a constructive scheme to try and tackle this very serious problem of the

[The Attorney General] rise in the cost of living and, in my view, Sir, the most important place to tackle that is at the bottom of the scale. (Hear, hear.) Anything that will assist the very poor man to meet the terrific problems which he has to meet in these days should, I think, receive the support of this Council.

There is another aspect of it which particularly appeals to me and that is that I believe there is an increasing habit of drinking tea and in so far as that is a substitute for the habit of drinking *tembo* I welcome it, because a great deal of crime in this country stems from drinking *tembo*.

For those two reasons I strongly support this motion.

THE FINANCIAL SECRETARY: Mr. Chairman, the sentiments of (this side of the Committee have been so admirably expressed in general terms by my hon. friend the Chief Secretary and my hon. friend the Member for Law and Order that I feel that I can have very little more to say. They have expressed exactly what we are trying to do, and as the hon. Member for the Coast puts it, our attitude is "every mickle makes a muckle". We should not be deterred simply because the individual effect is not very great, because it is the cumulative effect of all these small individual reductions which produces the effect which we seek.

I think the hon. Member for Nyanza suggested that we were virtually throwing £30,000 or £40,000 away for no effect. Well, Sir, I can only repeat that the examination of this problem against the principle of producing the maximum downward effect with the minimum loss of revenue was most scientifically carried out with the best expert advice available to Government. It was not carried out in five minutes, nor yet in five days. It took a very long time and every possibility was examined. If the hon. Member, Sir, can suggest to me a way of spending £40,000 which produces a greater effect I shall be very glad to consider it. He also suggested that in removing the excise from tea we would lose territorial movement control and indeed be unable to fix the export quota for the producers. I am not quite sure how that position does arise, but if in fact, it does

the hon. Member can rest assured that we shall certainly find other means of controlling that movement which are just as effective and without having to keep a tax on it for that purpose.

The hon. Member for Trans Nzoia opposed the removal of this tax because it was of universal application. Now, Sir, surely that is the very root of the principle. If we want to affect everybody then, *ex hypothesi*, we look round for something which has universal effect, and it is for that very reason indeed we chose this particular item. He also referred to the other territories. The other territories, Sir, Uganda and Tanganyika agreed with the proposal.

The hon. Member for Kiambu asked whether in fact tea had come down. Sir, it has been reduced by the amount of excise duty which was removed temporarily on 25th October and which, if this motion is passed and the subsequent legislation enacted, will become a permanent reduction.

I think, Sir, I have answered all the questions which I have to answer.

The question was put and carried.

THE CHAIRMAN: Are there any more resolutions?

THE FINANCIAL SECRETARY: One more.

THE CHAIRMAN: It is very bad not to have these resolutions on the Order Paper. How many more are there?

THE FINANCIAL SECRETARY: One more, Sir.

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

COMPANY TAX

THE CHAIRMAN: Committee will resume. I will ask Mr. Matthews to move his resolution.

THE FINANCIAL SECRETARY: Sir, will it suit the convenience of the Committee if we waited a little while for the hon. Asian Members and African Members to return?

MR. COOKE: Good opportunity to get it through.

THE CHAIRMAN: It is twenty past, we have had a very long interval. Of course, I am in the hands of the Committee.

MR. COOKE: I should object to this. I think we should go on on principle (Hear, hear.)

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that for the Year of Assessment commencing on the 1st day of January, 1951, and for subsequent years, the tax upon chargeable income of a person, other than an individual, be charged at the rate of five shillings on every pound of chargeable income.

THE CHAIRMAN: May I ask you to be good enough to amend this resolution before you move it, while it is in your hands, by putting in the words after the word "that", "that subject to an Ordinance to be passed during the present session of this Council", then when this resolution is carried or whatever form it is carried in, there will have to be a subsequent resolution for the amendment of the law.

The last time, we telescoped the two things together because they were reductions and it was a convenient thing to do. It has always been done that way.

Now we are having the Committee of Ways and Means, I make that suggestion and I think, an appropriate time.

THE FINANCIAL SECRETARY: With your permission and the permission of the Committee, I would like to amend the resolution by adding after the word "that" the words "subject to the provisions of an Ordinance to be passed in the present session of the Council".

THE CHAIRMAN: Are you speaking to it?

THE FINANCIAL SECRETARY: Mr. Chairman, it is not my intention to speak at great length to this motion. A great deal of the pros and cons in regard to this measure have been discussed in the debate which followed the motion to go into Committee of Supply. There is no point, Sir, in dreary and tedious repetition, but there are one or two new points which I would like to make. I would also like to re-emphasize one or two of the earlier points which have already been mentioned.

Now, Sir, this is a revenue producing measure and on the question of need, it is, perhaps, unnecessary for me to remind hon. Members opposite how we are faced, every year, with an increasing recurrent expenditure. That increase seems always to swallow up and absorb the increment which we secure from our

present income. It is unfortunate, Sir, but, as has been clearly shown in this Council on a number of occasions, the yearly advent of this phenomenon is largely unavoidable.

In addition, Sir, I would like to remind hon. Members opposite that we are under increasing pressure to accelerate development. Indeed, there is a great intrinsic need to accelerate development. It is the policy of the Government and I think that policy has general support, to make as much money as we possibly can available from the Revenue for development. That statement has been made in this Council on a number of occasions and I take this opportunity to repeat it. In addition to these factors, Sir, it is clear that we are facing potentially increased expenditure from other directions. As hon. Members are aware, there is even now, a Select Committee sitting to investigate whether the existing conditions, that is cost of living conditions, call for any relief to Government servants.

Now, Sir, far be it from me to prejudge that important issue, but I suggest it would be foolish of us to ignore the possibility that we might have to face a very considerable increased salary bill in the near future.

I have also indicated that we are threatened by a locust invasion and, although we do hope to avoid that invasion, there is no certainty that we can and if that invasion took place there is no doubt that very substantial sums of money would be needed to offset the effect of such an incursion.

I would also like to remind hon. Members that in our pursuit of this cost of living problem we propose this year to sacrifice considerable revenue on the customs and excise. I also remind them that in the attempt to stabilize the price of that most important commodity, of that most important commodity, proposed and this Council has accepted the principle of subsidizing that commodity. All these things cost a great deal of public money and, if I may say so in general terms, these measures do contribute to the increase in commercial profits.

Now, Sir, I would also like to point out that there are indications that our customs revenue is showing a decline from the high levels which we have so

[The Financial Secretary]

far enjoyed. Now, I cannot guarantee, Sir, that those indications disclose a general trend, but the fact is that those indications are there and, I suggest, we should be very foolish to ignore those indications. Sir, I have said this before and I repeat it, very firmly, that it is the Government's policy to encourage and nourish commerce and industry. Now, in pursuit of that policy, the Company tax has been kept low and I consider, Sir, I contend, and I put it to hon. Members opposite that even at Sh. 5 in the pound, the Company tax would still be low.

I would remind hon. Members of the levels existing in other parts of the Colonial Empire, where they are in most cases very considerably higher.

MR. HAVELOCK: Uganda and Tanganyika.

THE FINANCIAL SECRETARY: I said *most* parts, Sir, I did not say all parts.

I also would like to repeat, Sir, that in considering this measure, Government did give the most careful consideration as to whether or not the incidence of this increase on commerce and industry as established today, would have a detrimental effect. It was the considered view of the Government, Sir, that the effect would not be significant. I would also like to remind the Committee that in the pursuit of this policy of assisting, nourishing and encouraging commerce and industry, the Government takes other measures. My hon. friend the Member for Commerce and Industry mentioned the making available of commercial sites at much below their commercial value. I also refer to the policy of giving a rebate on raw materials used in industrial manufacture. I have said before, Sir, that I have been told by eminent members of commerce and industry that those measures are extremely helpful and that form of relief is considered by people who ought to know as the best possible form of assistance to the development of commerce and industry in this country. It is the intention of this Government, Sir, to persist in that policy, but it is rather difficult to see how we can go on sacrificing this income without making it up in some other way. I think it is true to say that as a generality the level of com-

mercial profit today is high, and I think it is also true to say, certainly true with in my knowledge, no responsible body of commercial public opinion has opposed this increase. This increase has, in my view, very rightly been described in the Press and by responsible commercial opinion as a mild measure.

Now, Sir, I come to a most important point in the matter of the incidence of the tax. I would remind the Committee that as far as resident companies are concerned, this increase will affect only the *undistributed* profits. There is no question of this increase affecting the income tax level of the individual shareholders. There has been a certain amount of misapprehension about this in the Press and I take the opportunity of making it quite clear that this increase affects only the undistributed profits and does not affect the taxation level of the individual shareholders.

For non-resident companies, however, the increase will fall on the whole of the chargeable income irrespective of whether or not it is distributed. The bulk of these non-resident companies are registered in the United Kingdom. Now we all know that the United Kingdom level of tax which these companies are compelled to pay is very much higher than even the enhanced rate that I am now suggesting in Kenya. Now, is a result of the system of double taxation relief, then notwithstanding a 1% increase in Kenya, these companies will continue to pay precisely the same total tax. They will pay their "X" in Kenya and their "Y" in the United Kingdom, where "X" plus "Y" equals the total tax in the United Kingdom. Therefore, Sir, if we raise the tax here the effect of that upon those companies is nil. In effect, therefore, what happens? The companies get the double taxation relief and we in effect transfer the shillings which formerly went into the United Kingdom exchequer to the Kenya exchequer. When I have told the Committee, Sir, that a very large proportion of the £250,000 which we expect in the full year will come from that source, I think hon. Members will realize that the incidence upon the local or Kenya registered companies is not as high as they thought. That point is of fundamental importance, and I do hope I have made myself absolutely clear that with regard to those

[The Financial Secretary]
 because it is a transfer from the exchequer in the United Kingdom to the Kenya exchequer.

Now, Sir, I do not think I shall say much more, but before I sit down I would like to say this: If the motion be not let those hon. Members who reject realize that they can hardly express disapproval if, in our next Budget and, indeed, in subsequent Budgets, we are able to make extra moneys available—special contributions—for our development or additional funds for the much-needed expansion and improvement of our road system.

Sir, I beg to move.

MR. KEYSER: Mr. Chairman, I rise to oppose the motion. (Applause.)

Sir, the hon. Member admitted that this was a tax on the undistributed profit of a company. He then, Sir, tried to induce us to vote for the motion by saying that the majority of this income in the tax would be collected from companies which are registered overseas. Sir, I believe that in a young country like this it is most important that our industries and our agriculture should develop, and it is far more important to encourage the development of our own companies here than it is to take a little bit of money off those companies that are registered overseas.

If, Sir, the amount is of such very great importance to the whole issue then I think, Sir, it is incumbent on the hon. Member to give us figures of the capital that is invested in this Colony by companies registered overseas and possibly by the amount of taxation that would be paid by those companies, but in any case, Sir, I do believe that it would be likely on our part to sacrifice any development of our own industries in the Colony here in order to take a little bit more tax from companies that are registered overseas. I do not believe, Sir, that this tax would seriously harm trading companies but I do believe that it would be harmful to production companies such as factories and agricultural companies, and it is just as important, Sir, for the development of the Colony to be done through private enterprise as it is for development to be done by Government; in fact, Sir, I lay far greater importance to development that is done

by private enterprise. Sir, in a Colony as new as this, it is of the utmost importance to encourage trading companies to perform and to be registered because I believe that in so doing, one will raise the standard of integrity of trading companies by having them registered under the Company Ordinance. This tax is going to make it not quite so popular to register under this Company Ordinance as it is if the tax is low. I believe, Sir, that this Government should encourage most fair-sized African companies to register under the Companies Ordinance because I believe they would learn more about the manner in which businesses should be conducted than if they are not registered under this Ordinance; yet, Sir, this tax is obviously going to discourage them from registering under that Ordinance. (Hear, hear.)

Again, Sir, we have, in the last few years, enacted legislation in this Council which is going to place obligations on companies of providing certain amenities for their labour and for the control of factories, all of which is going to entail large capital expenditure. Now, Sir, those companies were formed long before that expenditure was enacted here. How, Sir, if these companies are not allowed to build up fairly big reserves, are they going to pay for the money that must be spent on the obligations put on them by the legislation we have passed?

Sir, under section 21 (b) of the Income Tax Ordinance, the amount of profits that may remain as undistributed and that may be used by a company, either for development purposes or for reserves, is limited. I believe, speaking from memory, that a company may be forced to distribute 60 per cent of its profits and allot only some 40 per cent to development and reserve—private companies. Now, Sir, if at the same time that amount of undistributed profit is going to be subjected to a greater tax, it is conceivable that conditions might arise in which the company will be placed in a very awkward financial situation and I do believe that rather than try and take a little bit more money out of them at this moment, it is incumbent upon us to encourage them in every possible way.

Again, Sir, under the Income Tax Ordinance, depreciation allowances are laid down for machinery. Now, those

[Major Keyser] depreciation allowances are based on the cost of the machinery. We are, Sir, today, in an inflationary period in which all costs of machinery and plant are rising very rapidly. By the time the machinery has worn out, the amount of money that has been allowed to be put to depreciation account will not reach the replacement value of that machinery, so that companies must be allowed to build up reserves in order to meet that contingency.

Sir, I am worried as to what the real reason for this increase in tax is, because if there is an immediate necessity to increase revenue, I believe that that should be shown in our draft estimates and our draft estimates have shown that we are budgeting for a surplus of £300,000. In addition, Sir, one item of expenditure of £250,000 was deleted from the estimates so that as the estimates of expenditure are at present, we will be budgeting for a surplus of £550,000 so that it hardly appears as though there is a necessity to impose this extra legislation this year. But, Sir, the hon. Member in his speech in the main motion to the Council, did compare—he said “The Company tax in Kenya is not only far below that in the United Kingdom (I would not suggest even by implication that we should approach the United Kingdom level), but it is also well below that obtaining in most of the other major Colonies”. Well I do not think, Sir, you can make a comparison just of the Company tax only. As pointed out by my hon. friend, the Member for Kiambu, it would be essential to make comparisons of the whole economic and financial position of the two countries if a financial tax such as the Company tax is going to be compared, but I wonder, Sir, when he says, when he refers to the Company tax of the United Kingdom whether there has been any direction from His Majesty's Government about this tax and I should very much like him to tell us whether in recent months, any suggestion has come from His Majesty's Government that this tax is too low and that it should be increased in any manner, because, Sir, I believe it is the prerogative of this Legislative Council to deal with such matters as increases in tax and it is a prerogative which we concede to nobody else and I would like all Members on this side of the Council

to remember that—that we must not concede that prerogative to anyone else and a suggestion coming from His Majesty's Government to the Government of the Colony that a tax should be increased or is too low is, Sir, in my opinion, tantamount to an order because it will not be ignored and I should, therefore, like the hon. Member to tell us whether there has been any suggestion from His Majesty's Government that Company tax should be increased.

Sir, I beg to oppose.

MR. SALTER: Sir, I would also oppose this tax.

A great deal has already been said about it, but I have yet to hear one solid, good reason why it is necessary. We have heard the hon. Financial Secretary say this morning something which amounted to a sort of plea *ad misericordiam*. He said he was going to lose money over customs, I understand, that was going to be devoted to the reduction of the cost of living.

THE FINANCIAL SECRETARY: Not, I Sir, the country.

MR. SALTER: He referred to locust invasion to which I understand, we have already contributed large sums of money in the Development and Reconstruction Authority estimates. He then said it was the policy of the Government to encourage and nourish commerce and industry and therefore the tax was kept low, Sir, what a strange way to encourage—

THE CHIEF SECRETARY: On a point of explanation, Sir, there is nothing in the Development and Reconstruction Authority estimates for locust invasion.

MR. SALTER: I stand corrected—I meant the High Commission.

Sir, what a strange way to encourage and nourish industry by keeping a tax low or taxing it at all. Now, Sir, when the hon. Member for Finance moved his speech at the beginning of the budget debate, he said that Government, recognizing that industry was making fairly high profits and so on, considered it reasonable—reasonable—not necessary—that the policy hitherto pursued should be asked to produce a dividend. He went on to draw comparisons with the amount of tax payable in other colonies and in the United Kingdom. Now, Sir, comparisons of that nature

[Mr. Salter] any submission, are wholly unhelpful.

What may be necessary in one country for one colony, cannot be assumed to be necessary in another. Surely the only criterion is necessity. I have heard the hon. Member no doubt hon. Members have heard it said, that it will not do much harm or some other negative phrase. The hon. Member himself said commerce and industries could bear this extra tax with an effort worth speaking of and I repeat that as my definite opinion. Those, Sir, are his words, not a word about necessity at that time. Even if it were true—

THE FINANCIAL SECRETARY: It is not true.

MR. SALTER: I am far from saying that we have reached a sorry plight indeed if we are to submit to taxation because it will not do much harm! Again, Sir, it has already been said that possibly this money might contribute in some indirect, if not direct, way to a building up of a reserve fund which has now become unnecessary.

Sir, at an earlier stage, I did refer to the Income Tax Ordinance of 1947 and I mentioned that that Ordinance has conferred certain reliefs in respect of increased allowances of capital expenditure which the imposition of this particular tax would render of little effect or illusory. The hon. Member in his reply said he disagreed with that, but he went on to say that, “even if it were so, is it to be suggested that because certain concessions were given in 1947, that this is to stop Government for ever after raising the Company tax?” Well, Sir, of course it does not. What I would say is this. Let us be clear about it. If you are going to render illusory a concession which was no doubt given after very careful consideration, say so. Say you are going to take away that concession, but do not introduce an entirely different measure which renders it nugatory.

Sir, there is another matter in regard to this tax. We know there are different rates of tax in these three territories. Nevertheless, there are companies which are operating in all these territories and I suppose that many adjustments will be necessary for the companies operating in these three territories with a common office or head office here and those adjustments, Sir, no doubt will entail a great deal of additional staff and I sup-

pose we will be asked at some later time, some time next year if this tax is imposed, to vote for that increased staff.

Sir, mention has been made that one of the benefits of this tax would be to transfer from the Treasury of the United Kingdom to the coffers in Kenya, a certain amount of money. I hope that the hon. Member is not going to say that that, of course, is going to lay an added burden on the British taxpayer and possibly increase the tax in the United Kingdom.

Sir, again it has been said that no commercial body has opposed this tax. That is true, but many individuals have opposed it in their opinions and if they have not opposed it as a body, they certainly have not supported it as sound policy.

Now, Sir, I do submit with all earnestness that this is an ill-conceived tax. Nothing but harm can come of it and I oppose it.

MR. OHANGA: I rise to support the motion before the committee for some very small and very simple reasons, namely two.

The first is that I myself included, we on this side of Council generally are opposed to the idea of tax increases, but at the same time we agree most wholeheartedly that with the rising cost of social services, some money has to be found. Now since that is so, I do not think that whatever other arguments there may be to oppose a measure of this kind, they cannot really be strong.

Secondly, I myself am opposed to tax increases very vehemently, particularly increases of this kind which have not been considered for any length of time, but I only do so on one principle, that is because I feel that the incidence of increased taxation falls absolutely heavily on the poor struggling classes of the country; and on top of that, the cost of living, wherever it is surveyed, it will always be found to be heaviest among the struggling poor communities of the country.

On that principle, I would oppose an increase of any form of taxation, but where it can be shown quite clearly that that form of tax is not going to act harshly or harshly upon any individual producer or taxpayer, it seems to me that when we

843 Ways and Means

[Mr. Ohanga] are agreed that more money must be found for the increasing costs of social services, it would be the right way to go about it. Here in this country, whether it be the incidence of taxation or of cost of living, it is always the poor struggling African labourer who has so much to do in this Colony and so little to enjoy out of it that suffers the most and it seems to me that the only way of relieving such people is for individuals, groups, societies, who can show that they have some material wealth, to contribute to the general cost of life in the country in order that the poor man may also struggle less to exist; and for those reasons, Sir, I think I will be doing my struggling people a great deal of injustice if I oppose a tax which is clearly on material wealth, when others might be proposed which will have to weigh heavily upon them, without any evidence of increased wealth.

Sir, I beg to support.

MR. PAHEL (Eastern Area): Mr. Chairman, I rise to oppose the motion before the committee for two reasons. Firstly I do not see any need to increase any form of taxation during the year 1951, whether it be Company tax or the African Poll tax. I personally think that there is no need shown and that is one of the strongest grounds for opposing this motion. Another ground, Sir, why I oppose the motion is that the other side has argued on several occasions in favour of keeping in step with the other territories and now when we have a common uniform company law under which the same company may operate in the three territories, it is not advisable that there should be different rates of taxation on companies operating in the three territories.

On these two grounds, I beg to oppose the motion before the Committee.

MR. BLUNDELL: Mr. Chairman, I beg to oppose the motion.

In analysing whether we should agree to this tax or not surely we have got to decide two things; is the tax necessary and, secondly, is the tax desirable. It is on those two lines that I wish to speak.

Now, is it necessary? The hon. Member in moving the motion said that Government wished to pour the maximum amount of money into development, I

think every Member would agree that they are doing as much as they can in that regard despite his previous idea that he might well put the £250,000 into reserve that, I think, is not exactly development. We are actually spending this year over a million in development and I have worked out roughly our developmental expenditure is 40 per cent of the estimated annual amount from the Income tax. It is very nearly almost exactly double the estimated receipt from the African Poll tax. So, in effect that percentage of those taxes—of double in fact in the case of the African Poll tax—that amount is already being spent in the developmental expenditure. Now it is a simple toss-up really, Sir, whether money is better spent by the Government or better spent by the individual who is represented largely on this side of the Council. Of course, you can increase taxation, you could double it if necessary in order to go on with more and more developmental expenditure, but at the present time in this Budget, when you consider that more than 10 per cent of the revenue is being spent in this development, I think we can adequately say Government is indeed fulfilling the function which the hon. Member for Finance wishes to fulfil, i.e. the maximum development commensurate with the Colony's resources at the present time.

