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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL
DEBATES

OFFICIAL REPORT

COUNCIL INAUGURATED
JUNE, 1952

VOLUME XLVIII

1952

FIRST SESSION — FIRST SITTING
12th June, 1952, to 13th June, 1952

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. H. S. POTTER, C.M.G.).

ATTORNEY GENERAL AND MEMBER FOR LAW AND ORDER (HON. J. WHYATT, Q.C.).

FINANCIAL SECRETARY AND MEMBER FOR FINANCE (HON. E. A. VASEY, C.M.G.).

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 AND LABOUR (HON. C. H. HARTWELL).

MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT (HON. SIR CHARLES MORTIMER, C.B.E.).

MEMBER FOR COMMERCE AND INDUSTRY (HON. A. HOPE-JONES).

Nominated Members

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

HON. D. L. BLUNT, C.M.G.

HON. M. H. COWIE.

HON. E. N. GRIFFITH-JONES (Solicitor General).

DR. THE HON. S. D. KARVE, O.B.E.

HON. A. H. KNELLER (Acting Labour Commissioner).

HON. G. MAITLAND-EDYE.

COL. THE HON. W. S. MARCHANT, C.M.G., O.B.E.

HON. CHIEF U. MUKIMA.

HON. E. J. C. NEEP, Q.C.

HON. I. OKWIRY, M.B.E.

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

HON. SIR EDOO PIRBHAI, O.B.E.

HON. G. M. RODDAN (Director of Agriculture).

HON. SHEIK MOHAMED ALI SAID.

HON. R. W. TAYLOR, O.B.E. (Director of Public Works).

HON. W. J. D. WADLEY (Director-of-Education).

European Elected Members:

HON. M. BLUNDELL, Rift Valley.

GROUP-CAPTAIN THE HON. L. R. BRIGGS, Mount Kenya.

HON. S. V. COOKE, Coast.

HON. W. E. CROSSKILL, Mau.

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

COL. THE HON. E. S. GROGAN, D.S.O., Nairobi West.

HON. N. F. HARRIS, Nairobi South.

HON. W. B. HAVELOCK, Kiambu.

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

HON. L. R. MACDONOCHIE-WELWOOD, Uasin Gishu.

HON. LADY SHAW, Ukamba.

HON. MRS. A. R. SHAW, Nyanza.

HON. H. SLADE, Aberdare.

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

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

Asian Elected Members:

Non-Muslim:

Muslim:

Central Area:

Eastern Area:

HON. A. B. PATEL, C.M.G.

East:

DR. THE HON. S. G. HASSAN.

Western Area:

HON. J. S. PATEL

West:

HON. I. E. NATHOO.

Arab Elected Member:

HON. S. M. S. MACKAWI.

Representative Members:

African:

HON. M. GIKONYO.

HON. J. JEREMIAH.

HON. J. M. O. TAMENO.

HON. E. W. MATHU.

HON. W. W. W. AWORI.

HON. F. W. ODLDE.

Arab:

HON. SHERIFF ABDULLAH SALIM.

Acting Clerk to Council:

J. H. Butler.

Assistant Clerk to Council:

E. V. Borrett.

Reporter:

E. Fraser.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

FIRST SESSION, 1952:

Thursday, 12th June, 1952:

Council assembled in the Memorial Hall, Nairobi, on Thursday, the 12th June, 1952, at Ten o'clock.

PROCLAMATION

The Acting Clerk read the Proclamation summoning Council.

APPOINTMENT OF SPEAKER

The Acting Clerk read the Instrument appointing the Hon. W. K. Horne to be the Speaker.

INSTALLATION OF THE SPEAKER

The Clerks retired to bring the Speaker to the Council.

Mr. Speaker was announced and he entered the Chamber preceded by the Clerks, and proceeded to the Table.

ADMINISTRATION OF OATH TO THE SPEAKER

The Oath of Allegiance was administered by the Speaker by the Acting Clerk. The Speaker then took the Chair.