The next point—is it desirable? The hon. Member for Finance will bear with me if I give him a few figures in a company with which I am connected. I have just roughed out the way in which the profits of that company are expended: 20 per cent went in the existing taxation, 8½ per cent went to the shareholders, 2½ per cent went as bonuses to the staff for the good results of the year and 68 per cent has gone back into new plant and new development. Now that is a vital thing, because that 68 per cent is going to earn the hon. Member opposite more revenue. Now I do not deny that much of Governmental development. I do not deny that much of it, we hope, will be revenue earning, but nevertheless a great deal of it will not for a very long time earn a penny, and if we are to support the future expansion of this country we can only do it really by the expansive effect of the private individual, generally speaking, in his turning of the

Company Tax 845

844 Ways and Means

(Mr. Blundell) resources of the Colony into a profitable stream. (Hear, hear.)

I would submit two things. First of all, we are not holding up the development of the country when we are spending more than 10 per cent of the net revenue in development; secondly, although hon. Members on this side do do a great deal for more services, on the whole the services supplied by the other side are meeting our wishes and I believe it is incorrect to say that we need the extra taxation for more development and more services at this stage. I do not deny, Sir, that at the same time, there is no doubt about it, if the people of this country go on asking for the services and for development they are asking, more increased taxation may be necessary. What I am submitting at this particular moment is that on the figures put before this Council it is not necessary.

Two small points, Sir. I believe we are very unwise to alter our Company tax out of step with that of Tanganyika and Uganda. At the present moment in this respect this city has become the capital of East Africa, and new companies are registered here for the general development of East Africa itself. I am frightened that if we allow or, indeed, continue this process of altering our fiscal structure differently from the other territories, that we may indeed get companies being registered for the development of East Africa in the capitals of other territories. It is a danger, and I think we should be cognizant of it.

Again, I want to refer to one item which the hon. Member for Uasin Gishu referred to in his main speech on the Budget. This tax is going to hit the small men very hardly, men with timber mills, men with small farms which they are developing on a company basis and not on an individual basis. It is going to hit them hardly, and I fail to see the arguments of the hon. Member for African Interests, Mr. Ohanga, in opposing this tax. It is not going to save the poorer people one penny.

MR. COOKE: Of course it is. They will not be taxed so heavily.

MR. BLUNDELL: There is no suggestion that any tax is going to be removed

and placed on companies. The hon. Member, when moving this tax, said we want to have the money for further development. I submit on the figures of this Budget, it is not necessary. The hon. Member has quite put me off, really. (Laughter.)

One other point, Sir. The hon. Member said that the company profits are high. They are high, undoubtedly, but so is the cost of replacement of the machinery, etc., with which the profits are earned. That is a very big factor. The hon. Member may—I do not know—move intimately within the fiscal details of companies and he can take it from me that the depreciation which has been put on one side to cover items of plant goes nowhere near replacing that plant, and indeed the company's profits are only high when you look at them in terms of 1939 replacement costs. That is a big factor.

With these words, Sir, I beg to oppose the motion.

MR. NATHOO: Mr. Chairman, the first reaction, I must confess, when I heard about this proposal, Sir, was what has been depreciated by the hon. Member for Nairobi South—to say it can do no harm.

At the very outset, Sir, I would say that if this tax came into existence, I personally would definitely pay much more than I am doing now, and I want to have it recorded here and now, Sir, that in future years whenever there is a necessity for money shown for social services, as has been stated by my friend the hon. Member for African Interests, Mr. Ohanga, I would be the first person to welcome such a tax and to say that those who are able to pay must pay. But, Sir, in the present circumstances, there are two factors which induce me to oppose the motion. One of them is the fact that Tanganyika and Uganda are not coming into line, and living in East Africa as we do, I have always felt and I still feel that in matters such as these, we must observe a very close coordination with the adjoining territories.

The second thing, Sir, is that no necessity has been shown that such a tax is required to produce more money to give more services to the country. Sir, if it could be shown by the hon. Member for Finance that this money if it is

[The Member for Education, Health and Local Government] take the hon. Members through a long list of expenditure in this Budget and point out that there are things other than social services on which money will have to be spent. There are policies other than social services for which money will have to be found.

MR. NATHOO: We do not dispute it.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: If it is agriculture, then money will have to be found for agriculture. If it is additional concessions to industry, then money has to be found for industry. If it is necessary to increase the police force money will have to be found for that. I do wish that hon. Members opposite would rid themselves of this rather mistaken idea, if I may so put it, that all additional expenditure and every increase is on social services.

MR. HAVELOCK: Nobody said so.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I did not say, Sir—the hon. Member for Kiambu said so—I would point out that the only two hon. Members who have spoken about the needs for increased expenditure have quoted social services, and as the Member responsible for those social services I do feel I must enter a protest, and only a mild protest, against the automatic thought that increased expenditure takes place automatically on social services. There was one other point that I wanted to cover, and that was the question of amenities for labour, obligations for better conditions and where did the money come from, which was, I think, raised by the hon. Member for Trans Nzoia. Well, Sir, automatically the extension of facilities which calls for new capital can come from two sources. It can come from that very sound financial source as outlined by the hon. Member for Rift Valley, profit surplus, or it can come from new capital.

MAJOR KEYSER: On a point of order, I did not ask where the money was coming from. I made a definite statement it would come from reserves that were built up.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: It need not

come from reserves. The hon. Member for Trans Nzoia said—I think these are his words: "How is it to be paid for?" And my answer at the present moment is to try to point out how it is to be paid for. It can come from your profits, it can come from an expansion of capital through the issue of shares, or, of course, it can come—as it often does—through loans. But, Sir, the repayment of those loans, the depreciation and all those items which automatically follow the fulfilling of these obligations are deducted from your profit structure, and I suggest, Sir, that we are not dealing with anything other than the profit. There is no suggestion that there is any increase of tax upon the trading of the company. This is purely on the profit that is made.

Now, Sir, I do seriously suggest to the hon. Members opposite that the policy of the Government followed with regard to drawbacks, the policy of concessions inside the income tax structure—these are the better methods of encouragement—and that a successful industry, a successful industry which, largely through the assistance that is given to it, can make an extra profit, has an obligation to return to the community from which that profit was made that portion of its profits which is considered reasonable, and I suggest that a sum of 25 per cent of the profits to be returned to the community is no more than reasonable.

I beg to support.

LADY SHAW: Mr. Chairman, I do not wish to enter into this morass of financial argument that is going on, but I would like to point out two things. Among the hon. the last speaker's remarks was one that I should like to mention first of all that—I am extremely grateful to him for having destroyed so very competently the reasons given by the hon. Member, Mr. Ohanga for his support of the motion. He (Mr. Ohanga) supported the motion because the money raised (he said) will go to social services. The hon. Member opposite has showed it will not. That more or less disposes of that. The other point is—

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: On a point of explanation, Sir, if the hon. and gracious Member for Ukamba will read

[The Member for Education, Health and Local Government] what I have said, she will find I did not say it would not go to social services. I merely pointed out social services were not the only thing that increased in expenditure.

LADY SHAW: I am very interested. I quite well remember what the hon. Member said. I think he pointed out that there are a great number of other things which would lay their claims upon this monumental sum, therefore very little would go to social services, and I understood the hon. Member to say this.

The other point I would like to make is that the hon. Member opposite mentioned drawbacks. I think it is possibly reasonable to suggest that if a company is receiving drawbacks it might regard itself as helped by Government owing to drawbacks, but to listen to the speech made on the opposite side of the Council one would imagine every company that would have to pay this extra tax would be receiving these benefits. Ninety-nine per cent of the companies who would be paying this tax, and very noticeably private companies would receive no benefits from drawbacks whatsoever. There are people who are building up in a small way a body of wealth which will ultimately benefit the country at large. Many of these people are members of private companies (by private, I mean small private companies). In my submission steps should be taken not to remove money from these small companies, but everything should be done, within reason, to leave the money in the hands of all the people of all races who are building up these companies, which will ultimately pay greater dividends in ordinary normal income tax.

I beg to oppose.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I had no intention of intervening in this debate. I expressed my views on this matter during the debate on the motion to move into Committee of Supply, but there have been one or two matters raised to which I should like to refer. In the first place, listening to the arguments which have been put forward by some of the hon. Members on the opposite side of the Council, one would, I think, have thought if one did not know what the extent of

the proposed increase was, that the Government was proposing to double or treble this tax.

MAJOR KEYSER: Twenty-five per cent.

THE SECRETARY FOR COMMERCE AND INDUSTRY: We have been told that it would be impossible for companies to set up reserves to renew their machinery and plant and so on, and all because the Company tax is being increased by a shilling.

Well, Sir, I think the argument is getting somewhat out of proportion. The hon. and gracious Member for Ukamba and one or two other hon. Members have referred to this question of drawbacks of customs duty on imported raw materials used in local factories. Now, Sir, there is no differentiation between a private company and a public company in this regard, and I entirely agree that the proportion of companies which receive this benefit is not perhaps great in relation to the number of companies; but on the other hand it is a question of helping the companies who are in economic need of assistance, and the fact, Sir, that perhaps the proportion is not higher, may be an indication that many of them are proceeding on very satisfactory lines.

Sir, when speaking on the motion to move into Committee of Supply, I stated that I had discussed this matter with a number of prominent businessmen and I also stated that it was not their view that this increase would retard development or hold up the investment of new capital. That matter, Sir, is significant, I think to know has been discussed in prominent commercial circles in Nairobi recently and on that occasion the same view was held by the majority of those present as reported in the daily Press. There were views expressed as to other objections to the taxation, but not on grounds of retarding development.

I think, Sir, that that is all I wish to say in this matter.

I beg to support.

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, there are two points that I would like briefly to make. The first refers to the remarks of the hon. Member for Nairobi South when he said, to my surprise, that there had been no suggestion from my hon. friend the Mem-

[The Deputy Chief Secretary] ber for Finance as to the necessity for this proposed increase in our revenue. I was even more surprised, Sir, to hear the same sort of complacency come forth from the hon. Member for the Rift Valley with regard to the amount of development which was going on in this country. I say more surprised, because I should have thought that being a member—a regular member—of the Planning Committee, whereas I have only had a brief six months' close association with its work, he would have felt—as I certainly felt, and as I thought other hon. Members felt—that the difficulty in deciding which of the plans submitted to that committee should be left out, because of the limited finance that was available, was quite appalling. (Hear, hear.) To say, or to suggest, that it is not necessary for a young country, anxious to develop, to increase its revenue in order to provide a few more pounds for development seems to me to be a most frightfully pessimistic approach to a desperately important problem.

MR. BLUNDELL: On a point of explanation, I did try to imply that one has to strike a nice balance between development by Government and development by the individual.

THE DEPUTY CHIEF SECRETARY: Well, Sir, I can only say, from my own association with the work of the Planning Committee, that it did not look to me at all as if the balance was going to look nice when it was struck! I would ask hon. Members to consider this point. I know that there are quite a lot of schemes and plans in the minds of hon. Members opposite which they are very keen should be put into operation, but it will not be possible to put many of those ideas, admirable ideas, into operation unless more capital can be found. We have been told by the hon. Member for Finance that there is a limit to the amount of capital that we can borrow, and therefore beyond that limit I can see no other possible way of acquiring the additional capital that we so badly need except by trying to get it from increasing our revenue. It seems to me that this is an extremely mild proposal designed to that end.

I was also surprised, Sir—this is the second point that I would like to make—to hear the hon. Member for Trans Nzoia, after breathing fire and slaughter at mere thought of the possibility that any such suggestion as this might have come from the Secretary of State in London, then very meekly saying that one of the reasons why he did not like this proposal was because we had not been led to it by the Governments of Tanganyika and Uganda! (Laughter.)

MAJOR KEYSER: On a point of order, Sir, I did not mention it in this speech at all. I asked the question in a speech before of the hon. Member for Finance as to what the other two territories had done. In this speech I particularly avoided mentioning the thing at all. (Loud laughter.)

THE DEPUTY CHIEF SECRETARY: I am sorry, Sir, if I misunderstood the hon. Member in this matter. (Laughter.) Perhaps I should not have been quite as shocked as I was. Those, Sir, are the only remarks which I wish to make, and I would join hon. Members on both sides of the Council who have declared their intention of supporting this motion and in urging it upon all hon. Members for support.

THE CHIEF SECRETARY: Mr. Chairman, I think the Committee has plenty of time. I know it is desirable to have a meeting of the Sessional Committee, therefore, may I suggest that we report progress now, if that is agreed by hon. Members opposite?

MR. HAVELOCK: Mr. Chairman, would it not be possible for Sessional Committee to meet tomorrow after completing this debate, and continue the debate now?

THE CHAIRMAN: And the next, please. No other Member wishing to speak? Surely—

LT.-COL. GHERSIE: Would the Chief Secretary like to speak before me? (Laughter.)

THE CHAIRMAN: If no other Member wishes to speak, then of course I shall have to ask the hon. Member to reply and that will end it. This is the last time of asking. If Mr. Gherisie is going to rise, will he rise?

LT.-COL. GHERSIE: There seems to be a competition between the hon. Chief Secretary and myself as to who should reach his seat the longest.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: You can always speak first.

LT.-COL. GHERSIE: I have very little to add, Sir, to what has already been said. I think the arguments have been most convincing. There is no justification for the increased tax whatsoever. The hon. Member for Finance in making his plea referred to the continual increase in our recurrent expenditure. We appreciate that, Sir, it happens year after year, and yet on this occasion, despite this suggested increase of a shilling in the pound, we have more than balanced our budget and I maintain, Sir, that this money, in the best interests of the Colony, can be far better employed in being left and circulated by private enterprise in the expansion of industry.

Now, Sir, there is a point which I just wondered if Government had considered sufficiently seriously, and that is the difference in Company tax between Tanganyika and Kenya. I know it has been touched upon, but has it occurred to them the difficulty, the trouble, the complication and the adjustment of accounts that will take place between companies who have offices and businesses in both Tanganyika and Kenya. Have they also considered the trouble, the complications which will arise in the Commissioner of Income Tax's office? I would be awfully interested to hear whether or not the hon. Member for Finance has discussed this matter with the Commissioner for Income Tax, because I am of the opinion that you will find, instead of Income Tax offices carrying out their normal duties in the collection of tax their time will be wasted now on investigation of all sorts of complicated entries between companies with offices existing in the two territories.

There is one technical matter to which probably the hon. Member for Finance may reply, it does not arise; but it should be remembered that quite a large number of companies have already held their annual general meetings, have declared and actually paid out a dividend, deducting tax at source at the rate of four shillings in the pound. Again, there are large numbers of companies whose fiscal

year will end at 31st December this year, and knowing how frightfully busy most firms of accountants and auditors are to-day, I doubt very much if their balance sheets and accounts will be audited much before the middle of next year. As you know, Sir, this tax is due to be paid by two six-monthly instalments, so it means that the latter portion of this particular tax in any case will probably be paid in 1952. Of course, in the Estimates the hon. Member has made provision to collect it in 1951. I have no doubt, though, that the Income Tax Commissioner has so much up his sleeve he will make good any possible shortage.

Now, Sir, the hon. Member for Health and Local Government made a reference to private enterprise going to the public for capital, I think it was. Now, Sir, you must realize that capital will never be produced by Government spending, it will only be produced by private saving, and that it the only way we can find money for private development.

Now, there was another point made by the hon. Member for Finance and that was that we would recover so much from the Imperial Exchequer, where a company or shareholders had their holdings in London they would merely, because of the double taxation arrangement, reclaim from the Imperial Government. Now, I think it was only yesterday, or, at least, during the last week's session, we were rather patting ourselves on the back in what we were contributing towards defence and relieving the Imperial Government of certain financial obligations and now, a few days later, we are trying to take it out of one pocket almost before we have put it into the other, thereby depriving them of that little bit of revenue they may get from the fellow who invests in this Colony.

In conclusion, Sir, I would like to say this: if the motion is lost, it is no reflection on the hon. Member for Finance.

THE FINANCIAL SECRETARY: Thank you! (Laughter.)

LT.-COL. GHERSIE: We admire him, Sir, and his prudent budgeting, but this is purely a matter of opinion. We regard the Budget Session as something akin to an annual general meeting of shareholders, where the directors submit their reports and accounts for approval by their shareholders, and the average direc-

[Lt.-Col. Gherisc] for welcomes criticism, welcomes suggestions for the improvement of the running of their company. And, Sir, when this motion is lost, as I think it will be, it will be appreciated that it is merely the more considered opinion outweighing the hon. Member's prudent budget.

I beg to oppose.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that the extra half-hour, so that I suggest it would be as well to adjourn now, and we might start afresh in the morning.

THE CHAIRMAN: Will you move to report progress?

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that the Committee reports progress and asks leave to sit again.

The question was put and carried.

Council resumed.

THE SPEAKER: Do we sit again to-morrow morning on this?

THE CHIEF SECRETARY: Yes, Sir, if that is agreeable to hon. Members.

THE SPEAKER: Would I have time to-morrow to reply to some remarks which Mr. Blundell made a few days ago?

THE CHIEF SECRETARY: I think so, Sir.

ADJOURNMENT

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. Wednesday, the 13th December, 1950.

Wednesday, 13th December, 1950

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 13th December, 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 December, 1950, were confirmed.

PAPERS LAID

The following paper was laid on the table:—

BY THE FINANCIAL SECRETARY:

Report of the Director of Audit, Kenya, on the Accounts of the East African Posts and Telegraphs Department for the year 1949.

ORAL ANSWERS TO QUESTIONS QUESTION No. 83

MR. E. W. MATHU:

Is Government aware that the African Makerere-trained doctors in the Kenya Medical Service are dissatisfied with their present salary scales?

If the answer is in the affirmative, will Government please revise these officers' salary scales upwards to improve their position?

THE FINANCIAL SECRETARY: The Government has no evidence of dissatisfaction among Makerere-trained doctors in the Kenya Medical Department regarding their present remuneration.

The latter part of the question does not arise.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Before going into Ways and Means, I think I might take the opportunity now to deal with the matter raised by the hon. Member for Rift Valley last Wednesday.

The hon. Member asked whether the Standing Rules and Orders should be amended to make it clear that, when a Member is dissatisfied with the oral answer to a question at question time, he would be able to raise the matter on the

Communication

The Speaker: There were other points raised by the hon. Member and I will deal with them in due course.

The attempt to raise a matter on the adjournment which gives rise to the request from the hon. Member for Rift Valley was made by the hon. Member on the Coast the previous day and was ruled to be out of order under the six months' rule.

By the expression "raising a matter on the adjournment" I understand Members are attempting to introduce a House of Commons practice under Standing Rule No. 1. When a Member rises in his seat and says in effect: "In view of the unsatisfactory nature of the reply, I propose to raise the matter on the adjournment", I do not take him to mean that he is moving the adjournment in order to discuss or raise a definite matter of public importance. There was in August, 1949, an attempt to raise the matter of the railway re-alignment on the adjournment. It was transformed two days later into a motion under Standing Order No. 33, to adjourn and discuss a definite matter of public importance. So far then, it can be said that the House of Commons practice has not yet been adopted.

Our Standing Rule and Order No. 1 allows the Council "in all cases not hereinafter provided" to resort to the practices of the House of Commons and to follow them "so far as they may be applicable and not inconsistent with" our own rules and practices.

Now, our Standing Rules and Orders provide in No. 33 that "a motion for the adjournment of Council may be made at any time and shall be decided without debate—I must emphasize those words—"shall be decided without debate"—unless in the opinion of the President there is involved a definite matter of public importance.

In my opinion, this No. 33 lays down that the only motion for adjournment upon which debate may arise is one that involves, in the opinion of the Chair, "a definite matter of public importance", because the words "shall be decided without debate" are clearly and definitely mandatory; consequently, as any other motion to adjourn must be decided with-

out debate, the House of Commons practice cannot, therefore, be applied. (Hear, hear.)

No. 33 is not identical with the House of Commons Standing Order No. 8, but I apprehend to a considerable degree the Council would have to adapt its practice under No. 33 to that of the House of Commons under their Standing Order No. 8.

On Tuesday last also, the hon. Member for Kiambu rose to move the adjournment to discuss a definite matter of public importance, thinking, I presume, that the procedure eventually followed in the railway alignment matter was suitable to the case in question. He was ruled out of order because I did not consider the subject matter for discussion was "a definite matter of public importance". Further, it was a grievance which could only be remedied by legislation. (See Campion's Introduction, page 154.) The learned author follows a ruling of Mr. Speaker Peel many years ago that "a question of wide scope which would demand legislation to deal with it in any effective way" cannot be raised on an adjournment motion as a definite matter of urgent public importance. That matter is discussed at pages in May's which were referred to by Mr. Blundell; I think, pages 344 to 348. It is also clear both from May and from Lord Campion's Introduction that, what for convenience I call the six months' rule, is applicable to a motion to adjourn and discuss a matter of public importance.

Whether our Standing Rules and Orders should be amended so as to introduce the current practice in the House of Commons for "raising a matter on the adjournment" is a difficult matter. That practice is not of long standing. It is discussed in May at page 814 in the paragraph headed "Concession of extra time to Private Members". Private Members' time had been taken by the Government during the war and Standing Orders were amended in 1943 to allow "half an hour for debate on the adjournment at the end of business whether or not the hour for interruption had been passed, or whether or not the House had suspended the rule relating to the time for interrupting business".

One can see that it is rather a technical business.

[The Speaker]

Such a practice, as I say, cannot be introduced under Standing Rule and Order No. 1, and if introduced at all would require very careful fitting in to our time table.

If the Standing Rules and Orders Committee takes up that matter it will not have a simple task. The membership of this Council is not identical with the House of Commons, nearly half are civil servants engaged in day to day administration and even a moderate number of adjournment motions would be rather harrassing. Nevertheless, a debate upon an adjournment motion on a specific matter does afford an opportunity for discussion or for obtaining information without reaching a formal decision, with respect to that specific matter; and, Unofficial Members may feel that the ordinary method of putting down a motion on a specific matter and debating and deciding "aye" or "no" upon it does not give them a sufficient or a speedy opportunity of voicing grievances or dealing with topical matters but I venture to think that a revision of Standing Rule and Order No. 33 should meet the needs of this Council.

I would also draw the attention of hon. Members to Standing Rules and Order No. 29, paragraph IX, in which provision is made for a motion to be moved without notice if the Chair admits its urgency and it is supported by ten Members rising in their places. That, of course, would be a specific motion, not a motion to adjourn. But all motions are subject to the six months' rule and the Chair cannot regard an adjournment motion (whether under Standing Rule and Order No. 33 or even under House of Commons practice) as being outside the rule. The hon. Member for Rift Valley has submitted that in speaking to a motion to adjourn, the hon. Member for the Coast was not, in fact, speaking to a question that had been put within the previous six months. I am unable to agree. In my opinion, the Chair must have regard to the substance of the matter proposed to be raised under the adjournment motion. The object is not to debate adjournment but to raise either a definite matter of public importance or a grievance and that matter is usually put into writing

and handed up to the Speaker beforehand. In the case in question, it was the refusal of the Government to introduce legislation to abolish a means test as to pensioners and quite clearly that question had been in Standing Rule and Order No. 34, proposed, debated and disposed of within the preceding six months. The subject matter proposed to be raised under the adjournment motion was therefore substantially identical therewith.

Although considerable use for a variety of purposes is made of adjournment motions in the House of Commons both by the Government and the Opposition, to what extent those practices should be adopted by us is properly a matter for the Standing Rules and Orders Committee or perhaps of the Sessional Committee to consider carefully and advise upon. For myself, I trust I have made it clear that the only form of adjournment motion on which debate can arise in this Council is the one provided for under Standing Rule and Order No. 33.

MR. COOKE: May I take it that it is your ruling that a motion for the adjournment—the motion I put up for the adjournment last Tuesday was substantially identical with the motion last August?

THE SPEAKER: The substance of the matter which you proposed to discuss, namely, the Means Test, is exactly the same as the matter which has been decided during the six months.

MR. COOKE: I am referring to the motion now, nothing else.

THE SPEAKER: The motion is the motion to adjourn.

MR. BLUNDELL: Mr. Speaker, as I raised this matter in the Council, I should like to take the opportunity of thanking the Chair for the great trouble you have taken to give your ruling in the matter. (Applause.)

THE SPEAKER: When I was speaking I had not got my telephone system going. I do not want the hon. Member to repeat himself but I suppose it would be perfectly safe for me to say, we now proceed into Committee of Ways and Means. We were on the motion to increase the tax upon chargeable income of a person other than an individual and

the Speaker had the floor I think at the time when Committee reported on the motion.

COMMITTEE OF WAYS AND MEANS

DRAFT ESTIMATES OF REVENUE, 1951
Council went into Committee of Ways and Means to consider the Draft Estimates of Revenue for 1951.

Company Tax—(Contd.)

THE CHIEF SECRETARY: Mr. Chairman, may I claim the right, if necessary, to speak for more than ten minutes? I do not expect to have to do so but I may take a little longer than I expect.

It was stated yesterday that no case had been made out for this additional tax. All I can say, Sir, in reply to that, is that I am afraid the hon. Members did not listen to my friend and colleague the Member for Finance when he spoke, because he certainly made out, in my view at any rate, a very adequate case for this additional tax.

The Member for Nairobi South and I believe the Members for Central Area, Rift Valley and Nairobi North, said that the proceeds of this tax were not needed. Many remarkable statements have been made in this Council, Sir, but I can think of no statement more remarkable than that! If anyone believes that we do not need additional revenue in this Colony, may I suggest that he takes a tour of this Colony and, provided he does not make that tour with his eyes shut and his ears closed, I believe he will see a very great need for additional revenue. (Hear, hear.) On the other side, Sir, one is struck by the enormous need for development of every kind (hear, hear)—not only capital development but for social services and other services as well. We need roads, we need water supplies, we need schools and hospitals and buildings, capital development of every kind. (Hear, hear.) A short time ago, Sir, I laid on the table of this Council the Interim Report of the Planning Committee. May I invite the attention of hon. Members to the end of paragraph 6 on page 7 of that Report, where the Committee said, "against this total", that is the total of the money which was made available for development, "Members have submitted

estimates for the extension of existing schemes and new schemes amounting to £24,000,000 or more than double the sum available".

Now, Sir, that estimate was made on a very conservative basis. If we were to review our requirements, with a little more imagination it would not be difficult to double, or treble, or quadruple that amount. Let me take one example, the need for housing of all kinds is enormous. The need for housing, in particular for African workers is, to put it mildly, gigantic. That need, Sir, is required not only to house the servants of Government Departments, but to house labour required for private enterprise.

MR. HAVELOCK: Let them house themselves.

THE CHIEF SECRETARY: The hon. Member for Kiambu says "let them house themselves". Well, Sir, accepting his statement that they should house themselves—

MR. HAVELOCK: House their employees.

THE CHIEF SECRETARY: "House their employees" if he likes to put it that way. Does he suggest that the Government should not assist by making available the facilities so that private enterprise can house their employees, the plots and services where those houses are to be built.

Now, Sir, the Member for Trans Nzoia said it was more important for private enterprise to spend money than for the Government. I should be the last to deny the importance of private enterprise, or the need on the part of Government to stimulate and encourage private enterprise, but public expenditure is required too in order to enable private enterprise to develop here, to provide the basic services which are required by private enterprise. The communications, the water supplies, the plots and other services. Does the Member for Trans Nzoia expect private enterprise, new industries, to spring up in the bush unassisted? I put forward no doctrinaire formula—I neither argue on behalf of Government expenditure nor private enterprise. I believe the proper course is that both should go forward together, in partnership.

MAJOR KEYSER: Hear, hear. I agree too.

THE CHIEF SECRETARY: And for that reason I believe that it is necessary, if we really are going to adopt a forward policy in this Colony, that the Government should play its part. I would suggest that it is fantastic to suggest that there is no need for additional revenue or for additional expenditure on the part of the Government. (Hear, hear.)

Now, the hon. Member for Nairobi South—I believe it was—suggested that Government spending did not produce capital or revenue. I may have misunderstood him, but that is what I thought him to say. That, in my view, is also incorrect because Government expenditure does produce tangible assets. In many cases it is directly revenue-producing; in other cases it produces indirect revenue; in many cases it saves expenditure; in other cases it enables private enterprise to produce wealth.

The hon. Member for Trans Nzoia went on, or rather the day before, Sir, he was at great pains to explain the distinction between what he had suggested last year by way of a reserve, and what he was suggesting this year. He made a distinction, which appeared to us on this side of the Council to be a distinction without a difference. If I understood him rightly, he suggested that the reserve should be created from surplus balances, but apparently his idea is that there are to be no surplus balances from which to create the reserve.

MAJOR KEYSER: On a point of order, Sir, have we got £6,000,000?

THE CHAIRMAN: If you want to interrupt a Member who is speaking, the rules are quite distinct. You have got to get him to give way first before you begin. No Member has a right to say on a point of order unless a point of order is to be distinctly raised.

MAJOR KEYSER: May I raise a point of order then, Sir? I thought he said, Sir, that no surplus balances existed—didn't you?

THE CHAIRMAN: I do not think that you can interrupt a Member in this fashion. I think you are carrying the rule of interruption beyond its scope. I think the hon. Member should continue his speech.

Also hon. Members should recollect that it is quite possible to rise on a point

of explanation if what a Member has said has been misunderstood after the Member speaking has concluded. There is that opportunity, as well as the opportunity of interrupting him during his speech, but during his speech you must get him to give way before speaking at all. That is what I understand—what we have got now in our Standing Rules and Orders.

THE CHIEF SECRETARY: The point wished to make, Sir, was that I understood the Member for Trans Nzoia to suggest that the reserve should be created from future surplus balances, but what he suggested will result in future surplus balances being reduced, so that the possibility of creating this reserve is automatically reduced too.

The hon. Member for Rift Valley suggested that we were already spending enough from revenue on development. I disagree. He suggested that 10 per cent on development was very reasonable. I understood his argument, it was that companies should plough back much more than 10 per cent of their profits and by the same argument it would seem to me reasonable that Government should also put back into development much more than 10 per cent.

MR. BLUNDELL: But you do not get it from the people. You cannot make it.

THE CHIEF SECRETARY: We are asking for it from the people.

MR. BLUNDELL: That is the whole trouble. You have hit the nail on the head.

THE CHIEF SECRETARY: I am glad to hear, Sir, that I have hit the nail on the head. I think the hon. Member for Rift Valley in making that last statement with all due respect, has also hit the nail on the head.

The hon. Member for Trans Nzoia asked whether this suggested increase was not inspired from elsewhere—outside the Colony—and whether it was not the result of a suggestion from the Secretary of State. The answer to that, Sir, is the negative. It was decided here on our own initiative. It is true that in reviewing our development plans the Secretary of State later did suggest that additional funds which were required might be found from an increase in the Company

tax, but that was received after we had already decided on this proposal.

MR. HAVELOCK: What a coincidence!

THE CHIEF SECRETARY: It seems to me, Sir, that it is a remarkable support to the policy which the Government is going forward.

Now, Sir, the hon. Member for Rift Valley asked some time ago what was to happen at the end of the present Development and Reconstruction Authority period, and he expressed, quite rightly, some anxiety as to how we would find the necessary funds to engage on a further development programme which I think every hon. Member of this Council agrees is necessary. My hon. friend, the Member for Finance, suggested that the reserve, which he wishes to create, might form a reasonable nucleus for such a future development plan. I would suggest that there, again, is another reason why we need additional revenue.

Finally, Sir, taxes are not popular. For obvious reasons nobody likes them. The Government has got to balance the need for raising additional funds as against the need which those funds are required to finance. It is quite true—and I should be the first to agree—that in some ways this addition to the Company tax will act as a deterrent. On the other hand, in order to provide adequate encouragement, as I have tried to explain, the Government must provide the services and facilities which are required. We have to balance the two. It may be argued that this is a deterrent. On the other hand, nothing could make certain that there is no new capital development, that no companies expand, than a failure by the Government to provide the framework within which they can expand. But I have said, Sir, I believe that private expenditure and public expenditure must go hand in hand. I would submit that a case has been made out that there is an irresistible need for these funds, and that this proposal is a properly balanced measure designed to carry this country forward in the right direction.

Sir, I beg to support. (Applause.)

MR. HOPKINS: Sir, when this debate started I was mildly on the side of those who were against any increase in the Companies tax, but I fully expected to

hear Members on the other side put forward arguments which would convince me that it was necessary to raise this extra quarter of a million pounds, and that the best way of raising it was by increasing the tax on companies. Now, Sir, I have listened carefully to this debate and I have heard quite a number of cases put up, but in none of those cases have I heard an argument advanced which I consider was convincing, that we should raise this extra £250,000 to swell our surplus balances, and that the best way of doing so was by increasing the Companies tax.

The absence of any satisfactory answer to these two questions inclines me to the opinion that the hon. Member for Trans Nzoia was right—that, even though Government did not initiate this proposal in pursuance of directions from the Colonial Office, they are at any rate pressing it because they have now learnt that the wishes of the Colonial Office are that there should be some increase in the Companies tax. Sir, I am most unimpressed by the suggestions which we have heard that we may need this extra money because of some unforeseen calamity or some unforeseen development. If circumstances do, indeed, arise which make it necessary for us to impose extra taxation on the Colony, I am sure that hon. Members on this side will not hesitate to meet these circumstances and to deal with them. There are, however, so many unpleasant things within the realms of possibility that I do deplore this pessimistic attitude which seeks to persuade us to tax ourselves unnecessarily merely because some unforeseen difficulty may arise which would require this money. Such stronger arguments as have been put forward have all been introduced at a very late stage in this debate. We all, of course, agree with the last speaker, that we require more for development, but we must not lose sight of the fact that this extra quarter of a million pounds is going to swell our surplus which will already show a surplus in 1951, and that such developments as are proposed are provided for otherwise. On the other hand, Sir, I have been very impressed by some of the arguments which have been put up on this side and especially by the one referred to by the hon. Chief Secretary; that is that a higher tax on companies in Kenya, as opposed to Tanganyika and Uganda, will have an

(Mr. Hopkins) adverse effect on business in the Colony in general, and in Nairobi in particular.

Sir, I am one of those who feels that it is the duty of every Elected Member to follow the course which he considers to be best for the Colony as a whole, and for his constituency, and in those circumstances I feel that it would be a dereliction of that duty if I did not oppose this motion.

MR. COOKE: Mr. Chairman, I was not desirous of interfering in this debate, because I had made my position plain in the Policy Debate at the beginning of this session: that is, that I agree with the proposals of my hon. friend, the Financial Secretary. But, Sir, a remark made yesterday by my hon. friend, the Member for Nairobi North, has really brought me to my feet, when he twitted the other side with making use of the money of the poor English taxpayer—well, Sir, when my hon. friend the Member for Finance made that point, I understood that was not the main reason for the tax—but he was using what I think logicians call *argumentum ad hominem*. He was dealing with a particular point which had been raised by someone on this side of the Council. But that, Sir, is not the worst of it. I think, Sir, it is shameful and, indeed, contemptible, and I would make it clear now—I am not saying that my hon. friend is either shameful or contemptible, in case I am called to order!—but I think it is a shameful and contemptible thing, Sir, that we should take money from the British taxpayer in the form of the Colonial Development and Welfare vote, take millions from the British taxpayers, and ourselves hesitate to tax ourselves at a time when we are not even, according to recent Reports, taxed to our taxable capacity.

Now, Sir, my hon. friend, the Member for Rift Valley, made a point that it was, I think, the poorer companies or the smaller companies that would suffer. Now that may be perfectly true, and I am certain it is perfectly true, but "hard cases make bad law". No tax, as my hon. friend the Chief Secretary said, is perfect. No motor-car is perfect, no Kenya settler is perfect!

THE FINANCIAL SECRETARY: Question!
MR. COOKE: My hon. friend, the Member for Rift Valley, gets very near

to it! It was Dr. Johnson, Sir, who defined a tax as an "iniquitous imposition collected by a set of wretches hired for the purpose", and he was, I am sure, re-echoing what we all feel about taxation in general!

Now my hon. friend the Chief Secretary has dealt, I think, with my hon. friend the Member for Trans Nzoia—

MAJOR KEYSER: Not adequately.

MR. COOKE: Well, he made a point which I am going to make adequately, a bit more adequately, because it is a point that has crossed my own mind—great minds think alike at times! My hon. friend in his speech a few days ago had said, and very rightly said, from his point of view, that it was a good thing to build up surplus balances, and that later on we could use those surplus balances as a reserve. Well, that is a point of view, although I may not entirely agree with it, but surely what we are doing now is building up these surplus balances by adding this £200,000 to our surplus balances. Surely we will reach all the sooner the position so ardently desired by my hon. friend in which we will have £6,000,000 in our surplus balance to use as a reserve against a rainy day.

There was one point that I wanted to make, and that was, and it has been made by the hon. Member for Commerce on the other side of the Council. I know a good many commercial people in this country, and I have not heard one—not one—from Kisumu to Mombasa through Nairobi—I have not heard a reputable commercial man—I may not have been speaking to those particular men—speaking against this tax. I do not mean to say that any commercial person in Nairobi is disreputable. I am very loath to say that! And when you consider that our national income—and this is a mistake I think we always make—we have great sympathy with the individual taxpayer. We do not think in terms of national income. How much is our national income going to be affected by taking this £200,000? Our national income is about £70,000,000, so by taking this £200,000 from our national income, we are taking about one-third of one per cent, and I do not think that is going to break this country.

Sir, I support the motion.

MR. PRESTON: Mr. Chairman, in spite of recent reinforcements, I still feel a case has not been made by the other side. Certainly it has not been made for increased taxation. The necessity for increased taxation disappeared when we decided that we would not put £250,000 in a reserve and I have heard nothing so far to-day which has altered my view on this subject, and I do believe, Sir, we should be making a very grave mistake if every time we effect a saving in one direction, we allow ourselves to be persuaded into an increase on the taxation side for purposes which we have not been told. It would be, of course, ideal if we could increase our taxation every year, and have a wonderful road system throughout the Colony, all the medical services we desire and everything else. Sir, I do submit this is a very young Colony and we cannot, I think, develop beyond our means and furthermore, Sir, unless we were to receive relief for development and possible relief under section 21 (b) of the Income Tax Ordinance, I fail to see how private enterprise can fully and adequately develop.

I beg to oppose, Sir.

THE ATTORNEY GENERAL: Sir, I rise to support the proposal.

As the worst mathematician in Africa—a distinction which I have previously held in Asia and in Europe—(laughter) I naturally hesitate to intervene in a financial debate. In fact, I am a child in these matters, but there are one or two things that I think ought to be said.

To start with, a very small point—the hon. Member for Trans Nzoia said that under section 21 of the Income Tax Ordinance, a company might be forced to distribute up to 60 per cent of its profits and only allot 40 per cent to development and reserve, and I understood him to cite that as an argument against this proposal. Now, I am not trying to catch the hon. Member out in any way, but I just want to point out that that is not quite accurate. A company can distribute what dividends it likes and place to reserve or to development what moneys it likes, and no outside person can interfere with that. The effect of the section to which the hon. Member referred is this, that a company, in which the public is not substantially interested, may be treated as if it had distributed up to 60 per cent of its total income

over the relevant period, so as to render those notional dividends taxable, whether the dividends have in fact been distributed or not. The object of the section is, of course, to prevent persons escaping income tax and surtax (which they would incur if they traded as individuals or partnerships) by turning themselves into private companies and refraining from distributing dividends. They could, thereafter, take the increased value of their shares free of the tax which they should otherwise have paid. I am informed that that section is only used by the Commissioner of Income Tax to prevent evasion of surtax by shareholders in proprietary companies. In practice, that is its main, if not its only, use.

Now I agree with hon. Members opposite that it is important to do nothing which would bear too hardly upon the small company which is trying to get going; but when the shareholders of that company reach the stage when they are so prosperous that they will incur surtax, and when it becomes worth while for the Commissioner to intervene and operate this section, then my tenderness for them is somewhat decreased. They can also, of course, render the section inapplicable by transferring 25 per cent of the shares carrying the voting power to members of the public. I merely wish to point out that I do not think that that section is a very strong argument that section is the other upon the point which is now before this Committee.

It has been pointed out that, if the Companies tax is increased, a considerable portion of the money will come from the pockets of the United Kingdom taxpayer. I am, as a general principle, against taking a penny from the pockets of the United Kingdom taxpayer, because I think—say what you will—one must come to the conclusion that the company and the business man in the United Kingdom are taxed much more heavily than their opposite numbers here. But, we do desire to have money to pay for our own vital development, money to raise and to use for projects which we so sorely need. We are taking, as has been pointed out by the hon. Member for the Coast, millions from the British taxpayer in the form of the Colonial Development and Welfare fund. I should like to see us tax our own wealth in

(The Attorney General) Kenya and, perhaps, take a little less in that other form.

MR. HAVELOCK: This does not achieve it, though.

THE ATTORNEY GENERAL: I think that in the circumstances, it may be justifiable and would be justifiable to tax profits made in Kenya for the benefit of Kenya, even if the result is to diminish to a small extent the amount which the companies concerned contribute to taxation in the United Kingdom, and if I may here differ from the hon. Member for Nairobi North, I see a great difference between taxing Kenya profits made in Kenya and asking the United Kingdom taxpayer to pay an undue sum for Kenya defence. (Hear, hear) I would rather that we stood on our own feet in both respects, that we taxed our own wealth and paid as much as we can possibly afford towards our own defence.

Now, Sir, we have been told that there is no necessity for this taxation. The hon. Member for Nairobi South said that the only criterion was necessity and that he had yet to hear one solid good reason why the increase was necessary. Now, if we do not have to use the proceeds of this tax to balance our Budget, then I presume that we shall have a surplus balance, and we know how we ought to use our surplus balances. The hon. Member for Trans-Nzoia has told us, and everybody in this Council has agreed with him, that what we should do with our surplus money, if we have any, and fortunately we have it to put in our development. Now is there necessity in this necessary for development? What is the position of the Development and Reconstruction Authority? We have just heard it from my hon. friend the Chief Secretary. Some thing like £200,000 worth of projects approved and less than half that sum available to execute them. Someone has talked of the administrative and balance. I would not say that it is a case of necessity or a balance at all. What the country has sufficient funds to build the roads, the bridges which we have heard of, and our development, when the country has sufficient funds to execute its programme. It is not necessary to provide facilities for industry which really will attract investment in the country.

it can add to its hospitals; when it can give us a corrective training centre so that we can control our crime without waiting for four years, mainly because there is not enough money in the Development and Reconstruction Authority; then I would, perhaps, agree that there is no necessity to build up our balances, but not before. (Hear, hear) Sir, the next time that we hear from hon. Asian Members and from hon. African Members that they desire to have schools built as a matter of urgent necessity, the answer can be supplied in the words of the hon. Member for Eastern Area who said "I do not see any need to increase any form of taxation during 1951... I personally think that there is no need for it".

Now, Sir, play has been made with the proposal of my hon. friend the Financial Secretary who has said that the tax would do no harm, that it would have no significant effects. It has been said that his recommendations are therefore negative. I can only say, Sir, that if I meet our crying need, he has devised something which will do no harm, then I for one heartily applaud him.

Sir, I will agree that it is generally speaking, much better to leave money in the pockets of the private individual where it can fructify far better than in the coffers of Government; but, as my hon. friend the Chief Secretary has pointed out, there are some things which must be done first, before the money can fructify properly.

Use that my time is at an end and I must stop, but I would end upon this note, that I do urge this Council not to say that there is no necessity for this money, there is crying necessity for this money, and I do urge this Council to give us an opportunity to build it up.

Sir, I said that I was a child in the balance and I have spoken as a child. I can only say that it is very fortunate for me that I have next to me a "Parliamentary" dignitary under whose support I have proposed to take refuge.

Sir, I beg to accept.

Major Keyser] I have spent quite a long time in telling you of the necessity for providing funds for development. Now, Sir, there is no member on this side of the Council who is that. In fact, in my opinion, Sir, it is quite a waste of time to emphasize that particular point because we all know it fully and we have endorsed this policy on this side of the Council, by voting an extra £200,000 this year for the Development and Reconstruction Authority without any murmur at all. We were told that it was necessary that the contribution from revenue this year be increased by £200,000 to £500,000 and that the expenditure would be available out of revenue and we endorsed that without any murmur at all. As far as defence is concerned, Sir, the vote was a considerably greater one than last year and we on this side of the Council did express our opinion that we thought that that was the proper thing to do and that we would support any increases in the defence vote. Now, Sir, what else is there? There is no argument about that, agree with it. But, Sir, in moving this particular item, an increase of Company tax to provide another quarter of a million pounds for the revenue, I submit that no real argument was given, until later in the debate this question of development was brought up for the purpose of increasing this Company tax and raising this extra money, it was not in my opinion—originally given as that of providing finance for development purposes. On the other hand—

THE FINANCIAL SECRETARY: Mr. Chairman, on a point of explanation, I mentioned the pressure for development in the opening remarks of my speech in opening the motion.