ADMINISTRATION OF OATH TO MEMBERS

The Oath of Allegiance was administered by the Speaker to the following Hon. Members—

The Member for Development, The Member for Law and Order, The Member for Finance, The Member for African Affairs, The Member for Agriculture and Natural Resources, The Member for Education and

Labour, The Member for Health, Lands and Local Government, The Member for Commerce and Industry, Dr. T. F. Anderson, O.B.E., Messrs. M. H. Cowie, E. N. Griffith-Jones, Dr. S. D. Karve, O.B.E., Messrs. A. H. Kneller, G. Maitland-Edye, Col. W. S. Marchant, C.M.G., O.B.E., Chief U. Mukima, Messrs. E. J. C. Neep, O.C., I. Okwiry, M.B.E., W. Padley, O.B.E., Sir Eboe Pirthal, O.B.E., Mr. G. M. Roddan, Sheikh Mohamed Ali Said, Messrs. R. W. Taylor, O.B.E., W. J. D. Wadley, S. V. Cooke, A. D. Patel, C.M.G., Major A. G. Keyser, D.S.O., Messrs. E. W. Mathu, W. B. Havelock, M. Blundell, J. Jeremiah, L. R. Maconochie-Welwood, I. E. Nathoo, Lady Shaw, Mr. C. G. Usher, M.C., Lieut.-Col. Gherrie, O.B.E., Mr. Salim, Mr. A. R. Shaw, Mr. W. W. W. Awori, Group Capt. L. R. Briggs, Mr. W. E. Crosskill, Col. E. S. Grogan, D.S.O., Messrs. M. Gikonyo, N. F. Harris, Dr. S. G. Hassan, Sheikh M. S. Mackawi, Messrs. F. W. Odede, J. S. Patel, H. Slade and J. M. O. Tameno.

The proceedings were opened by the Speaker reading a prayer.

ADJOURNMENT

Mr. Speaker adjourned Council to await the arrival of His Excellency the Governor, Sir Philip Euen Mitchell, G.C.M.G., M.C.

Council resumed at fifty minutes past Ten o'clock when His Excellency arrived and took the Chair.

COMMUNICATION FROM THE CHAIR

His Excellency the Governor delivered the following Communication from the Chair—

MR. SPEAKER AND HON. MEMBERS OF THE LEGISLATIVE COUNCIL.

It is for me a great pleasure and privilege to preside to-day at the opening of the new Legislative Council as reconstituted in accordance with the agreement reached with the then Secretary of State in 1951.

I must remind you that perhaps the most important matter to which you will be required to give your attention is the setting up of the Consultative Body to consider future developments, which is to assemble within twelve months of to-day. That body, important as it is in its nature, is not urgent in time, and you may well feel that this Council, containing as it does an important new element, could with advantage take time so that you may be able to form a judgment of the merits of this new method of appointment to the Government benches.

You will in any case be asked to approve new Standing Rules and Orders to govern the conduct and despatch of your business, which will be based upon the usages and practice of the United Kingdom Parliament, modified and adapted to suit local conditions.

In accordance with the powers conferred on me by the Royal Instructions—and, I believe, with the general wish of the Council—I have enacted an Instrument re-appointing Mr. Speaker to the Office he filled with such distinction in the last Council. I hope it may not be long before you seek, and obtain, the privilege of electing your Speaker yourselves. I have re-appointed Mr. Vasey, Major Cavendish-Bentinck and Sir Charles Mortimer in the offices of Finance Member, Member for Agriculture and Natural Resources and Member for Health and Local Government. I have no doubt that this Council shares my great confidence in them and my gratitude for their invaluable services.

The Government has issued a general statement of its policy, and I

need not take time to repeat it here. It is the earnest hope of the Members of the Executive Council that they may be able to secure a large measure of agreement and support from all parts of the Council in measures to give effect to that policy.

Among the more important legislation to be introduced will be:—

A Bill to impose rates of Income Tax and allowances, following on the passage of the East African Income Tax Act by the Central Assembly.

A Bill to replace the Traffic Ordinance by new legislation which will have regard to modern methods of traffic control and the desirability of standardizing traffic legislation in East African Territories.

A Bill to replace existing Industrial Licensing legislation, in the light of the experience gained by the East African Industrial Council since the present law was enacted in 1948.

A Bill to amend the existing Rent Control legislation and particularly to permit of a more realistic assessment of rent, having regard to increased costs of construction and enhanced land values.

The Agriculture Bill: there have been delays in the introduction of this Bill, the latest being the necessity for re-examining certain sections in the light of the recommendations made by Mr. L. G. Troup.

A Bill amending the King's African Rifles Ordinance, so as to provide that all persons serving in the King's African Rifles are subject to the same disciplinary procedure.

A Bill to replace the Education Ordinance and to remedy a number of defects in it especially in regard to the control of schools.

An Education Loans Fund Bill: it is proposed that the Fund should be put on a permanent basis by means of an Ordinance.

A Bill to amend the legislation controlling hotels.

The Government views with concern the recent threats to law and

[H.E. The Governor]

order occasioned by the activities of proscribed societies. Urgent and continuous attention will be given to the task of maintaining the fullest confidence in the peaceful administration of the Colony. Measures to this end must include more extensive policing of the African Land Units in particular, but also increased measures to preserve law and order everywhere and the development of methods and policies which will encourage a spirit of harmony and co-operation among all races and sections of the community.

Particular attention will be given to measures to provide better housing and social security for Africans in urban areas, and to the development of sound public opinion among Africans. As regards housing, much has been done in the last few years both by the Government and also by the local authorities. In spite, however, of all that has been done, we have not been able even to keep pace with the growing demand, let alone to make up the deficiencies.

The majority of existing housing schemes are sub-economic and it is necessary for the local authorities and the Government to pay annual subsidies to meet the deficit. There is nothing peculiar to Kenya in this; none the less, every effort should be made to seek some solution to the problem which will eliminate the need for subsidies; the most effective is likely to be a progressive modification of the low wage which prevails at present in this country, so as to enable Africans to pay a full economic rent for their housing. If that can be combined with a wide extension of the Vasey scheme for African housing in townships, with which the Township Authority of Thika, with Government financial assistance, is at present experimenting, a rapid improvement should result.

As to the problem of promoting the development of a sound and healthy public opinion among the mass of the African people, it is intended, despite the many calls both from within and from outside the Colony upon administrative staff, vigorously to continue the policy of closer administra-

tion throughout the country. As one means of maintaining closer contact district officers will in future be required to learn at least one African vernacular language.

The spread of positive and factual information amongst Africans will be intensified through the activities of the Jeanes School, the African Information Services and Government Officers in the field. Certain selected Administrative Officers will be particularly charged with this duty, with the object of giving to Africans not only a better appreciation of the Government's aims and intentions, but also of fostering amongst them the development of a critical capacity for evaluating the untruthful, tendentious and often corrupt activities of the subversive elements in the population. But this work is both specialized and highly skilled, and it is imperative that Government should be able to employ the right kind of staff in the right numbers on terms which will give the staff the necessary feeling of confidence and contentment. If this Council is willing to vote the necessary funds, I can give an assurance that Government can, and will, see that the work is done—and done well.

But it is necessary to face realities realistically, including the reality of the maldistribution of population in parts of the native lands, and the agrarian congestion and deterioration in some areas. Practical schemes for the redistribution of population from areas excessively populated to areas—they are not now extensive—still capable of accommodating a greater population than they at present hold, will be vigorously carried out. At the same time the investigation, which was begun last year, into the practicability of creating some form of title or right of occupancy for economic farming units held by individual Africans in the Native Lands, will be further pursued, with the object of initiating pilot schemes in those areas where African opinion is ripe for such action. It will be appreciated that these proposals cut across much that is fundamental to African customary land tenure and that successful innovation must depend on local-African support.