MAJOR KEYSER: I will accept the hon. Member's explanation, Sir.

Sir, on the other side of the account, in expenditure, we had that quarter of a million pounds which was to go into a reserve fund and was to be frozen as far as we can make out on this side of the Council and it is not unreasonable to suppose that this extra quarter of a million to be raised by Company tax was in order to meet that particular quarter of a million for a reserve fund. Had this Council right from the beginning been asked to vote an extra quarter of

a million for development instead of a reserve fund I am perfectly certain that the reception would have been a totally different one, Sir, and I am borne out by the argument I used at the beginning of this speech in which I said we did accept the extra amount of development without murmur. I cannot help thinking, Sir, that this is a little exercise to train the taxpayer into paying increased taxation. He needs a little bit of scolding perhaps and that is what is being done from the other side. If it is the case then I think that a far better reason should have been given for this increase right from the start, some definite purpose.

Sir, with regard to the remarks of the hon. Mr. Ohanga yesterday, I would like to point out to him, Sir, that one of the best means of improving the position of the poor African in this Colony is to provide good employment for him. Surely the development of our industries which provides that good employment for him—and I did use the argument that this tax will tend to decrease the funds available for companies for developmental purposes, I, therefore, contend that if the money is left with the companies and they are enabled to develop their projects, then that will provide far better employment for Africans and partly solve the problem that he realizes they face.

Sir, I beg to oppose.

MR. HAVELOCK: Mr. Chairman, I just want to underline, Sir, some of the remarks which have been made by the hon. Member for Trans-Nzoia. Is it really going to be of great benefit to the Development Fund to have £250,000—Development Fund to have £250,000—or is it £200,000—in a full year from this tax? Is that going to solve the problem of all crying needs? It seems to me a very weak argument on the part of hon. Members on the other side. It may be a "mickle that will make a man's muckle" as my hon. friend the Coast Member said yesterday, but to taking this submit that the drawbacks to taking this money in this way, is that we are stilling the development by private enterprise, and the drawbacks far outweigh any benefits you might get from £250,000 a year.

THE FINANCIAL SECRETARY: What about the £300,000 as capital expenditure for the Road Fund?

MR. BLUNDELL: You can have it next year free.

MR. HAVELOCK: It is not only, I understand, the argument that capital money should be supplied from the £250,000 reaped from the Company tax but as I listened to hon. Members, it seemed to me that they were advocating that this money should also be used on the expansion of different services and recurrent expenditure. Well, again is that an argument that we on this side of the Council can accept in principle? Cannot this argument be applied on every type of taxation if, as the hon. Member for Trans Nzoin has said, we accept this tax now—which may to some people seem not a very great burden, not a lot of money, it may, it does not to us, but to some people it may. If we accept that now, Sir, are we not accepting this: that because we need so much, so much expansion of social services, so many more schools, more hospitals, are we not accepting the principle—because we need those things, we all realize we need them—that we are going to accept increasing and ever increasing direct taxation on the taxpayers of this country? I would never accept that and I never will. I think that the money in the pockets of the individual will do much more good towards the development of the country than is suggested by the hon. Financial Secretary.

The hon. Member for the Coast spoke about the British taxpayer and the Colonial Development and Welfare Fund. We all recognize that there is a great element of generosity in the Colonial Development and Welfare Fund, but let us be realists and also realize that that is not entirely altruistic, that the money that is given to this fund is spent here to develop this Colony, to develop markets for British goods, that we are tied to the sterling currencies—as we quite well should be—and that, in fact, Britain does stand to gain something from the money she invests in her Colonies. That must be realized and do not let us be too sentimental about it. On the other hand, Sir, if you do wish to take the line that we should not have put any further burden on the British taxpayer, with which I agree, then is there a difference between the British taxpayer and the British shareholder? I

suggest that there is not a great deal of difference and the hon. Member for Finance made that argument very strongly yesterday, that a great proportion of the money which we collected from this tax will come from the British shareholder.

THE FINANCIAL SECRETARY: Mr. Chairman, on a point of explanation, I thought I made it absolutely clear that there would be no extra burden whatsoever on the shareholders of these companies, the same amount of tax would be paid; it would merely be a redistribution between Kenya and the United Kingdom.

MR. HAVELOCK: Thank you, in other words as the United Kingdom income tax is so high, we are taking, therefore, in this tax money what otherwise would go into the coffers of the British Government, and does that not support my argument?

THE FINANCIAL SECRETARY: Sir, the hon. Member has got it. (Laughter.)

MR. HAVELOCK: With your permission, Sir, I will use the phrase "I have also had it"—that argument. In other words, it is true that the United Kingdom taxpayer through this tax will contribute to this country more than he is doing if we raise the tax by a shilling in the pound. I hope that is appreciated.

I will not deal with the national income, which my hon. friend the Member for the Coast is always bringing out of the hat, I do not really think the arguments he put forward really carry much weight, but he will discuss that later. I have no doubt.

Sir, I am very surprised that we have not been faced with an argument from the other benches calling on us to strengthen our individual outlook and to go ahead in our lines with our own policy in this territory of Kenya, no matter what the other territories do. We have heard so often the other point of view put to us, that, after all, we are trying now to build up and to co-ordinate the economic life of the three territories as a great task ahead of us and therefore, even if it is some sacrifice to ourselves, we really must try to make this interterritorial agreement work. Well, Sir, we have listened, and

(Mr. Havelock) we have agreed that the suggestions put forward were suggestions that we could accept, other times we did not stand on our individuality. And here, Sir, is a particular example; I have not yet heard any mention from hon. Members opposite of the difference between the rates in Uganda, Tanganyika and Kenya and I have not yet heard any answer to suggestions made on this side of the Council, that there will be complications in the Income Tax Department, which is an interterritorial department which will probably need more staff to sort out all the difficulties of the companies which are working in the three territories, who is to pay what and how much. It does surprise me, Sir, that this particular argument has not been tackled, because it has always been such an important aspect which has been put to us by hon. Members on the other side on matters of this sort. So, Sir, I would be very grateful if some hon. Member would deal with that aspect.

The hon. Attorney General said in his speech that he agreed that tax should not bear hardly on small companies. Well, at that time, he was dealing with rule 21 (b), I think, but that is the point that I made yesterday, I am not concerned with 21 (b), all I am concerned with is that small companies, private or public companies which have to pay the increase in this tax, they have to pay it out of the reserves which otherwise would go to expanding their activities. I feel that is one of the strongest arguments that we could put up that the increase should not be imposed. It is, I believe, on the small companies, on the small individual, on the man that has enthusiasm and drive, who starts with almost nothing and builds it all up through his own efforts, those are the people who are going to make this country, and those are the people we have got to help as much as possible and not hinder in the way that is suggested.

I beg to oppose.

MR. PATEL: Mr. Chairman, there are some fallacious arguments advanced on the other side in regard to the need to increase the taxation on companies. The Government, when presenting the esti-

mates, intended to have a surplus balance of about £300,000 and a further special revenue reserve fund of £250,000. Now this side of the Council voted against £250,000 under Head 4—4 and that in itself reduced the expenditure vote by £250,000. That is why it is not now necessary to raise the Company tax by £250,000 because otherwise it would merely swell the surplus balances. The argument has been advanced that there is a need to do it for social services, development and other projects, but we have not provided more expenditure for social services and other projects. What is intended now is merely to swell the surplus balance which was provided to be about £300,000. We on this side are not saying that you do not have your surplus balance of £300,000; what we say is that £250,000 was reduced on the expenditure side, therefore on the revenue side also £250,000 should be reduced. Now, Sir, those on this side of the Council who had at the beginning supported the Company tax can, in my opinion, very well say that as the expenditure vote has been reduced by £250,000, therefore their support is now not necessary to receive more revenue. And I suggest that this side of the Council, having voted against the £250,000 expenditure, the Government is now trying to get round that by swelling the surplus balance from £300,000 to £550,000. Therefore I suggest that the arguments which have been advanced about the need for this tax are fallacious. The Government is not now providing for increased social services or increased development projects, but are merely trying to swell the surplus balance. When their first method was rejected by the Council, now they are providing this method for swelling the surplus balance. That is the reason why it is necessary, I think, to reject this motion.

—MR. MATHU: Mr. Chairman, I feel that a few statements that have been made in this debate should be answered.

The hon. Member for Kilambu yesterday, and other speakers, put the point that if this Company tax was increased that by a shilling in the pound next year, that would discourage very greatly the African companies that were springing up in the country. Another hon. Member said that the tax will also prevent Africans from developing into good businessmen because they would not

[Mr. Mathu] register companies under a company law. Now, Sir, I do not accept these two arguments, because the tax is non-racial and if there has to be any suffering by the communities in this country, I should be the last person to plead that the African should get away with it. I want him to go through the mill exactly like any other member of the community, and that is why I do not think he should have any privileged position in a matter of this kind. The difficulty of the African in trade does not lie in this form of taxation. Difficulties lie elsewhere; he has to get experience in business, and I do not think that this extra shilling in the pound would prevent him from gaining commercial experience at all. His difficulty lies in the availability of goods in a good market because the middlemen who have entrenched themselves in trade in this country are definitely a stumbling block in the African development in trade. Now if you had to remove difficulties in the way of African traders, it is not removing the shilling in the pound in the Company tax. You have to remove these other difficulties and then you can see them coming forward.

The other point that has been raised is that this Sh. 1 increase would hold up development of industries and that would mean lack of employment for the African. I think it was the hon. Member for Trans-Nzoia who made a categorical statement this morning that the only thing the African wants is good employment. Now, I disagree with him because the African wants much more than good employment because, well, he wants—I will enumerate: he wants education, he wants medical services, he wants good roads, he wants a good system of agriculture in order to produce more for this country, he wants clothing, he wants good food—well, he wants everything that any other person in the world wants, not only good employment. I do not think, Sir, that the Sh. 1 increase would hold up the development of industry—in fact, I think it would stimulate these companies to work harder and develop this country. (Laughter.) This is my own view. If they have to make up the loss—the alleged loss—they will be making as a result of this tax, surely they will have to work harder and they will have to get their juniors and the whole set-up moving to

make the alleged loss. In fact, this is not a loss at all, Sir, I suggest, and I support the hon. Member for Development that this quarter of a million pounds in the coffers of the Government is only there in safe custody for the shareholders in another form in the way of development of this country, and I do not think, Sir, that there is any loss in it.

Now, the hon. Member for Eastern Area, Mr. Patel, says that the Government are going round another way to swell surplus balances by this quarter of a million pounds. Now may I say, Sir, that that is not quite correct, because this proposal was put forward by the Government when the hon. Member for Finance moved a motion to go into Committee of Supply. He has not sprung this on us after we have defeated the Government on this question of the reserve fund and so I cannot see the logic of that argument from my hon. friend, who is usually very logical, but not this morning, I do not think. (Laughter.)

The other point, Sir, I should like to make before I sit down, is this, that this tax has no element of discrimination at all. Companies, whether they are companies formed by the citizens of this city or companies formed by the citizens of London but operating here and making profits out of us, or black companies or white ones, they are all paying the same amount—and brown ones too, I have been reminded. So, Sir, this is a very fair tax. It includes the Africans, the Europeans, the Indians and—are there any Seychelloise here?—all these people, Sir, and I think it is a very fair tax.

I support the motion.

LADY SHAW: Mr. Chairman, I am full of admiration for the logic of the last speaker. One of the best reasons I have ever heard put forward for putting extra taxation on people is that it is non-discriminatory—nothing to do with whether the tax is necessary but whether in fact it is a good thing to have it because it is not discriminatory. That seems to me one of the most astonishingly illogical statements I have ever listened to in this Council. (Hear hear.)

Another small point I would like to make is that in his speech on the prosperity of the African, or the possible prosperity of the class to which the hon. Member Mr. Ohanga referred, I wish

(Lady Shaw) the very poor African; the hon. Member for Trans-Nzoia in my recollection did not say what was the only thing the poor African wanted—he, I believe, said that the best way that the very poor African could become more prosperous was by getting good employment. That I think is a very different thing. I have heard no argument on this side of the Council or on the other for that matter which contends that everyone does not want everything in the world—good housing, good education, good roads, good motor cars, if you like—but the Government are trying to put up to this point is that you can go on wanting what you cannot have them, and if you cannot afford to have these things you have to do without. Nobody is suggesting that people in this country should do without everything. We are trying to strike a balance between what we can afford and what we cannot afford—what is good for us as a country and what is not good for us. We believe that the worst thing that we can do for this country is to bleed it white in order to build schools and hospitals for a lot of indigent people who cannot profit from these services because they have been bleached white. We believe it is no good healing the sick or making roads for people who are underfed, under-prosperous because they have no employment and no livelihood. The astounding thing to me in this country—one hears it the whole time from all races, not only from Africans, but from Europeans and Asians, from all classes, all classes, Government officials and settlers—is the perfectly astounding manner in which the cart is habitually put before the horse. If you have not got the money and do not create the prosperity which enables you to spend money upon social services, you will have to do without them. It is a pyramid turned up the wrong way and it is bound to fall down.

I strongly oppose this motion.

LT.-COL. GHERSIE: Mr. Chairman, I must intervene once more because the hon. Chief Secretary and the hon. Member for Law and Order have apparently succeeded in confusing the minds of certain hon. Members on this side of the Council. (Laughter.) They talked very glibly about the development of this Colony, they referred to the figure of

£24,000,000. Well, Sir, is it really suggested that the financing of capital expenditure of that £24,000,000 for projects it represents is to be obtained from the revenue recovered from our budget in any given year or a number of years?

THE CHIEF SECRETARY: No.

LT.-COL. GHERSIE: Therefore, Sir, I suggest that the quarter of a million pounds is chicken feed when related to a budget of £24,000,000, and is merely a drop in the ocean so far as the development programme is concerned. I am perfectly convinced in my own mind that the hon. Member for Finance had no more idea of handling that over to development than the man in the moon because—it may be a coincidence—but you have only got to refer to his own speech on that particular morning when he introduced the Budget when he said, "when our balances are sufficiently resilient". I think his words were, "when we have accumulated sufficient reserve funds", £4,000,000 was the amount he had in mind, then and only then we might consider releasing certain of this money for future development. It is all money for future development. It is all here, Sir, you cannot go back on it now.

There is one other point I would like to make, I am certain hon. Members have missed. It has been stated that this tax is not a great hardship to companies, but there are a vast number of companies in this Colony who have commenced business during the last three or four years and in fact have never paid a dividend of any description to their shareholders. They have ploughed back what limited profits they have made for the purpose of expansion and it is to be understood that those people will be faced, presumably when they do find prosperity, with a payment of Sh. 5 in the pound instead of Sh. 4.

There is one point—I think it was the hon. Member for Health and Local Government—who suggested that when companies find that they have not sufficient reserves on which to expand their business, then they should go to the public and increase the capital of the company and if that is what I understood, Sir, that really means over-capitalizing the company. He is shaking his head—apparently he did not intend that.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Oh, Sir, point

[The Member for Education, Health and Local Government]

of explanation, if the hon. Member will read my speech that is not what I said. I trust I have been too long in business to suggest that people who have got adequate reserves should go to the public for more capital. What I said was they should have the choice between going to the public for more capital, or using their reserve, or borrowing money, the three ways in which normal business functions are carried out.

THE CHAIRMAN: Have you concluded?

LT.-COL. GHERSIE: I think the point the hon. Member made was if they were unable to build up reserves due to increased taxation, they should go to the public and increase their capital. Surely instead of using their reserves for expansion and creating an economic unit, you are encouraging them to over-capitalise the company. (Hear, hear.)

THE ATTORNEY GENERAL: Sir, I do not know whether I was right. I thought I heard the hon. Member who has just spoken alluding to this £250,000 as "chicken feed". I may be wrong but I thought I heard the hon. Member for Trans Nzoia a little time ago alluding with pride to £200,000 which had been devoted to development this year. I would only like to point out, Sir, that either of those two sums of "chicken feed" would have given me a corrective training centre. (Hear, hear.)

LT.-COL. GHERSIE: On a point of explanation; Sir, my relative remark was that a quarter of a million was chicken feed in relation to £24,000,000.

THE ATTORNEY GENERAL: I fully appreciate that, Sir, it is. The need is terribly great.

THE CHAIRMAN: Is there any Member wishing to speak—Members who have not spoken twice.

MR. COOKE: As the hon. Member for Trans Nzoia has indicated, if he had known at the start this money would be voted for productive development, he would not have possibly developed so many long arguments on this side of the Council. Perhaps now he would withdraw his opposition if he got an assurance from the other side of the Council that the money will be used for productive purposes.

MAJOR-KEYSER: May I make another speech, Sir?

THE CHAIRMAN: Not at the moment, unless with the consent of everybody. If nobody objects, if nobody rises and says that they object, I might allow it this once, but then I shall be creating a precedent.

MAJOR-KEYSER: I will spare them.

THE FINANCIAL SECRETARY: On a point of explanation, I think that it has been made abundantly plain from this side of the Council through the mouth-piece of the Member for Finance that it is the Government's policy to make every possible penny available for development.

THE CHAIRMAN: I will not call upon the hon. Member to reply now but to reply after the interval.

Committee adjourned at 11 a.m. and resumed at 11.25 a.m.

THE FINANCIAL SECRETARY: Mr. Chairman, I am going to be brief. (Applause.)

Now, Sir, the first thing I would like to point out is this, that most of the arguments which we have heard from the other side in opposition to this increase are really arguments against the whole principle of Company tax itself. They have referred—

MR. BLUNDELL: All taxation.

THE FINANCIAL SECRETARY: I thought we were confining our attention to this one aspect! They have referred to the deleterious effect upon the building up of reserves that this increase will have and they have suggested that development is far better left in the hands of private enterprise than in the hands of Government. Now, Sir, these arguments have been heard before in this Council and with the permission of the Committee I would like to read a speech which was made at the time when Income tax was first introduced in this country in 1937. This speech was made on this very subject, that is to say, the question of building up of reserves and the adverse effect Companies tax would have upon those reserves. This speech was made by Major Grogan, now, I think, Col. Grogan.

[The Financial Secretary]
Legislative Council, 5th March, 1937.

Major Grogan: I now pass to the Company tax, and very little has been said about companies because I suppose they have no votes as such. To my mind the matters included in this Bill, the one of greatest importance is this Company tax. I think it is going to have disastrous effects on the country."

Now, Sir, I think it will be admitted that the hon. speaker of that time was one of the finest financial and business brains that ever sat on the opposite side of this Council. (Applause.)

Yet, Sir, nobody is going to say that his prophecy has been fulfilled. I am, therefore, very surprised, Sir, that notwithstanding the falsification of this brilliant prophet, hon. Members opposite still venture to embark upon prophecies of a similar nature.

Sir, hon. Members opposite have quite rightly, I think, laid great stress on the question of the necessity of this increase. Now, I did think that I had made it quite clear when I opened this debate that we were, in fact, facing a fast-rising bill of recurrent expenditure and, of course, there was also this question of pressure for development. Now, the aspect of development has been very adequately dealt with by my hon. colleagues on this side and I do not propose to enlarge upon that subject, but there is a point which was made by the hon. Member for Rift Valley, when he said that we were making very considerable sums available this year anyway from revenue for development. That is true, Sir, but I must point out quite clearly that those sums have become available from non-recurrent items of revenue. I refer mainly to the arrears of Income tax and the large item of £190,000 which we secured from the Industrial Management Board. Indeed, Sir, without those accretions, those additions to our revenue, we should, as the hon. Member for Nairobi South pointed out, we should have faced a deficit Budget.

Now, in case that remark produces consternation among Members of this Committee I hasten to add that this elementary precaution was taken of ensuring that recurrent expenditure did not outrun recurrent revenue.

Now, Sir, we cannot go on expecting these abnormal accretions. We have got

to make provision for recurrent increases and I suggest, Sir, that the provision for this increase in the Companies tax, was no mere piece of prudent budgeting, as suggested by the hon. Member for Nairobi North, but, in fact, an indispensable measure.

The hon. Member for Nairobi South made a very clever play (I congratulate him), he made very clever play on my use of the word "reasonable" in the Budget Speech, he suggested that nowhere had it been stated that this increase was necessary, but was just reasonable. Now, Sir, I did not use the word "reasonable" as opposed to "necessary" or "essential". What I said was this, that the Government, having surveyed that the field of expenditure and revenue, had concluded that it was essential to raise extra money, and having investigated potential sources, it considered it reasonable that that extra money should be found from Company tax. I think, Sir, hon. Members will accept that there is a very considerable difference in this the correct analysis from that which the hon. Member attempted to place upon my exposition.

There has been a great deal said about the difficulties which will arise as a result of the difference between the Kenya Company tax and that in Uganda and Tanganyika. Now, Sir, hon. Members may take it that in a measure of this kind we keep in the closest possible touch with the Commissioner of Income Tax who ought to know, and we are assured, Sir, that though there will be admittedly some complexities, the difficulties will be very far from insurmountable.

One thing I would like to make quite clear, these difficulties, though they may exist, will not, I repeat not, involve additional staff.

MR. HAVELOCK: What about the difficulties of the companies?

THE FINANCIAL SECRETARY: The hon. Member raised the question of the difficulties to the companies. Companies which are registered in Kenya, irrespective of their having branches in other territories, will be liable to the Sh. 3 rate on the whole of their profits whether these be earned wholly in Kenya or partly there and partly in Uganda and Tanganyika.

[The Financial Secretary]

It has also been suggested, Sir, that this difference will tend to make companies who are controlled from Kenya transfer their control to Kampala or Dar es Salaam. Sir, I do not believe it. I do not believe it, and I do not believe hon. Members opposite believe it. I do not believe that the great advantages which are possessed by Kenya in this behalf, and by Nairobi and Mombasa in particular, I do not believe that they are offset by a mere difference of Sh. 1 in the Company tax.

Moreover, Sir, what possible guarantee has any company which goes to the vast expense of transferring control, the head offices from Nairobi or Mombasa to Kampala or Dar es Salaam, what guarantee have they that in a few months they will not find themselves paying exactly the same Company tax in Tanganyika or Uganda?

MR. COOKE: What about U.N.O.?

THE FINANCIAL SECRETARY: Sir, I do not know whether that is badinage or a point of explanation!

Sir, I do agree, and I think it is a fundamental principle that identity in fiscal structure and fiscal policy between the three East African territories is most important, but what we must also realize is this, that our individual territorial needs are becoming more and more different. Our economies are not only different but they are diverging, and we may find it extremely difficult to preserve this identity in the future under the particular constitutional set-up which we enjoy to-day.

I bring that point up for consideration because consideration it will have to have in the not too distant future.

Now I think the hon. Member for Nairobi South also stated that although no organized body of public opinion had dissented from this increase, he had heard many individuals protest against it. Well now, Sir, I think it is reasonable that if Government is going to heed any kind of opinion it should be the deliberate opinion of the properly constituted organizations of commerce—the chambers of commerce—rather than the grumblings of a few individuals who may be disgruntled. Surely that is the right thing to do—that the chambers of

commerce express opinion at a properly constituted meeting, and that is the opinion that the Government should heed, I submit that there has been no expression of dissent by such bodies.

MR. HAVELOCK: They did not support it.

THE FINANCIAL SECRETARY: I said no expression of dissent.

Sir, I have a few more points to make; I will not detain the Committee much longer. I still find it very difficult to understand the point made by the hon. Member for Nairobi South when he refers to the offsetting of the 1947 concessions by this increase. These concessions still continue. If any company acquires an asset to-day it is still eligible to receive the immediate 20 per cent write-off as a concession. I do admit that possibly because they secured the write-off in the early days the deduction made now is a little less and therefore the amount of income assessable at the higher rate of tax may be a little more but the amount is very small and in any case decreasing. Even if it were so, because Government made this concession in 1947, that cannot be regarded as estopping us for all time from adjusting this tax.

I think the question of the small companies has been adequately dealt with from this side. I would merely point out that this impingement of the increased tax is only on undistributed profits. Moreover so in the case of small unregistered companies there is no effect whatever. In any case the small companies are always with us. They exist in all parts of the world. If we are to wait until we have no small companies before we raise the tax we are going to wait for ever.

I think the hon. Member for Nairobi North was a bit apprehensive about the companies who have already declared or paid their dividends. It is true, a little inconvenience is caused in that way, but the hon. Member will appreciate that for all the fiscal changes that those changes will have to be kept extremely secret until they are announced, and we cannot give anybody a pre-warning of this. I think his point was, these companies who may now be subject to Sh. 5 in the Company tax on undistributed profits, actually paid only Sh. 4 on distributed profits. I can

[The Financial Secretary]
The hon. Member, companies which have done that will be held liable for Sh. 4 in the pound on their distributed profits.

MR. COL. GHERSIE: It is an advantage to the companies who have already paid their dividends.

THE FINANCIAL SECRETARY: There was one small point made by the same hon. Member. He said we had made provision in the Budget to collect £250,000 in 1951, whereas only half the sum will be paid. Sir, I wish to correct him. In fact we have made provision to collect only £125,000 in 1951. The hon. Member will recall my words, when I said, we hope to get £250,000 in a full year. That, I think, also disposes of the arguments which were put forward with considerable glee, that this tax has been imposed simply to constitute a reserve fund, and they have pointed to the identity of the £250,000 for this tax and the £250,000 for the contribution to the reserve fund. In actual fact, in 1951, the expectation from this tax is not £250,000 but £125,000.

Sir, if any hon. Member wishes to interrupt me, I am quite willing to sit down. (Laughter.)

Now somebody said—I forget who it was—that while we were patting ourselves on the back with one hand about meeting our military commitments, with the other hand we were taking money out of the coffers of the United Kingdom. I do not remember that we ever actually patted ourselves on the back about this. When I listened to the statement on this subject it sounded to me like a very dignified exposition of our intention to meet what was our fair share of military expenditure, and in any case, let me make this quite clear: the tax which we are imposing on these United Kingdom registered companies is a tax on money made in this country—profits which have been made in this country, and which are proceeding out of this country. Surely, Sir, it is only right we should have our fair share.

MR. HAVELOCK: Colonial Development and Welfare Fund.

THE FINANCIAL SECRETARY: I can say this much—that an adjustment of this kind from time to time as tax votes are

changed is completely inseparable from any system of double taxation relief, and I can assure hon. Members opposite that His Majesty's Government was very well aware of that possibility when agreeing to a system of double taxation.

Now, Sir, I said I would not detain the Council long, and I propose to finish on this note. Let me, if I may, refer back to the remarks I made in opening this debate when I said that if this motion is lost, let all complaints about lack of development through lack of money, and lack of social services through lack of money—let all those complaints cease forthwith. (Hear, hear.)

Sir, I beg to move.

THE CHAIRMAN: The motion before the Committee—I now put the question—is: That subject to the provisions of an Ordinance to be passed during the present session of Council for the year of assessment commencing on the first of January, 1951, and for subsequent years, the tax upon the chargeable income of a person other than an individual should be charged at the rate of Sh. 5 on every pound of chargeable income.

The question was put and, on a division, carried by 21 votes to 14. Ayes—Messrs. Adams, Anderson, Carpenter, Chemallan, Cooke, Davis, Gillett, Hartwell, Hobson, Jeremiah, Matthews, Mathu, Mortimer, O'Connor, Ohanga, Padley, Rana, Rankine, Rhodes, Thornley and Vasey. 21. Noes—Messrs. Blundell, Gherisie, Havelock, Hopkins, Keyser, Maconochie-Welwood, Madan, Nathoo, Patel, Preston, Salim, Shatry, Shaw, Usher, 14. Absent—Mr. Pritam, I. Cavendish-Bentlinck paired with Salter, 2.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that the Committee reports progress.

THE CHAIRMAN: I should think the correct thing would be to report the resolutions. Are there more resolutions to come—there was no notice.

THE FINANCIAL SECRETARY: No, Sir.

THE CHAIRMAN: We can conclude Ways and Means, then.

THE FINANCIAL SECRETARY: I was proposing to report, Sir, to the Council, after we got back into Council.

THE CHAIRMAN: The proper motion is that we would not report progress but should report the resolutions.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that the Committee reports that the resolutions have been carried without amendment.

The question was put and carried.

Council resumed.

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to report that the Committee of Ways and Means, having considered the ways and means of raising the supply to be granted, has approved of the amendment to the schedule of the Customs Tariff Ordinance in accordance with the provisions of the Bill entitled an Ordinance to amend the Customs Tariff Ordinance, 1950, and the amendment to the schedule of the Excise Duties Ordinance in accordance with the provisions of the Bill entitled an Ordinance to amend the Excise Duties Ordinance, 1950.

The Committee has also approved that, subject to the provisions of an Ordinance to be passed in the present session of the Council, the tax upon the chargeable income of a person other than an individual should be charged at the rate of Sh. 5 in every pound of chargeable income for the year of assessment commencing on the first day of January, 1951, and for subsequent years.

THE CHIEF SECRETARY seconded.

The question that the report of the Committee of Ways and Means be adopted was put and carried.

BILLS

FIRST READING

On the motion of THE ATTORNEY GENERAL, seconded by THE SOLICITOR GENERAL, the following Bills were read a first time:—

The Liquor (Amendment) Bill.

The Road Authority Bill.

The Customs Tariff (Amendment) Bill.

The Excise Duties (Amendment) Bill.

The question was put and carried.

Notice was given that all subsequent stages would be taken during the present sitting.

THE SPEAKER: Further matters on the Order Paper are Bills for second reading.

BILLS

SECOND READINGS

The King's African Rifles (Amendment) Bill

THE DEPUTY CHIEF SECRETARY: Mr. Speaker, I beg to move that the King's African Rifles (Amendment) Bill be read a second time. The purpose, Sir, of this short amending Bill is to apply to the proceedings of courts martial under the principal Ordinance the rules of procedure under the Army Act. That, Sir, was the intention of section 50, subsection 10, of the principal Ordinance, but doubt has been cast on whether that particular sub-section does in fact apply to the procedure under our Ordinance all the necessary rules of procedure under the Army Act. Section 128 of the Army Act applies the rules of evidence used in the English civil courts to proceedings under the Army Act, and the other three sections referred to in clause 2 of this Bill facilitate the proof of certain documents in these proceedings.

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

The Kenya Cultural Centre Bill

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move that a Bill to incorporate the Kenya Cultural Centre and to confirm and expand its power be read a second time. After the storm of Supply, Sir, the calm of culture. The history of the Cultural Centre is, to a large extent, contained in the preamble to this measure. Hon. Members will be aware that this grew out of the idea of a centre where all citizens of the Colony could, without distinction of race or creed, promote cultural activities. A charter was granted by His Excellency in April, 1949, which enabled the organizing body to move steadily towards the point where the present Bill became necessary in order to confirm and expand its powers. The objects, Sir, of the Kenya Cultural Centre are outlined now in the Bill as a statement of intentions and can be seen in clause 2, sub-clause (3). This Cultural Centre will now be run by a Council which will be a corporate body and be able to act in all matters of administration and direction. The Bill, Sir, sets up

the Member for Education, Health and Local Government]

the constitution and the duties of the Council, and of the Board of Management, and of the basic standing of the constituent members. It confers upon the Council of Management and the Council those powers needed to administer the Kenya Cultural Centre in as independent a manner as possible.

As I think, Sir, that remains for me to do at this stage is to pay tribute to those men and women who have done so much to bring the Kenya Cultural Centre idea to the position where an Ordinance can be introduced to make it a statutory body, and to say I trust the centre will go forward with the good wishes of every hon. Member of this Council.

THE SOLICITOR GENERAL seconded.

LODY SHAW: Could I ask one thing. I feel that the hon. Mover might give us, Sir, some light on this. I have been looking at the schedule at the end. Without mentioning any particular body—because I think that is an invidious way to do in this case—I would be very interested to know how the schedule was compiled, in the sense of that advice was taken about it, and really, generally speaking, on what principle it was compiled, because looking through it, it does seem to me to be the most odd collection of bodies.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: The only reply I can give the hon. and gracious Lady is, I think it is correct to say people from all these bodies either took part in some degree with the idea of the formation of a cultural centre, or when the constituent members, the foundation constituent members were drawn up, it was decided that these were bodies who would contribute in some degree to the centre itself. The centre will be a building in which cultural organizations of the type outlined here will have their offices. The idea, I think, has been to concentrate in the basic constituent members all those societies which may justly claim to have participation in its object.

The question was put and carried.

The 1951 Appropriation Bill

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move that the 1951 Appropriation Bill be read a second time.

Sir, the function of this Bill is to put a statutory seal upon the decision of this Council to accept the recommendations and decisions, or rather accept the Report, of the Committee of Supply. No further explanation, I think, Sir, is needed, and accordingly I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

ADJOURNMENT

THE CHIEF SECRETARY: Mr. Speaker, I know it is desired to have a meeting of the Sessional Committee in order to decide the business for the rest of this Session. As it is now 12 o'clock, I think it would be probably convenient to adjourn now, if hon. Members see no objection.

The question was put and carried.

Council rose at 12 noon and adjourned till 9.30 a.m. on Thursday, 14th December, 1950.

Thursday, 14th December, 1950

Council assembled in the Memorial Hall, Nairobi, on Thursday, 14th 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 13th December, 1950, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE CHIEF SECRETARY:

The Report of the Standing Finance Committee regarding Salaries and Allowances to Unofficial Members of Legislative Council.

BY THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT:

The Report of the Select Committee on the Entertainments Tax Bill.

NOTICE OF MOTION

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT gave notice of the following motion:

That the Report of the Select Committee on the Entertainments Tax Bill be adopted.

BILLS**SECOND READING****The Customs Tariff (Amendment) Bill**

THE SECRETARY TO THE TREASURY: Mr. Speaker, I beg to move a Bill entitled an Ordinance to amend the Customs Tariff Ordinance be read a second time.

I do not think there is any need for me to say more than that.

I beg to move.

THE FINANCIAL SECRETARY seconded.

The question was put and carried.

The Excise Duties (Amendment) Bill

THE SECRETARY TO THE TREASURY: Mr. Speaker, I propose to say even less on this occasion.

I beg to move that a Bill entitled an Ordinance to amend the Excise Duties Ordinance be read a second time.

THE FINANCIAL SECRETARY seconded.

The question was put and carried.

The African Poll Tax (Urban Areas) Bill

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, I beg to move that the African Poll Tax (Urban Areas) Bill be read a second time.

This Bill is designed to replace the Native Poll Tax (Municipalities) Ordinance which provided the means of levying a tax on Africans in Nairobi and Mombasa comparable with the poll tax plus the rate which most Africans pay in their own African land units. This urban areas poll tax is divisible into two parts. The first part represents the amount of tax payable to the Central Government and the second part represents a contribution to local rates, local authorities, either the authority of the African in his own district; a part of the tax goes to that, part goes to the urban areas authority in which he pays the tax and part to the Native Trust Fund. The existing Ordinance, Sir, which was passed in 1948 contains a provision that it should run for one year at a time and could be extended subject to the consent of this Council. It was extended until the end of 1950 and hon. Members will recollect that recently the Council agreed that it should be further extended to the end of 1950 if necessary. If, however, this Bill, now before the Council, is approved that further extension of the old Municipalities Poll Tax Ordinance, of course, will not be necessary and the old Ordinance will no longer run.

There are three differences, Sir, between this Bill and the existing Municipalities Poll Tax Ordinance. Those are, first that this is to be a permanent Ordinance, secondly that it can be applied not only to Nairobi and Mombasa but to other municipalities and, if necessary, by the Member, to townships and thirdly this new Bill makes provision for the exemption from the payments of this tax by any African who has also or already paid a rate under on the unapproved value of land in the urban area in which he resides. The existing Ordinance, Sir, was started in 1948 and

worked well. This Ordinance merely consolidates its principles and extends them.

Mr. Speaker, I beg to move.

THE SOLICITOR GENERAL seconded.

MR. MATHU: Mr. Speaker, in supporting the second reading of this Bill, there are a few points which I should like to mention to the hon. Mover. The first is contained in section 3 (1) where the principle of prescribing moneys that each African is required to pay is continued as it is in the African Poll Tax Ordinance, No. 21 of 1942. Now, Sir, I believe that in the early days when the British occupation started and they wanted some money from the African community, it was quite proper that the Government should prescribe the amounts that each adult male would pay, but I think that that time is now passed and this Council, which has the prerogative of raising or other sanctioning ways by which moneys would be raised by direct taxation, should be the proper authority and not the Governor in Council, and I would like to know from the hon. Mover what possibilities there are later on of amending this Ordinance later, and amending the African Poll Tax Ordinance, 1942, to that effect so that the hon. Financial Secretary when moving the motion to go into Ways and Means every year, if there is any change in the African taxation structure, it will come forward for debate as any other form of taxation but not by prescription as it is being done by the Governor in Council. I think it is a principle that should not now be continued as I think it is not a very sound one.

The second point, Sir, is that under 3 (1) (a) where it is required that if an African "produces a valid receipt issued by an African District Council evidencing the payment by him of any rate levied by such African District Council for the current year"—then he would be exempt from paying this tax in the urban areas. I understand that there is a legal interpretation of that provision *vis-à-vis* the provision in the African Poll Tax Ordinance and also of the African District Council Ordinance that it is possible for a taxpayer to pay twice, to pay one rate in an African area and he will still be also subject to pay a rate in the urban area

or vice versa. If there is such an interpretation, I would suggest the hon. Mover should clarify that because I think it would be unfair for a person to be expected to pay two rates. An argument can be produced that if Mr. X owns property in Nairobi and he owns property also in Mombasa that he will, under the Municipal laws, pay two rates, one for his property in Nairobi and one for his property in Mombasa. If an argument is produced to that effect to support this anomaly which I am pointing out, I would suggest, Sir, that that principle should not be applied to Africans yet, when they will develop more than they have done now economically, then it might be possible to apply that principle to them, but at the moment I do not think it is the right time to do it.

A further point, Sir, is that under section 3 of the African Poll Tax Ordinance, the Governor is limited to a maximum of Sh. 20 in his powers of prescription. Under section 3 here, there is no such ceiling. Apparently the Governor can, by notice in the Gazette, prescribe any amount. I do not think that he is likely to prescribe anything like Sh. 100 or Sh. 200, but as the law stands, he seems to have the whole field of prescribing, and as I say, under the African Poll Tax Ordinance, the proviso is that "no poll tax may be prescribed" under this section at a higher rate than Sh. 20 per annum. I would like a reply on that one, Sir, from the hon. Mover because I think the field is too wide in this Ordinance.

The final point is connected with section 3 sub-section (3) where you have the Member for Finance given power to decide how much each of the authorities enumerated under this sub-section, namely, the African District Council, the African Trust Fund, and the Municipal Council or Board, shall receive out of the proceeds of the tax. Now I think that this Council ought to know what portions the Member for Finance has portions the Member for Finance has fixed every year to go to each of these authorities. As it is the Council is left in the dark when the hon. Member for Finance says that the Municipality of a particular area will receive X, another one will receive Y and an African District Council will receive Z. All these letters, X, Y and Z are unknown to this Council, and I think, Sir, that there

[Mr. Mathu] ought to be provision after sub-section (3) by which the sums apportioned to various authorities are laid on the table of this Council so that Members know exactly how this apportionment has been done.

Those are the points I want to raise and I hope that the hon. Member who has moved the motion will give the necessary answers.

Sir, I beg to support.

THE CHIEF SECRETARY: Mr. Speaker, the hon. Mr. Mathu has raised one question regarding the powers of the Governor to prescribe the rates of African poll tax and he has suggested that that is a matter which ought to be brought within the purview of this Council. It is a principle of taxation that the incidence of tax should be related as far as possible to the ability of the individual to pay. We all know that so far as Africans are concerned, we have not yet reached the stage at which there is a system of income tax or even graduated poll tax for Africans. The present Poll Tax Ordinance does, however, provide a rough and ready means whereby the rates of poll tax can be fixed every year within certain limits as far as possible in relation to the ability of the individuals to pay. Rates are fixed by the district, or even by location, after very careful examination of the economic circumstances in each area, after consultation with the district and provisional commissioners concerned which is done scientifically. As I have said, pending a system of income tax or poll tax, this does provide the next best thing. We all hope that very soon a system of income tax or graduated poll tax for Africans can be introduced and a committee is sitting examining that question now. Meanwhile, as I have said, the present arrangement is the next best thing, but there is some substance in the point which the hon. Member has raised. (Hear, hear.) Although I can give no guarantee that the Ordinance will be amended, at any rate until such time as the Committee which is sitting, has reported, the Government will consider that suggestion.

MR. MATHU: May I speak on a point of order? Is it correct, Sir, that Africans come within the income tax law? That is, can Africans pay income tax? The law is non-racial.

The second point, Sir, as far as the Personal Tax Ordinance is concerned, is not correct, Sir, that African and women are liable under that law?

THE CHIEF SECRETARY: Sir, I really fail to understand what point of order was raised. What the hon. Member has said may be correct.

THE SPEAKER: Well, the hon. Member managed to gain an opportunity of saying it. (Laughter.)

THE CHIEF NATIVE COMMISSIONER: With regard to the points raised by my hon. friend, Mr. Mathu, first of all the last point—are African women subject to personal tax? I should say no—definitely no.

As regards double taxation, if an African owned property within one urban area, and was liable to pay rates in that urban area, and also owned property in another area in which the rates on site value were levied, he would be liable to both. There is, I know, a doubt in this Bill *vis-à-vis* the African District Councils Bill, in that as the law stands at the present if an African pays tax under the existing Municipalities Native Poll Tax Ordinance, he can legally be asked to pay the whole of his rates if he goes back to his own African land unit. That is obviously unfair—unjust—and must be altered. At present we do apply administrative construction only, but amendment to the African District Councils Ordinances is required and will be put before this Council in due course.

The hon. Member also referred to the limitation imposed upon the Governor in the African Poll Tax Ordinance of not prescribing a rate of tax higher than Sh. 20. There is in truth no limitation on this Ordinance, but as I have already explained this Ordinance provides for a tax to be levied on two parts. One part is the amount of tax which is prescribed by the Governor as a standard rate of tax for those areas which have African District Councils, and the remainder is for a rate corresponding to the rate levied by African District Councils in those areas.

There is no limit, I think, to the amounts which the African District Councils can put on their own people, and I can see no reason for any similar restriction here. I think, as the hon.

the Chief Native Commissioner]

Member himself suggests, it stands to reason that this amount would be a sizeable amount.

Another point raised by my hon. friend was that he would like to see the details of this tax prescribed, the amounts to be and how they are to be divided between the Central Government and Local Authorities, he would like to see that specified at the time. Government, Sir, has no objection to that and we will if necessary lay upon the table these details and details as to how the rates are to be divided between the Central and Local Authorities. I think, Sir, that covers the points raised by my hon. friend and I beg to move.

The question was put and carried.

The Deportation (Immigrant British Subjects) (Amendment) Bill

THE ATTORNEY GENERAL: Mr. Speaker, I beg to move that the Deportation (Immigrant British Subjects) (Amendment) Bill be read a second time.

Sir, section 14 of the existing Deportation (Immigrant British Subjects) Ordinance gives powers to vary or revoke deportation, or restriction orders made under that Ordinance. The previous Deportation Ordinance was repealed in 1949 but certain deportation orders made under it remained extant. It is desired to have power to vary or revoke those orders in the same way as orders made under the existing Ordinance can be varied or revoked, and that is the principal object of the present Bill.

The opportunity has also been taken to correct an obvious error in section 9 of the Ordinance. That section refers to the decision of the Member which in fact should be the decision of the Governor.

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

The Deportation (Aliens) (Amendment) Bill

THE ATTORNEY GENERAL: Mr. Speaker, I beg to move that the Deportation (Aliens) (Amendment) Bill be read a second time.

The effect of this Bill is to do exactly the same for the Deportation (Aliens) Bill as the Bill of which I have just moved the second-reading will do for the Deportation (Immigrant British Subjects) Ordinance: in other words, to allow extant deportation orders to be revoked or varied.

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

The Tea (Amendment) Bill

THE DIRECTOR OF AGRICULTURE: Mr. Speaker, I beg to move that a Bill entitled an Ordinance to amend the Tea Ordinance, 1950, be read a second time.

There is really very little I need say in introducing this Bill. The main object of the Bill is to repeal the Tea Cess Ordinance, and to transfer the property and assets of the Tea Cess Board to the newly constituted Tea Board. It will be remembered that before the introduction of the Tea Ordinance, 1950, we had two Ordinances—the Tea Ordinance and the Tea Cess Ordinance. The new Tea Ordinance covers all the provisions of the previous Ordinances and therefore there is no need to continue the operations of the Tea Cess Ordinance.

The opportunity has been taken in this amending Bill to change section 7 of the 1950 Tea Ordinance in so far as licences are concerned. Due to an oversight in the principal Ordinance, licences were only required for the planting of tea and no provision was made for tea already established. Quite obviously, if the Tea Board is to levy cess on planted tea, as well as tea to be planted, it is necessary for it to have the information on all tea whether planted or to be planted.

Mr. Speaker, I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

The Sisal (Amendment) Bill

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, on the last occasion on which this Sisal (Amendment) Bill came before Council I moved an adjournment of the debate as there was a certain amount of opposition to minor provisions in the Bill, in order that these might be dis-

[The Member for Agriculture and Natural Resources]

cussed. A meeting duly took place, and as a result some minor amendments have been agreed upon for introduction when the second reading debate was continued. Unfortunately, Sir, those amendments are not before the Council this morning. I would, therefore, beg leave, Sir, of you and of the Council to again adjourn this until tomorrow.

THE SPEAKER: Well, we will proceed then, if somebody will move that we go into Committee and deal with the remainder.

THE ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider the following Bills clause by clause:—

The King's African Rifles (Amendment) Bill.

The Kenya Cultural Centre Bill.

The 1951 Appropriation Bill.

The Customs Tariff (Amendment) Bill.

The Excise Duties (Amendment) Bill.

The African Poll-Tax (Urban Areas) Bill.

The Deportation (Immigrant British Subjects) (Amendment) Bill.

The Deportation (Aliens) (Amendment) Bill.

The Tea (Amendment) Bill.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

COUNCIL IN COMMITTEE

The Kenya Cultural Centre Bill

Clause 5.

THE ATTORNEY GENERAL moved: That the word "Director" be substituted for the word "Manager" in sub-clause (1) (vii) of the clause.

The question was put and carried.

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

Clause 12.

THE ATTORNEY GENERAL moved: That the word "Director" be substituted for the word "Manager" in the clause and the marginal note thereto.

The question was put and carried.

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

Clause 13.

THE ATTORNEY GENERAL: It is thought that it may not be possible on all occasions for the Board to carry out those duties and it would be a mistake to lay such a duty upon them by statute.

Mr. Chairman, I beg to move that clause 13 be amended by deleting therefrom the words "and shall estimate the cost of the production of such undertaking and the estimated receipts to be derived therefrom".

The question was put and carried.

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

Schedule.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that the Schedule be amended by adding at the end thereof the words "The Nairobi Orchestra".

I am sorry that you have not been given that amendment in writing. It has been discovered that the Nairobi Orchestra, which is a constituent member, has been omitted from the Schedule.

The question was put and carried.

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

THE CHAIRMAN: There is a date missing in the preamble. I take it that is a verbal thing which will be put in in due course.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: It is, Mr. Chairman, included in the printed copy.

THE CHAIRMAN: The copy I have is the draft. All right.

THE ATTORNEY GENERAL moved: That the Kenya Cultural Centre Bill be reported back to Council with amendment and the remainder of the Bills without amendment.

The question was put and carried.

Council resumed and the Member reported accordingly.

3rd Readings

BILLS

THIRD READINGS

THE ATTORNEY GENERAL moved: That the Customs Tariff (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the Excise Duties (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the African Poll Tax (Urban Areas) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the Deportation (Immigrant British Subjects) (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the Deportation (Aliens) (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the Tea (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the King's African Rifles (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the Kenya Cultural Centre Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

THE ATTORNEY GENERAL moved: That the 1951 Appropriation Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

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

MOTIONS

PROPOSED RULE 91 (h)

MR. HAVELOCK: Mr. Speaker, I beg to move that this Council recommends to His Excellency the Governor that the proposed rule 91 (h) appearing in Annex 2 of the Report of the Committee appointed to review the Standing Rules and Orders of the Legislative Council be framed for adoption by the Council.

Sir, the rule to which this motion refers or the suggested rule reads as follows, if I may read it:—

"At any time between the passing of the Appropriation Bill for the current year and the end of February in the current year, a motion may be moved by any Unofficial Member to the effect that the Council recommends that in the Estimates of Expenditure for the next ensuing year, a reduction either of an unspecified or a specified amount as against the amount shown in the Estimates of Expenditure for the current year should be made in any particular vote or head or any particular votes or heads."

Sir, since the giving of notice of this motion, this matter has been studied again, and it seems to me, in fact I think according to our present rules, any Member, Unofficial Member, would have the right to move a motion of this sort in any case. There was at one time, Sir, a doubt that a motion of this sort might fall under the six months rule, but as the motion would be in regard to the Estimates of the year, of the ensuing year, I suggest that it would not fall under the six months rule. There is one other reason why this Rule was suggested, and this is hon. Members of the Government would feel that, if a motion of this sort were tabled after February affecting the Estimates of the next ensuing year, it would be very difficult for them to make any alteration in their Estimates because during February and after, they are con-

[Mr. Havelock] sidering those Estimates and indeed the Members concerned are working on the Estimates. Therefore, for the convenience of Government, it would be better if a motion of this sort were to be tabled, that it should be tabled before February.

Now, Sir, may I ask you, Sir, if you could confirm what I have suggested and that is that according to our present Rules, a Member has the right to table a motion of this sort and such a motion is not affected by the six months rule. (Hear, hear.) Would you be pleased, Sir, to give your opinion on that matter?

THE SPEAKER: As far as I can see, a question which you suggest proposing at some future time, say in February, which would, in fact, be in form a motion recommending certain alterations in fiscal structure, would not be substantially identical with the questions which have been proposed in Committee of Supply for the prior year and therefore, would not fall within the six months rule.

MR. HAVELOCK: Thank you, Sir.

Now, Sir, hon. Members on this side of the Council are quite prepared, by convention, to agree that a motion of this sort should not be tabled except in times of extreme emergency after February of the year concerned and, Sir, if I, on behalf of the Unofficial Members, give that assurance I wonder if hon. Members opposite would agree that that would be sufficient and that we need not go further with this motion in order to get it into the Standing Rules and Orders of this Council. I feel, Sir, it is unnecessary in view of your ruling and if hon. Members will accept my assurance on the matter then I would ask your permission and the permission of Council to withdraw this motion.

THE SPEAKER: The motion yet has not been proposed from the Chair and is still the property of the Member. If you do not move it and it is not seconded, it automatically drops as far as I can see, but if hon. Members on the Government side wish to take this opportunity of saying something about it, I see no objection to them saying anything.

MR. COOKE: Could we adjourn, Sir, while the hon. Members are making up

their minds on the other side of the Council.

THE SPEAKER: Well, will someone move that the debate be adjourned.

THE CHIEF SECRETARY: Mr. Speaker, it is a fact, as far as I know, that any hon. Member can move a motion making a recommendation of this kind at any time, and, therefore, it is all to the advantage of the Government that by convention, the time for such a motion should be confined to February. The Government has no objection to that naturally.

MR. COOKE: They are getting a bit frightened.

MR. HAVELOCK: Sir, in view of that may I have leave to withdraw this motion?

THE SPEAKER: If it is not seconded it shall not be debated and it shall be considered as lost. That is the rule.

MR. MATHU: May I second the motion?

THE SPEAKER: Now, I have then to propose it and somebody may withdraw it.

It is proposed that this Council recommends to His Excellency the Governor that the proposed rule 91 (h) appearing in Annex 2 of the Report of the Committee appointed to review the Standing Rules and Orders of the Legislative Council be framed for adoption by the Council.

Nobody objects to it being withdrawn. It is withdrawn.

Rent Reserved in Temporary Occupation Licence

MR. USHER: Mr. Speaker, I beg to move that this Council is of the opinion that the rent reserved by the Special Commissioner of Lands in the case of a Temporary Occupation Licence issued by him to Messrs. Taylor Woodrow, in respect of Plot No. 277 of Section XXI, Mombasa Island, is excessive and requests the Government to reduce it to forty shillings a month or to some nominal rent of that order.

Mr. Speaker, I do not apologize for bringing up this parochial matter. It will be within the knowledge of hon. Members that the question of half-a-crown or five shillings was very much exercised—

is not reserved in

THE SPEAKER: Before you proceed, have you considered the question as to whether or not the effect of this motion, if carried, would be to reduce the revenue arising within the Colony, or can you say distinctly me that the motion is in form sufficiently abstract as to be merely a recommendation and not if carried in its terms that it would not operate to reduce revenue?

MR. USHER: Mr. Speaker, the object of this motion is to move the intelligence and the heart of the Government to take a certain action.

THE CHIEF SECRETARY: Shame.

MR. USHER: Have I your permission to continue?

THE SPEAKER: Wait a minute. I have never seen the motion until this moment. I think it may be taken as being sufficiently abstract as not to amount to interference with the revenue.

MR. USHER: I am obliged, Sir.

As I was saying, smaller matters than this have exercised the Mother of Parliaments and I am merely bringing this motion because after asking the question on this matter and corresponding with the hon. Member under whose umbrella the Commissioner of Lands takes shelter, I find that I can get no satisfaction over what appears to be an unfair charge.

May I give you the facts very briefly.

The undisputed facts are that this firm, Messrs. Taylor Woodrow, are contractors who have engaged to build a very fine building in Mombasa. For those who know the place, it is next to the Manor Hotel in Salim Road. They wanted a place on which to stack coral blocks because they had not got manoeuvring space on the plot itself and they desired a piece of waste land, which happens to be Crown Land, adjoining and they went into occupation of about half an acre. They had reason to believe, I am told, that they would get it at a nominal rent as has been the practice hitherto in Mombasa and I think the figure of forty shillings was what they themselves had in mind. I am not defending their action in going on to this land, going into occupation of it before they had settled the matter with the Government. Nevertheless, they did so and not without reason.

Let us look, Sir, at the theory of this thing: The land itself is not surveyed, it is not cut up into plots, nor is there an approved layout for it. It was occupied by the Military, who have on it at the moment still, a structure called the Garrison Theatre, otherwise, I believe it is not used at all.

Now, when they occupied this land, they immediately started to regularize the position by getting a Temporary Occupation Licence and they were granted this Occupation Licence, but at no such figure as they had supposed they would be asked for. As a matter of fact, the Occupation Licence itself, the Temporary Occupation Licence, did not carry the usual condition of three months' notice. They were required to clear out at a month's notice if required. Anyhow, the fact is that they had this slender tenure and the amount expected from them was £37 a month. Sh. 730 actually, £37 first, then it was altered to Sh. 730.

Now, the rent to be reserved in the case of Temporary Occupation Licences is dealt with in the Crown Lands Ordinance, where it is stipulated that the rents and conditions shall be determined; either by regulations made under the Ordinance or by the Governor. Now, there is a previous section in the Ordinance which purports to give all powers of the Governor to the Commissioner of Lands. Whether in fact, it does so, I do not know. I think it is a very moot point but I do not wish to drag a red herring across this trail or to inflict my opinion upon this Council, upon which these are upon this Council, but I think it is doubtful whether in fact this section does confer these powers. At any rate, I would say this, that in other sections where the Governor is given powers to do certain matters, there has been specific delegation, but not in this case. That in itself is very suggestive.

However, that may be, why was this rent of £36 10s. a month charged? The basis of the charge was this. It was based on the value of the land and five per cent rent was exacted.

Now, Sir, one might suppose that this represented Government's interest in the value of the Government's interest in this land, but if you go to the Valuation Roll you find a very different story indeed, because also Messrs. Taylor Wood-

[Mr. Usher] row have to pay the contribution that Government would make in lieu of rates and that figure is a very different one from £36 10s. a month. It is, in fact, I think, Sh. 3/90 a year. I have taken this matter up and I understand that the argument is that the Government's interest is reckoned on the basis of the land being playing fields, being used for playing fields before they were turned over to the military. Why and how have they ceased to have that character? I cannot possibly understand it.

Now, Sir, let me make a comparison—here in Nairobi you also have one or two notable buildings going up. There is Barclays Bank for instance. Now, the same situation arose. The contractors had to have some place to put their paraphernalia, so they asked for and received a Temporary Occupation Licence. It is a very easy comparison to make because the value of the land opposite Barclays Bank, where they stood their building material happens to be valued at £30,000 and the amount of their Temporary Occupation Licence, the area of their Temporary Occupation Licence is a third of an acre, that is to say they have £10,000 worth. Now, in Mombasa, the situation is similar in that the land there is valued by the Government, for this purpose at least, at £20,000 and they have half an acre, so there is another £10,000 worth. Now let us see what the contractors had to pay in Nairobi. I think it is far too high, but it was not £36 10s. a month, it was £10 a month, Sir, and how that argument is to be avoided I do not know. It seems to me merely that the Commissioner of Lands has conceived a new way of raising revenue, an idea of making capital as it were out of the necessity of the situation.

Sir, I do not wish to occupy the time of hon. Members any further at the moment unless I hear, I shall not unless I hear arguments from the other side which demand a reply from me.

At the present moment, I will merely say that in my opinion the rent charged in this case is arbitrary, perverse and oppressive.

Sir, I beg to move.

THE SPEAKER: Before the motion is seconded and before you part with it, I am still a little doubtful as to its wording

and I would suggest that you phrase it this way. "Request the Government to consider the advisability of reducing it to a nominal sum."

MR. USHER: I am much obliged for that suggestion and I should be very glad to.

THE SPEAKER: Then I will propose it in that form.

DR. RANA: I second.

THE SPEAKER: Are you speaking to it or reserve your right?

DR. RANA: I reserve my right.

THE SPEAKER: That this Council is of the opinion that the rent reserved by the Special Commissioner of Lands issued by him to Messrs. Taylor Woodrow in respect of Plot No. 227 of Section XXI, Mombasa Island, is excessive and requests the Government to consider the advisability of reducing it to a nominal sum.

THE DEPUTY CHIEF SECRETARY: Mr. Speaker, I am sorry that the hon. Member should have found my intelligence so limited and my heart so stony that he has had to bring this motion before this Council. I agree with him that it is a matter rather more of parochial concern than of territorial concern, but the position is, Sir, that for some years it has been the policy of the Government to charge building contractors for the temporary use of Crown land plots for the purpose of storing and preparing building materials at the rate of 5 per cent of the assessed value of those plots. The monthly rental charged is one-twelfth therefore of 5 per cent of the assessed value. This, Sir, is the policy which has been applied in this case. The facts as given by the hon. Member for Mombasa are correct. The area of the plot is a little less than half an acre and the value of the plot was assessed at Sh. 175,200, having regard to the sale value of a neighbouring plot which was sold recently at Sh. 400,000 per acre. So, Sir, the policy followed by the Special Commissioner for Lands was in line with the policy which has been followed for many years by Government.

If, Sir, there were any suggestion in this case, which there is not, that any sort of hardship was involved, obviously

The Deputy Chief Secretary] should have had to consider very carefully whether or not some reduction should be made. I have no doubt that had this been the case the Special Commissioner himself, in making his assessment, would have taken that fact into consideration. But there certainly is no such question in this case. The Special Commissioner for Lands was acting under powers delegated to him under section 7 of the Crown Lands Ordinance, and the rent assessed was assessed by him under section 45 of the same Ordinance. In these circumstances, in the correspondence which I have had with the hon. Member, I have explained that I saw no reason to upset that decision by the Special Commissioner, who is the Government's adviser in these matters.

If, Sir, this very small plot of land had been in private ownership I have little doubt that a rent as high as this, and it has even been suggested to me that a higher rent, would have been charged, and I see no reason why when the Crown is the landlord the Special Commissioner, acting on behalf of the taxpayers of this country as the custodian of one of this country's most valuable assets, should not act as I believe a private owner would act in similar circumstances.

If, Sir, Council accepts this motion it would in my view be tantamount to pressing on the Government that it should subsidize at the expense of Kenya taxpayers a large firm of building contractors well established in this Colony.

The actual amount of the rental being charged is £36 10s. per month. I suggest, Sir, that that is a very small sum in a contract worth probably many thousands of pounds sterling, and that a great deal of noise is being made about something which really cannot be of any great concern at all to the company. In the application of the policy which I have mentioned, I can say also that there have been few, if any, complaints in past years about it. The reason is, of course, that the assistance which contractors get by having a small plot of this kind put at their disposal is very considerable and it is well worth their while paying the rental which has been charged.

I understand that in this particular case, when the contractors did mention to the Land Office that they thought the rent assessed was a little high, it was suggested to them that they might perhaps occupy a rather smaller area. That suggestion did not, however, appeal to them. That again, Sir, is I think another reason for urging Council to appreciate that it is a very valuable thing for the company to have this small plot for the period while they are engaged on this contract.

Sir, for the reasons which I have given, the Government would think it wrong to accept this motion in the terms in which it has been moved and we shall oppose it.

MR. COOKE: Mr. Speaker, I cannot agree with my hon. friend that this is merely a parochial matter. I think there is a big principle involved. My hon. friend did not deal with the second point made by the hon. Member, and that was why, if this is the policy, the same policy was not applied to Nairobi.

THE DEPUTY CHIEF SECRETARY: On a point of explanation, I am not aware of the precise facts regarding Barclays Bank. They were not mentioned in the correspondence which I have had with the hon. Member, which is why I have been unable to deal with them.

MR. USHER: I have only just learned the fact about it.

MR. COOKE: It must be assumed that the Mover of the motion is sure of his facts and it seems to me, Sir, wholly undesirable that the Commissioner of Lands should be an arbiter in a matter like that and that we should be made like that and that of another, if I like of one and flesh of another, if I may use the expression. Nor does it quite bear out the arguments of the other side of the Council in yesterday's and previous debates that they were all out to assist development in this country. For surely, Sir, if they are out to assist development and to assist companies who come to this country, they ought, as my hon. friend maintains, just charge a nominal sum. That would be one of the assistances they could give to firms which are helping to develop this country.

Sir, I support the motion.

SIR CHARLES MORTIMER: Mr. Speaker, having had some little experience in these matters, perhaps I may say a few words.

I have had no previous knowledge of this particular incident and can only speak on general principle. I would confirm what my hon. friend has said, that it has been the practice in the Land Department to charge a rental of 5 per cent on the assessed value of the land for the temporary use of Crown Land plots for building storage purposes. It has always been a great convenience to builders to have the advantage of a piece of Crown Land immediately adjoining their building operations on which they could store stone and, prepare their stone, store their timber, cement and the like without having excessive transport costs, and there has been little, if any, previous complaint to the best of my knowledge.

It is, however, a fact that within recent years, land values have soared to unprecedented heights, and it does seem to be a tremendous price to pay for a residential plot in Salim Road, Mombasa, at the rate of £20,000 an acre, but the fact is that that price has been paid and that does fix the present-day market value of the land and the piece of land that was sold at £20,000 an acre is, I believe, immediately adjoining the portion occupied by Messrs. Taylor Woodrow.

Now, had it been some charitable organization that was doing the building no doubt a concession would be made or they would have been allowed to occupy the plot free of charge, but Messrs. Taylor Woodrow are a large commercial concern and the contract with which they are dealing is a large one, I do not know the value of it, but probably it is not less than £20,000, and this charge which amounts, for their six months' occupation, to the sum of £219 which is a mere bagatelle in their calculations and can be of little value at all.

I have no doubt whatever that when they were submitting their tender, they made due allowance for the cost of occupying a piece of land on which to store their materials, and so, in fact, the charge will probably be paid by their client and not by the firm itself, and a client who can afford to spend £20,000 on a building would not have much cause to jib at paying £219 for the great con-

venience of occupying that particular piece of land.

The question of the municipal valuation has been raised and I submit that that is entirely irrelevant. On that theory, if there had been no municipal valuation at all, the land would not have had any value. But, quite obviously, the land has a value to be assessed quite independently of whatever figure may appear on the Municipal Valuation Roll where the land has been assessed on an entirely different basis.

The hon. Mover asked why has that land ceased to have a sports ground valuation. Well, for the obvious reason that it has ceased to be used as a sports ground and it is being used for a commercial undertaking. I can see no reason why the taxpayers of this country should subsidize either Messrs. Taylor Woodrow or their client by taking a rental at less than the reasonable market value as assessed by recent sales.

THE SPEAKER: It is just on eleven o'clock and it would be a convenient moment to suspend business.

Council adjourned at 11 a.m. and resumed 11.25 a.m.

MR. PATEL: Mr. Speaker, I find it difficult to support this motion after hearing the arguments on both sides, but there are certain things I would like to mention.

Firstly, Sir, it was stated that the contract in this connexion is for £20,000, but my information is that it is for about £125,000; and the land is not residential as it was stated, but it is a commercial piece of land. Now, Sir, there is one thing which I would certainly like to ask, if the Crown pays municipal rates on the basis of £20,000 per acre, as it is suggested that the rent has been charged on that value? If the municipal value of that piece of land is less than £20,000 then I think it is rather unfair to charge rent on the value on which the Crown does not pay rates. Therefore, there is a case for some reduction, but I cannot agree with the hon. Mover of the motion that it should be a nominal rent or at the rate of Sh. 40 per month. If the practice of the Government has been so far to charge on the basis of the formula which was mentioned from the other side,

MR. PATEL: I believe that that practice should be followed in this case also, but the rent should be charged on the basis of the value assessed by the municipality for this piece of land.

MR. PRESTON: Mr. Speaker, Sir, there are just two very small points to which I would like to draw the attention of this Council.

Two hon. Members on the other side have stressed the point that because the firm concerned is a wealthy firm, there would be no hardship. I do suggest that this is a very socialistic way of looking at things; just because a firm is wealthy, it must pay the maximum—one would wonder what the reaction would be to a poor struggling firm and I do suggest to the hon. Members one should be guided rather more by equity than the wealth of any particular firm.

SIR CHARLES MORTIMER: Mr. Speaker, may I take an opportunity of correcting a wrong impression which the hon. Member appears to have got. I did not say because the firm was a wealthy firm, there was no harm in charging them an excessive rent. What I did say was that because the firm was wealthy and well able to pay an equitable rent, there was no reason for reducing that rent at the expense of the taxpayer.

MR. PRESTON: Mr. Speaker, I am obliged to the hon. Member for the correction. I did not hear him use the word "equitable" which of course has put a different complexion on the matter.

Mr. Speaker, I beg to support.

THE FINANCIAL SECRETARY: Mr. Speaker, I must strongly deprecate this kind of motion, the intention and function of which is clearly to force the hand of the executive officers whose duty it is to protect the income of the country. Now, Sir, there has been no arbitrary assessment in this case by an individual officer. The hon. Deputy Chief Secretary has pointed out that this assessment has been made in accordance with an established principle and, in any case, it is not as if one single officer has been involved. The case has been taken right up to the Member level and that Member, having carefully considered the

matter, has agreed with the subordinate officer's decision.

MR. USHER: After I raised it.

THE FINANCIAL SECRETARY: Now, Sir, I want to reply to a remark made by the hon. Member for the Coast that the Government is being a little inconsistent in having stated on one day that its policy is to assist commerce and industry and on the next day, refuses to accept a motion which seeks to reduce the rental assessed on this plot of land. Sir, when the Government Members on this side stated that it was the policy of the Government to encourage commerce and industry by material assistance, it was made quite clear that such encouragement and assistance would be given only where it was needed. There is no question of our following a policy of "to those that have, shall be given". We have no reason to think, Sir, that Messrs. Taylor Woodrow are other than a very flourishing concern.

MR. COOKE: Supposing it had been a poor firm?

THE CHIEF SECRETARY: The same applies.

THE FINANCIAL SECRETARY: Sir, we are discussing a question which involves the firm of Messrs. Taylor Woodrow. We have made it quite clear that in any particular case where there was undue hardship, or a very good reason for departing from a general principle, the Government would certainly do so.

MR. USHER: Discrimination, Sir.

THE FINANCIAL SECRETARY: Now, Sir, the hon. Members of this side have made it quite clear that in relation to the value of the contract involved the sum involved in this rent assessment is negligible and if we do reduce the rent below what is chargeable in accordance with a fair and sound principle it would simply mean nothing than inflating the profits of a flourishing concern at the expense of the public revenue.

In these circumstances, I beg to oppose.

MR. BLUNDELL: Mr. Speaker, I have one point which I should like to ask the hon. Member on the other side to answer before the hon. Mover replies.

The hon. Mover pointed out in moving his motion that the plot of land in

[Mr. Blundell] Mombasa was apparently put at a rental not commensurate with a similar plot of land in Nairobi.

THE FINANCIAL SECRETARY: That was his opinion.

MR. BLUNDELL: That was what the hon. Member said and that is what I said. I did not mention whether it is an opinion or not.

THE FINANCIAL SECRETARY: Correct.

MR. BLUNDELL: When the hon. Member opposite was answering I got the impression from him that the rental in this case was assessed upon a standard level of assessment which was 5 per cent of something or other—

THE DEPUTY CHIEF SECRETARY: Assessed value.

MR. BLUNDELL: Assessed value. If that is so, would somebody explain to us why there is the big difference between the plot of land the T.O.L. value for the building of Barclays Bank in Nairobi and the T.O.L. value for the use of the plot of land in Salim Road?

THE DEPUTY CHIEF SECRETARY: Mr. Speaker, I have already explained that I did not know that this question of what happened over the Barclays Bank building was coming up and I have not got the facts here, but I will certainly look into that matter and find out exactly how the rent was assessed in that particular case.

THE CHIEF SECRETARY: Mr. Speaker, Members opposite have asked a number of questions in relation to this regarding other plots, but as they did not give any notice in advance obviously my hon. friend the Deputy Chief Secretary cannot be omniscient and cannot carry every fact and figure in his head. He has explained why he has not these other facts relating to this other plot at his finger tips. He does not even know that it was Crown land in point of fact, but if the hon. Member would like to put down a question he will get the answer.

Now a great deal has been made on the subject of encouraging development. It is true that it is the object of the Government to encourage development. Unfortunately, for obvious reasons,

there is always the conflict of interest between a desire to encourage development and the need and the responsibility to safeguard the revenue and to safeguard the pocket of the taxpayer. It would be possible to give everything for nothing. We could even subsidize everybody for that matter by putting an additional Sh. 1, or even Sh. 5, on the income tax or something extra on the Company tax. The hon. Member did not refer to that necessity yesterday, and I wonder whether he will on the next motion he moves which may be to give something else at the expense of the taxpayer—

MR. USHER: Wait and see.

THE CHIEF SECRETARY: He will suggest perhaps that it should be given free.

This is Crown land and in relation to that land I think everybody will recognize that Government has a responsibility. It acts in relation to that land as a trustee for the people of the whole Colony, and it has certain responsibilities in that connexion. It is easy to knock down every proposal that needs a payment and at the same time to push up every other proposal which requires giving a service or an additional facility or something else that costs money, but you have some responsibility to reconcile the one with the other.

It does seem to me, Sir, that it is a pity if, in this Council, we adopt a practice whereby every Member who thinks he ought to get something more, or a little for nothing, gets someone to represent him and to try and exercise pressure on the officers whose responsibility it is to administer these things. I do not suggest for a moment that hon. Members opposite have not a responsibility as far as their constituents go—I think we all recognize that—but I do suggest, Sir, that it would be a pity if we adopted the practice in this Council of everyone who has a slight grievance can get it expressed in this way, as I say—I suggest we have some responsibility to look after not only the interests of development but also the interests of the taxpayer, the interest of the revenue, and that it is not possible to give everything for nothing.

MR. BLUNDELL: May I speak on a point of explanation, Sir?

[Mr. Blundell] The hon. Member for Development suggested that I might get the answer to the question I asked by putting down a motion. That is not the point. The hon. Member said it was the practice. Thus I would have said, surely he knew this motion was coming up and would have asked the Commissioner for Lands whether there were any variations, in which case, if there had been a variation in the Barclays Bank, he would have done.

THE ATTORNEY GENERAL: Mr. Speaker, with regard to the point which has been made by the hon. Member for Rift Valley, I suggest that the Council would be on very unsound grounds if they allowed this allegation which has been made about the Barclays Bank case to influence them in coming to a decision on the present motion. There is one case only which is before the Council and that is the Mombasa case of Taylor Woodrow. We have heard that that case was dealt with in accordance with a standard practice. Now, it has been said that there is some other case which was not dealt with in accordance with that standard practice, but we do not know, as no notice was given beforehand what may have been the special circumstances which obtained in that case and which influenced a departure from that standard practice, if that departure was made. I do suggest, Sir, that it would be most unsound for the Council to do anything which would disapprove of the case which was dealt with in accordance with the standard practice, and thereby disapprove the standard practice merely by reason of some exception which has been alleged and about which the full facts are not known. I would ask hon. Members, therefore, to dismiss that other matter from their minds and to deal with the case which is before the Council and the standard practice which is before the Council. If I might be excused from quoting a legal maxim, even if there are exceptions to the standard practice—and I say we do not know the circumstances—it is well known that "Hard cases make bad law".

Let us deal with this Taylor Woodrow case upon principle, and deal with it, the case which is before the Council, without following up something which

might prove to be quite a red herring if we knew the full facts.

MR. USHER: Mr. Speaker, I ought, I think, I ought to congratulate hon. Members for their very sporting defence of an indefensible position. In spite of what the hon. Member, Sir Charles Mortimer, said, there has been a great deal of play made with the supposed affluence of this particular firm. Whence hon. Members get their information, I do not know, but I would like to tell the Council this, that this exaction is taxation and taxation lies with this Council and not with the Land Office.

THE SPEAKER: The hon. Member is raising a new matter rather, now. You did not open that, I do not think, beforehand.

THE CHIEF SECRETARY: It is not true, either.

THE SPEAKER: But continue.

MR. USHER: Again the amount of the contract has nothing whatever to do with it. If it is what hon. Members have suggested, I do not know nor do I care. It is not an issue in this matter at all. (Hear, hear.)

THE CHIEF SECRETARY: Nobody made it one.

MR. USHER: For if they have this accretion of wealth, then we take it off them in the proper place, that is to say the Income Tax Department.

Now, I should like to say that this change of policy, if it is a change of policy, is of very recent origin. The policy, is of very recent origin. That matter of T.O.L.s—if I may use that expression, everyone knows it, I think, Sir—used to be dealt with by regulation and nowhere, except in the Masai Reserve, I think, where T.O.L.s might cost as much as Sh. 120, was a T.O.L. as much as Sh. 100. Therefore, this is a new policy. I know nothing of it, I have heard nothing of it. It is the only T.O.L. in Mombasa the rent of which has been assessed upon this new principle of five per cent. Now, Sir, what does the value of a lease, or rather a tenancy at will, of a piece of land with the most restricted user you could imagine to the value of a long lease—a 99-year lease—with un-restricted user. Where is the logic of it,

[Mr. Usher]

Sir? Where is the justice? That is the whole sum and substance of my case.

I now come to an end. The argument has been put forward that had the firm in this case had to go to a private individual, the private individual might have rack-rented them more. I do not like that argument, I say it savours of—I will say this—the Greeks had a word for it and I have a word for it, but I am not going to use it, because I think it is probably in the prescribed list in Erskine and May—so I confidently appeal for support in this matter, Sir.

THE DEPUTY CHIEF SECRETARY: Mr. Speaker, on a point of explanation—I did not wish to interrupt the hon. Member opposite—but he did suggest that in his handling of this matter the Special Commissioner for Lands was somehow arrogating to himself functions which belonged to this Council. On a point of explanation, he was doing nothing of the sort. What he was doing was exercising the powers given him by this Council when the Crown Lands Ordinance was enacted.

The question was put and negatived on a division by 20 votes to 11. Ayes. Messrs. Blundell, Cooke, Gherisc, Haxwold, Hopkins, Keyser, Maconochie-Welwood, Preston, Pritam, Shaw, Usher, 11; Noes: Messrs. Adams, Carpenter, Cavendish-Bentinck, Davies, Gillett, Hartwell, Hobson, Jeremiah, Matthews, Mathu, Mortimer, O'Connor, Ohanga, Padley, Patel, Rankine, Rhodes, Salim, Thornley, Vasey, 20. Did not vote—Messrs. Nathoo, Shatry, 2. Absent—Messrs. Anderson, Chermallan, Madan, Rana, Salter, 5.

Rate of African Poll Tax

MR. MATHU: Mr. Speaker, I beg to move that in the opinion of this Council, the rate of African poll tax should not be altered in 1951.

Sir, Government Notice No. 1275 of the 21st November, 1950, has this—“In exercise of the powers conferred by section 3 of the African Poll Tax Ordinance, the Governor has been pleased to prescribe that the rate of poll tax payable for the year 1951, elsewhere than in any area in respect of which a poll tax has been prescribed under the Native Poll Tax (Municipalities) Ordinance, 1948, or any Ordinance replacing it, shall be Sh. 19 in any area in which an

African District Council rate is not imposed and Sh. 17 in any area in which a rate is imposed.”

Sir, my motion does not question the authority of the Governor to prescribe the rates as enumerated in the schedule of the Government Notice 1275 which I have just quoted. The intention of my motion is that the increase of Sh. 2 in certain areas as I have read and the increase of Sh. 1 in other areas, was timed at a wrong time. It was timed at the wrong time, Sir, and that is all the point I want to bring out in this motion. Section 3 of the Poll Tax Ordinance gives His Excellency the power to gazette the rates of poll tax at any time. It does not say annually, it is just when he would feel that he would like to gazette a change of the rate and I say, Sir, that I think it was in 1948 or 1949, there was an increase of Sh. 1 on the African poll tax and the Government from 1948 to 1949 have given powers to African Local Authorities to levy rates on various occupations of the African rate-payers which again means a further increase in African taxation. I refer specifically, Sir, to Government Notice No. 257 of 1948 and Government Notice No. 267 of 1949. These have been extra financial burdens on the African taxpayer, particularly that section of him which is very poor.

I should like to mention here, Sir, that the African, in addition to these losses for licences and so on for various activities of the African in the African areas, there is the usual ordinary local rates for local services and also the question of produce cesses, and these have been going up very considerably. In 1935, the African District Councils raised revenue to the tune of K550,000. In 1947, they raised over K700,000 and for 1951 it is estimated that their revenue will be in the neighbourhood of over K840,000. Now, you can see, Sir, that there has been a very frequent rise during the period of the three years that I have mentioned. Not only that, Sir, there has been a lot of changes of the ways by which Africans are taxed in big towns, such as Nairobi and Mombasa and only this morning we go through a Bill to introduce a further change of taxing the African in municipal areas and townships in the country, and I suggest, Sir, that these

[Mr. Mathu] such changes have become so frequent and in some cases very abrupt that the African mind has been very badly bewildered as a result of them. All that we are suggesting, Sir, is that they should be given a breathing space to see how these new changes do and then consider introducing further changes later.

I mentioned the question of produce cesses. These as I say, Sir, have been going up and most of the produce that the African is growing comes under this form of taxation. In North Nyanza alone, it is estimated in 1951 that the African Betterment Fund will benefit by something in the neighbourhood of over K60,000. The African agriculturist is being taxed in that way. It is true that he benefits from these funds for his local services but the fact remains that he is taxed in that way.

The changes, Sir, then, have been too frequent and we are suggesting that this is not the right time to introduce this one. There is also, as this Council knows, a committee sitting to go into the question of the practicability of introducing a wealth tax among the Africans according to income. That committee has not yet reported, and just when the committee was about to go round the country to take evidence, the news of his increase on the poll tax, Sh. 2 in certain areas, and Sh. 1 in other areas, came out and members of that committee know how the African was stunned by the suggestion that there was a possibility of again introducing a new form of taxation just at the time when this increase was announced. I say, Sir, that these two measures, in addition to other measures that we have debated recently in this Council, like Company tax, are going to bear very heavily on the poor African taxpayer. Already, the African finds it difficult—most Africans find it difficult—to pay the rates that were operating in 1950. Now how much more the poorer classes will find it difficult to pay an extra Sh. 2 for 1951. I suggest to you, Sir, and to this Council that they are really finding it extremely hard to make ends meet. I will be told, Sir, that there is provision in the African Poll Tax Ordinance, No. 21 of 1942, of exempting needy cases, but even with that, Sir, the position is still very hard for the majority of these poor people.

I do not want to suggest that the relatively rich would find it very difficult, but I suggest, Sir, the best way would be to find out whether the Committee now sitting would recommend that those who are better off than the majority of the African people should pay more. What I am suggesting is that the present rate of African poll tax is the highest, actually, we ought to demand from the masses of the African poor. The way to get extra money, I suggest, would be to see whether those who are slightly better off, as I have suggested, can pay more. Poverty, Sir, is the key word in African society to-day, and very few might be better off, very few indeed, and I am pleading with this Council, Sir, that the poorer Africans should not be asked to pay more than they are paying in 1950. In fact, if this case was looked at very carefully it might be found necessary even to reduce some of the rates in some areas for the very poor. I suggest, Sir, the way of getting the K90,000 which it is estimated would accrue as the result of this increase could be got by considering to tax those who are able slightly more, it could be done by closer collection, because I am not satisfied that every adult male African who is liable, at sixteen years of age, is in the tax register. I think that it is possible, by harder work for those concerned, to bring more Africans into the tax register, so that we can get more revenue than we are getting at the present time.

There is also the question of evasion. It is possible, Sir, to improve on this question by checking up those people who want to evade taxes, particularly in the settled areas, big towns, and in some areas in the native land units. I think we can do more in those ways in order to get the money that we require. I am suggesting that it is not fair to increase this tax this year, for next year, because of the reasons that I have given. I know, Sir, that I will be told that this motion works against the desire of the African people in this way, Sir, that they demand more social services and other services and money must be found. Well I agree, Sir, that services must be paid for, and I think the African is contributing, as I have suggested, very adequately indeed in relation to his capacity as a community, not only in that he is doing

[Mr. Mathu] this, in the way I have suggested, by paying to the funds of the African District Councils, and by direct taxation, but also by indirect taxation, particularly now when the cost of living is extremely high and he finds it extremely difficult to live decently. And so I do not think, Sir, that the argument that because we want increased social services will be very impressive, because on the same principle we could alter the system of taxation of other communities almost every year, because I do not think that the social services only increase on the African side and do not increase on the side of the other communities.

I commend this motion, Sir, to this Council and hope that they will support it in the spirit that I have moved it, and I do know that if this motion is carried through and some of the suggestions that I have made are put into practice the revenue will not suffer at all, in fact I think we might get more than the £90,000 that we expect to get out of this tax.

Sir, I beg to move.

THE ATTORNEY GENERAL: Mr. Speaker, upon a point of order, I am a little doubtful as to whether the motion in its present form does or does not offend against the proviso to Standing Rule and Order 32; and, to avoid an argument on that point and perhaps pushing it to a ruling by you, Sir, I would suggest for the hon. Member's consideration that perhaps he might be prepared to accept in substitution for the words "in the opinion of this Council" the words "this Council recommends for the consideration of His Excellency the Governor that".

MR. MATHU: I am prepared to accept that, Sir.

THE ATTORNEY GENERAL: The motion would then read: "That this Council recommends for the consideration of His Excellency the Governor that the rate of African poll tax should not be altered in 1951".

THE SPEAKER: Is it not "Governor in Council"?

THE ATTORNEY GENERAL: It is the Governor, Sir.

THE SPEAKER: It is the Governor under the Ordinance—I have not got the Ordinance here.

We have not got a seconder, yet.

LT.-COL. GHERSIE: I beg to second.

In seconding this motion, Sir, I do so with the sincere conviction that any additional African taxation at this stage is neither necessary nor just. My views on this subject have been influenced by various factors. In the first place, I feel that Government could derive additional revenue from African poll tax by a more efficient method of collection, and this point of view, I think, is held also by Government in view of the large increases in the provision for Chiefs' Messengers in the 1951 Estimates. Now, it does not require additional bodies to collect an increased amount from any one particular individual, whether the amount collected is Sh. 15 or Sh. 17 the labour involved is precisely the same.

Secondly, I consider it entirely wrong to tax the African peasant further at this stage, I have come to this conclusion as a result of my recent rather extensive tour of the Colony as one of the members of the Committee investigating the desirability and practicability of introducing a wealth or personal tax for Africans. It may be argued by Government that the additional taxation imposed by the African in relation to his increased contribution to his Local District Council is sufficient evidence that he can well afford to pay the additional poll tax. I do not subscribe to that point of view. Merely because an individual is prepared to make a sacrifice in order to further the interest of or the position of his own family or his own community is no argument that he is obviously well off, and can, therefore, make further contributions to swell the Central Government coffers. I contend, Sir, that any additional African taxation should be in the nature of a wealth tax, and if this is to be achieved the African will not only not take kindly to that form of taxation, but he will even doubt our bona fides if at the same time we attempt to increase the present basic poll tax rate. I arrived at my conclusions as the result of my recent tour where I was particularly impressed with almost the undivided opinion of not only experienced and sincere district

LT.-COL. GHERSIE] but many witnesses, and particularly the Europeans, who practically without exception stated in their opinion that the African peasant is already taxed excessively.

Now, Sir, unlike my friend the hon. Mover who, I think, stated yesterday that he was supporting the increase in the Company tax on the principle that it was non-racial, I am supporting this motion because I realize that it is racial, and so many Africans are affected and, therefore, there is a principle at stake. Not only am I very pleased to support this motion, my convictions are so strong in the matter I consider it is my duty, Sir, I beg to second.

MR. COOKE: I regret very much that I have to oppose the motion, and I say, Sir, I regret very much because for many years in this country I did think that the Africans, the poorer Africans, were over-taxed, but since those days the wages of the African have gone up considerably, both in kind and in money payment, and also, of course, he is receiving much more money for his produce.

Now, Sir, I dislike as much as any Member in this Council these regressive taxes, because they are not really built up on ability to pay. At the present moment I can see no alternative, I support the tax for the same reason I supported the Company tax yesterday. "All taxes", as Dr. Johnson said, "are iniquitous", but the fact of the matter is that we have to have the money to fulfil the obligations which this country has, not only the obligations of social welfare towards the Africans, but those other obligations such as defence and the development of this country, and I believe that it is the duty of the African who claims, and rightly claims, that he should be consulted and that he should be given an opportunity to play his part in this country, that the African should pay this increased taxation. Now, if any protest came against raising this rate of taxation, I should have thought it would have come from the Native Authorities themselves. Now, the Native Authorities themselves, by naming the rates—as they have been raised, I think, practically throughout Kenya—have shown, I think, by implication at any rate, that they do not think

that the African is too highly taxed, because if they did think so, I think the Africans themselves, who know their own people best, would not have raised the rates.

Now, Sir, with regard to the points made by the hon. Member for Nairobi North, I, also, was on this graduated tax Committee, and I would be out of order if I disclosed any of their deliberations, but I think I could go so far as to say that it cannot be taken for granted that the recommendations of this graduated tax Committee will be accepted, nor can it be taken for granted that they will add very much to the increased revenue of this country. So, feeling as I do, that the money envisaged by the Company tax, the increased rate, and amount envisaged to be collected, and thinking as I do that this £90,000 is necessary at this time to be in the coffers of this Government, I oppose the motion for that reason, Sir.

THE FINANCIAL SECRETARY: Mr. Speaker, I must make it quite clear, from the outset that the Government opposes this motion. First and foremost, Sir, as the hon. Mover himself has made quite clear, the African is demanding ever-increasing services. These services are being demanded both from the local authorities as well as from the Central Government. Now, nobody blames the African for demanding more and more services; that is the natural insurgence of life. But it must be appreciated that if those demands are to be acceded to, more money must be found in order to finance them. The hon. Mover himself, Sir, appreciated that, but nevertheless he continues conveniently to slur over the fact that more and more services must mean a counter-demand by the Government for more and more money.

Now, Sir, the demands in the local areas are being met by the Local Native Councils raising the rates in an appropriate manner. I have not heard of any particular opposition experienced by these Local Native Councils when they raised their rates. All the difficulty seems to arise when the Central Government, in attempting to raise money necessary to meet the demands for increased central services, increases—by however small an amount—the poll taxation.

Now, Sir, on the question of ability to pay it is an 'undoubted fact that the

[The Financial Secretary]

African is receiving substantially more for his produce, and this at a time of expanding production. So you have the two factors, expanding production by the African and expanding price for that production.

If it is suggested, as it has been, that for the most part the African is unable to meet this taxing commitment, I would refer to certain occurrences which have been experienced recently in this country. I think it was Dr. Karve who pointed out that there had been a very great increase in the African consumption of European beer, and, indeed, he went on to use that argument to suggest that poll tax should not be increased in view of the vastly increased contribution the African was making through excise duties. Well, Sir, you cannot have the argument both ways. If the African can afford to purchase European beer, which is not by any means cheap, it seems to me that he can certainly stand an increase of between Sh. 1 and Sh. 2 over a period of 12 months in his poll tax. In addition, Sir, hon. Members who were in Nairobi in the last two months will have noticed outside the Nairobi Post Office enormous queues of Africans seeking to purchase postal orders ranging from Sh. 1 to Sh. 10 in order to take part in that extraordinary system known as the "chain letter" whereby it was hoped that you for your ten shillings would make a £100. Well, Sir, that phenomenon does not seem to tally with the suggestion that the African has no means whatever of paying this tax. If he can afford to indulge in gambling of that kind, and gambling, mark you, which has not even the chance of the football pool, it seems to me we cannot accept the argument he has no money to meet this very small increase in his tax.

As I have said, Sir, nobody blames the African at all for demanding increased services, but the African must realize that he must have a sense of responsibility in this matter. If he is going to demand extra services, he must accept that extra money must be found, not only from other people but from himself to meet those services. He cannot expect to have a sympathetic reception for his demands for social services and increased services generally if every time there is an attempt to raise his taxation, by however

small an amount, this resistance is met with. I would point out, Sir, that one of the reasons—I think I am right in this—one of the reasons why the African community found it impossible to accept the Beecher Report was their objection to the suggestion that in the unified scale, Mission Teachers, Local Native Council Teachers and newcomers should start at four increments lower than the present Government teacher enjoys on entering the scale. Well, now, Sir, let me put this to the Council, that if that objection were accepted, that is to say it were agreed that the teacher should enter four increments higher in the beginning, that would cost the country initially £50,000 recurrent every year and ultimately £80,000 recurrent every year. That is the kind of perspective into which we need to get a question of this kind.

Now, it is true that a graduated poll tax committee is sitting, but I would suggest, Sir, that this graduation idea is a very complicated and difficult subject. We may take a very long time to come to a decision as to whether this system is practicable, whether in fact we can introduce it. The Government has no predetermined attitude against it; it has a perfectly open mind, and if it does prove to be practicable we shall certainly introduce it. But in the meantime more money is needed, and, as I say, the introduction of this system may take a very considerable time. If more money is needed now what is there illogical in suggesting that this tax should be increased now? I would also point out, Sir, that there is nothing whatever inconsistent in the raising of the poll tax now and the ultimate introduction of the graduated system later. I must say, Sir, that it is one of the most astonishing phenomena of our times that we are constantly confronted with these demands for extra expenditure, extra services, but every time anybody on this side of Council suggests that extra expenditure must mean extra money, extra taxation, everybody raises their hands in horror and says, "No, in no circumstances"! Sir, I just cannot understand it. Possibly a psychiatrist could understand it, but I am completely baffled by such an attitude.

Sir, the Government opposes the motion.

MR. HOPKINS: Sir, in the main Budget debate I gave very fully my

Mr. Hopkins]

reason for supporting the proposed increase in the poll tax. As I now rise to oppose the motion I will have to repeat one or two of my main reasons in order that you may understand why I am set against it. I believe, Sir, that the ever-increasing services which are now required by Africans from Central Government justify an increase in their direct taxation. I believe also, Sir, that the general prosperity of the African, both in the native reserves, and in the town, has increased so materially since the Plewman Committee reported that there is now every justification for an increase in the total of direct taxation which we should ask them to contribute. The proposed graduated poll tax which is now being considered will, of course, affect only a very, very small percentage of the total number of taxpayers. In addition to that, it cannot come into operation at the earliest before 1952, whereas I consider that all Africans can now afford and should pay more in poll tax. When I say all Africans, Sir, I do of course except those who for various reasons will have their taxes reduced or remitted entirely by their district commissioners. It has been shown that in some districts Africans were paying surprisingly large cesses to their district councils and I feel, Sir, that this fact does influence their attitude towards central taxation, but I do believe, Sir, that a citizen's obligations to central taxation should take priority over those to his local government. That Africans should be able to argue that this local taxation is so burdensome, that central taxation should not be increased is, I think, a clear indication that in the last few years sufficient control has not been kept by Government over the powers of African district councils to go on increasing these local cesses year after year. (Hear, hear.)

Sir, I commend this point to the notice of Government and hope that they will give me an assurance that the matter will be looked into very carefully, because I think it is one of considerable importance. As, however, African district councils do control the incidence of local taxation, if they consider that this poll tax with the addition of a shilling, or two shillings, as the case may be, makes their obligations to the Central Govern-

ment too high the remedy lies in their own hands in that they can reduce their local cesses accordingly.

Finally, Sir, we have heard the Mover of the motion make it quite clear yesterday that he would welcome any increase in revenue because it would enable social services to be added to. He said that Africans wanted good agricultural services, good roads, good food, and he added "they want everything". Well, Sir, I think this is probably quite a laudable sentiment, but his repudiation of the suggestion that one of the things they needed was more good employment made it perfectly clear that he did not include that in the term "everything". Sir, I was left in no doubt that, while he wanted these extra services, he wanted them at the expense of general revenue and without the African having to make any sacrifice whatever to get them. Sir, if I have ever been in any doubt as to the necessity for establishing in the minds of Africans the fact that they cannot expect services to go on being increased at the expense of other people and that they themselves must make adequate contribution to revenue, then, Sir, those doubts have been swept aside by the general attitude of the hon. Mover towards social services and the way in which they should be financed. Sir, I think that what he has said and the points that he has stressed constitute some of the strongest arguments in favour of an increase in the African poll tax.

MR. OHANGA: Mr. Speaker, I rise to support this motion and I do so most warmly, because it seems to me, from all the logical points of view, it is about the most supportable motion that ever came before this Council, and it seems to me that anything that could be argued against this motion can actually in equity not be shown to have any facts in that line.

May I begin on this note, Sir: To say that the African is about the happiest taxpayer in the whole of the Colony. When he goes to pay his tax—he goes beating the drum; he sings, he goes with his own and everything, and it is a joyful thing to him paying his tax. He never grudges anything that has been proved to him to be just and right. He takes it as his obligation to pay the taxes, and he never

[The Financial Secretary]

African is receiving substantially more for his produce, and this at a time of expanding production. So you have the two factors, expanding production by the African and expanding price for that production.

If it is suggested, as it has been, that for the most part the African is unable to meet this taxation commitment, I would refer to certain occurrences which have been experienced recently in this country. I think it was Dr. Karve who pointed out that there had been a very great increase in the African consumption of European beer, and, indeed, he went on to use that argument to suggest that poll tax should not be increased in view of the vastly increased contribution the African was making through excise duties. Well, Sir, you cannot have the argument both ways. If the African can afford to purchase European beer, which is not by any means cheap, it seems to me that he can certainly stand an increase of between Sh. 1 and Sh. 2 over a period of 12 months in his poll tax. In addition, Sir, hon. Members who were in Nairobi in the last two months will have noticed outside the Nairobi Post Office enormous queues of Africans seeking to purchase postal orders ranging from Sh. 1 to Sh. 10 in order to take part in that extraordinary system known as the "chain letter" whereby it was hoped that you for your ten shillings would make a £100. Well, Sir, that phenomenon does not seem to tally with the suggestion that the African has no means whatever of paying this tax. If he can afford to indulge in gambling of that kind, and gambling, mark you, which has not even the chance of the football pool, it seems to me we cannot accept the argument he has no money to meet this very small increase in his tax.

As I have said, Sir, nobody blames the African at all for demanding increased services, but the African must realize that he must have a sense of responsibility in this matter. If he is going to demand extra services, he must accept that extra money must be found, not only from other people but from himself to meet those services. He cannot expect to have a sympathetic reception for his demands for social services and increased services generally if every time there is an attempt to raise his taxation, by however

small an amount, this resistance is met with. I would point out, Sir, that one of the reasons—I think I am right in this—one of the reasons why the African community found it impossible to accept the Beecher Report was their objection to the suggestion that in the unified scale, Mission Teachers, Local Native Council Teachers, and newcomers should start at four increments lower than the present Government teacher enjoys on entering the scale. Well, now, Sir, let me put this to the Council, that if that objection were accepted, that is to say it were agreed that the teacher should enter four increments higher in the beginning, that would cost the country initially £50,000 recurrent every year and ultimately £80,000 recurrent every year. That is the kind of perspective into which we need to get a question of this kind.

Now, it is true that a graduated poll tax committee is sitting, but I would suggest, Sir, that this graduation idea is a very complicated and difficult subject. We may take a very long time to come to a decision as to whether this system is practicable, whether in fact we can introduce it. The Government has no predetermined attitude against it; it has a perfectly open mind, and if it *does* prove to be practicable we shall certainly introduce it. But in the meantime more money is needed, and, as I say, the introduction of this system may take a very considerable time. If more money is needed now what is there illogical in suggesting that this tax should be increased now? I would also point out, Sir, that there is nothing whatever inconsistent in the raising of the poll tax now and the ultimate introduction of the graduated system later. I must say, Sir, that it is one of the most astonishing phenomena of our times that we are constantly confronted with these demands for extra expenditure, extra services, but every time anybody on this side of Council suggests that extra expenditure must mean extra money, extra taxation, everybody raises their hands in horror and says, "No, in no circumstances"! Sir, I just cannot understand it. Possibly a psychiatrist could understand it, but I am completely baffled by such an attitude.

Sir, the Government opposes the motion.

MR. HOPKINS: Sir, in the main Budget debate I gave very fully my

Mr. Hopkins]

opinion for supporting the proposed increase in the poll tax. As I now rise to oppose the motion I will have to repeat one or two of my main reasons in order that you may understand why I am voting against it. I believe, Sir, that the ever-increasing services which are now required by Africans from Central Government justify an increase in their direct taxation. I believe also, Sir, that the general prosperity of the African, both in the native reserves and, in the towns, has increased so materially since the Plewman Committee reported that there is now every justification for an increase in the total of direct taxation which we should ask them to contribute. The proposed graduated poll tax which is now being considered will, of course, affect only a very, very small percentage of the total number of taxpayers. In addition to that, it cannot come into operation at the earliest before 1952, whereas I consider that all Africans can now afford and should pay more in poll tax. When I say all Africans, Sir, I of course except those who for various reasons will have their taxes reduced or remitted entirely by their district commissioners. It has been shown that in some districts Africans were paying surprisingly large cesses to their district councils and I feel, Sir, that this fact does influence their attitude towards central taxation, but I do believe, Sir, that a citizen's obligations to central taxation should take priority over those to his local government. That Africans should be able to argue that this local taxation is so burdensome, that central taxation should not be increased is, I think, a clear indication that in the last few years sufficient control has not been kept by Government over the powers of African district councils to go on increasing these local cesses year after year. (Hear, hear.)

Sir, I commend this point to the notice of Government and hope that they will give me an assurance that the matter will be looked into very carefully, because I think it is one of considerable importance. As, however, African district councils do control the incidence of local taxation, if they consider that this poll tax with the addition of a shilling, or two shillings, as the case may be, makes their obligations to the Central Govern-

ment too high the remedy lies in their own hands in that they can reduce their local cesses accordingly.

Finally, Sir, we have heard the Mover of the motion make it quite clear yesterday that he would welcome any increase in revenue because it would enable social services to be added to. He said that Africans wanted good agricultural services, good roads, good food, and he added "they want everything". Well, Sir, I think this is probably quite a laudable sentiment, but his repudiation of the suggestion that one of the things they needed was more good employment made it perfectly clear that he did not include that in the term "everything". Sir, I was left in no doubt that, while he wanted these extra services, he wanted them at the expense of general revenue and without the African having to make any sacrifice whatever to get them. Sir, if I have ever been in any doubt as to the necessity for establishing in the minds of Africans the fact that they cannot expect services to go on being increased at the expense of other people and that they themselves must make adequate contribution to revenue, then, Sir, those doubts have been swept aside by the general attitude of the hon. Mover towards social services and the way in which they should be financed. Sir, I think that what he has said and the points that he has stressed constitute some of the strongest arguments in favour of an increase in the African poll tax.

MR. OJIANGA: Mr. Speaker, I rise to support this motion and I do so most warmly, because it seems to me, from all the logical points of view, it is about the most supportable motion that ever came before this Council, and it seems to me that anything that could be argued against this motion can actually in equity not be shown to have any facts in that line.

May I begin on this note, Sir: To say that the African is about the happiest taxpayer in the whole of the Colony. When he goes to pay his tax—he goes beating the drum, he sings, he goes with his oxen and everything, and it is a joyful thing to him paying his tax. He never grudges anything that has been proved to him to be just and right. He takes it as his obligation to pay the taxes, and he never

[Mr. Ohanga] grumbles. (Members: Oh!) Now then, that is the point where the difficulty arises; because the African is so ready and willing to consider things without any bias in his mind at all, but to take what comes and consider it with an open mind, he has been made a sort of tool that could be moved this way and that without any regard of feelings of his own. I refer to this, Sir. My hon. friend, whose every word I must support, has pointed out the numerous occasions when this Council has seen fit to increase the taxes of Africans practically year after year, and they have been so frequent that now he gets tired of them. They have been so frequent that now he asks for help, that he may be relieved, given a rest at this time. Now, Sir, if my memory serves me right, the African community of this country is about the only community whose direct personal tax has been increased at least for the last four years. For other communities who pay income tax, they have had relief only the other day—I think it was 1948—and during that time the amount of clamour and grumbling that went on among the income paying communities was great, because of the high rate of direct income tax that they were paying.

MR. BLUNDELL: They have not got your happy nature!

MR. OHANGA: For the last four or five years they have been happy, but at the same time they do not want to extend that happiness to the African. It is true that Government is responsible entirely from beginning to end for this increase, but it can also be said, and said truly, as has been shown by two or three speakers on this side of the Council, that Members on this side have sometimes gone to Government and pressed them for it. It now comes when the Africans are unable—it now comes when the Africans cannot bear it, and whatsoever we try to put forward is always thrown back to us because of certain reasons which, in my candid opinion, cannot hold very much water.

Now, the increase in taxation, as we have already said, is unbearable and will have only one sure consequence, and that will be to drive more and more of the able-bodied men who work and who maintain this country into prisons for

some time. It will have a serious effect on the social life of the homes. It is going to have a serious effect on the economy of the country generally, because you need these bodies to do the work.

Tax defaulters are found everywhere, and I would be wrong to suggest that Africans are not among them, but I could truly say that where African tax defaulters are met with they will always be among those people to whom the tax authorities were unable to get. Tax default, in my opinion, exists because of inadequate administration of the country. You find people among the Africans who have not paid tax for two, three or four years, and each time they have not been asked to pay it. It may be that they were out somewhere and nobody had gone round and asked them for their tax. That is why in the Estimates we have just passed, Mr. Speaker, I was ever so glad to support the increase we had of five district commissioners, two of whom were specifically earmarked for the settled areas, because I know that if the settled areas are properly administered, tax defaulting as such is going to be diminished greatly. That is the only source of tax default, but you do not find an African, an ordinary African in the reserve, who evades taxation as such in order to get away with it. Usually he is not asked, and when he is asked he may as well pay, and when he cannot he is always sent to prison where he spends some of his time.

THE FINANCIAL SECRETARY: Some of his money, too.

MR. OHANGA: It seems to me the authorities in this way in dealing with the Africans as they have done, are trying perhaps to help the elder brother, who is a little better off. If the younger son seems to be more willing to obey the father and to do the father's bidding, should he always constantly be bidden to do everything he is doing for the good of all simply because he is younger and willing, when the older and the more able son, perhaps, is unwilling to do anything at all for the common good, because he knows and he thinks possibly it is not his responsibility to look after the affairs of his fellow men?

In opposing the motion, Sir—(ap- plause)—in opposing the motion, it has been suggested by the hon. Finan-

[Mr. Ohanga] Secretary—(laughter)—that Africans do not pay more because they demand more in social services. That, Sir, I disagree with most entirely, and the reason is this: the fact that any community wants more in social services is at the same time a reason for him being the only person to produce the necessary services. The African is not alone demanding services from his country, and I can say that he is alone in providing his own services. I stand corrected if somebody would put that in. I repeat, Africans are not alone in demanding services for their community.

THE FINANCIAL SECRETARY: None said he were.

MR. OHANGA: I beg your pardon, you are right. They are not alone, but they are absolutely alone in providing some of their own services from local rates. (Singers: No!)

MR. BLUNDELL: Hospital Authority, school fees.

MR. OHANGA: I will explain. Most of the social services that consume the money of this country are education and health measures, and the largest category of education falls in the first category, education, and this Council will agree that the African is about the only community in this country who provides for his primary education. Secondly, hospitals. At the moment it is absolutely true that Africans are the only people who are called upon to build their own dispensaries from rates, and shall I say my hospitals, which are absolutely a part of the Central Government—(Mr. HAVELOCK: No.)—and in order to help my hon. friend who has said "No", shall I also state that we have a very clear case. I know I will be told it is only one, but everything begins with one, and I think that will be a satisfactory answer to my hon. friend on this side. The hospital is as big a hospital as you will find anywhere and in that the people have been pressed to doing it with no assistance being given to them at all from the Central Government for many years. They requested and repeated their request in vain, but the people were dying, they wanted to be helped. Medical aid and how can you have people dying

like that when they know help can be found if only they overtax themselves and make big sacrifices they could get it. They do so and they provide the service, and they only provide the service because it is not being provided for them. Now that proves, Sir, that I am not just talking without facts. They provide their hospitals, medical services and schools and no other community is called upon to do that. Shall I give another proof that has already been said also, that Africans willingly raise their own tax and if they do so in the District Councils, shall I say, Sir, that they must do so, because if they do not do so, they will suffer. They have to have roads in their country in order to move about their business and if no money can be forthcoming from the Central Government for their roads, they must do all they can to provide roads, and Africans at the moment are the only people who do rate themselves in order to make their own roads. Other people have them provided by the Government.

MR. BLUNDELL: It is not true. Nairobi District Council.

MR. OHANGA: As far as trunk and main roads go I agree with you, but so far as district roads are concerned Africans provide for their own roads and provide for them practically all by themselves.

It has also been suggested that they are now receiving more for produce, for their agricultural produce. May I suggest, Sir, that the Central Government has done practically nothing to assist that production materially, and in this way that produce, which is forthcoming and is more than doubly taxed, because when these people have their poll tax raised—these people have the price of the produce raised, they are also asked to pay agricultural betterment cess. They do so entirely by themselves, and therefore that cannot be made a reason for increasing the poll tax rate.

Consumption of beer by Africans has also been brought forward as a reason for their increased rate of poll tax. Now, Sir, it is only recently that the consumption of beer was allowed for Africans, and after they had been allowed to consume it I think they are right in exercising their privilege in drinking it.

THE FINANCIAL SECRETARY: Nobody suggested they should not.

MR. OHANGA: The drinking of beer is not a sign of increased wealth, it is a sign of—(MAJOR KEYSER: Thirst!)—an opportunity which has been given them which was withheld from them by law and you cannot say that they are now drinking beer more than they were drinking it previously because it was not allowed at that time. It is a new drink that has come in. It is not a sign of increase, but a little relief has been given to them by the Government.

Gambling has been cited and I think it is inferred that the African gambles because he is rich. I wonder if that is the real idea behind gambling. Is it for rich people? I would like some information on that one later, because I myself do not know the practice and I should like to know it because I should have thought that they were the poor and the needy people who so badly need money that might go to a place of this kind in order to get some, but the rich and wealthy people would not go to gambling places. Gambling seems to be a sign of richness at the moment according to the hon. Member, but I maintain that it is only the poor people who are attracted to gambling because they may get something from it.

Just a few more words before I sit down on this main thing. The question of relief, Sir, has been brought forward many times. My hon. friend has just dealt with it. I do not need to say very much. All that I want to say on relief is that this relief, which in law is to be given, has not always been given liberally in my opinion. I do know of very, very few cases where people have been given relief. Sometimes it is only partial, but a very large number of people who should be receiving relief have not received it because of the way the whole thing is administered. It seems to me it is something that is only given when a man is either a cripple or is almost finished and is dying, but so long as he can stand upon his two feet he is called upon to pay something. I suggest that that standard is not sufficient reason for considering him able and rich enough to pay like people who have the money.

Cost of living, Sir, before I sit down. The cost of living has increased for all and everyone in the country, but it will be admitted that the fellow who suffers more than anyone else is the African, and he suffers because of the un-economic wages that are given to him; and to suggest that the wages of the African had increased and therefore he can pay more is overlooking the cost of living factor. That is my suggestion, and if we think about this thing carefully and slowly it will be found that actually there is no valid reason for considering the African community to be wealthy. On the other hand the African becomes poorer and poorer; the prisons are full of those poor Africans who are generally willing to pay the tax, but are unable, and have to go to prison.

Sir, I beg to support most warmly.

ADJOURNMENT

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Friday, 15th December.

KENYA GOVERNMENT ARCHIVES
PHOTOGRAPHIC SERVICE

SECTION 7.

CONTINUED ON
REEL No.

16



KENYA GOVERNMENT ARCHIVES
PHOTOGRAPHIC SERVICE

SECTION 7.

END

OF REEL NO. **15**