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Of the funds for the reconditioning of African areas and for African settlement a balance of approximately £14 million will remain at the end of the present year. For the most part this balance will be utilized on continuing general agricultural betterment in areas already settled, and the continued settlement of such areas as Mukuuji, parts of the Coast Hinterland, Chepalangu and the Lambwe Valley.

The problem of congestion and maldistribution of population is, however, one that requires to be subjected to expert examination on as wide a basis as possible, and the Government hopes that it may be possible to arrange for this to be done.

In the meantime, the Departments concerned will continue to press on with the policy of land protection and improvement which has been followed for many years.

The plans of the Agricultural Department include a great extension of research work, especially on grasses and the completion of new central laboratories. A renewed drive is under way for rehabilitating the bad lands of Machakos. A considerable extension of facilities for agricultural training for Africans is planned and in particular the development of farm institutes in the Nyanza Province. The important work of farm planning will be pressed forward in both European and African areas, where a limited start has been made to overcome the difficulties caused by fragmented holdings and to plan the use of economic units.

Recent veterinary research work points to the likelihood of the early introduction of cheaper and more efficient vaccines against rinderpest and pleuro-pneumonia. On behalf of the Colony and, indeed, of East Africa—I must pay tribute to the valuable assistance afforded to research workers at Kabete by the Bureau of Animal Industry in Washington, which provided a team of veterinary research workers to work on the rinderpest problem.

Timber reclamation work will be concentrated on the Marsi, the Coast and the Malakui areas.

While the development of tree-planting will be pressed forward, some emphasis in Forest Department activity will shift in the coming years towards protective forestry. Major questions of policy such as the desirability of placing the Forest Department on a self-financing basis are at present under consideration.

The plans of the Game Department include an intensive drive to stop poaching and the extensive illicit ivory trade.

The future plans of the Fish Department include the testing of new trawling grounds with the fishery trawler M.F.V. "Menika", the stocking of dams from the Fish Culture Farm at Sagana, a fish survey of Lake Rudolph and an extension of river research to cover the lower altitude rivers.

In the remainder of the development period it is hoped to direct the emphasis of water development to the rural areas. Township supplies will not, however, be neglected and in addition to the major Mombasa project, which will shortly be started, new water supplies are being installed at Nanyuki and Meru, and are about to be installed at Nandi Hills, Kabarnet and Ruiru, while major increases are being made at Kitale and Kakamega.

The demand—indeed the need—for education by all communities continues to increase and to receive vigorous expression. The financial problems resulting from this are receiving the careful attention of the Government. It is abundantly clear that, with the school populations of all races on the increase, either additional money must be found or the existing standards of educational services must be lowered. This is one of the most difficult and important problems which will confront this Council during the coming years; for, on the one hand, there is the growing demand for more and better education; while, on the other hand, it would be an exaggeration to suggest that there is an equally marked readiness to accept increased taxation, without which the funds necessary to meet the demand cannot be found. The Member has appointed a small committee to investigate the problem in so far as it

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affects Asian and European education. I am one of those who believe that, especially in a developing multi-racial society, the best and most extensive education which can by any means be provided is the best policy and that the country will be well advised to face the cost, even though it means increased taxation.

A great step forward in Technical Education was taken when the foundation stone of the Royal Technical College was laid on the 25th April. The Governing Council of the College has appointed Executive Committees to deal with the various phases of the planning and organization, so that there may be no delay in the execution of the scheme. In addition, the Education Departments of the East African Territories are considering to what extent secondary education for all races requires modification in order that pupils whose aptitude is for technical work may be fitted to enter the new College. During this session Members will be asked to approve a Motion which has as its objects the giving of inter-territorial status to the College.

The Mombasa Institute of Muslim Education, which is open to Muslims of all races in East Africa, was established in June, 1948, under a Charter, and opened for the first term in May, 1951. I hope that the Institute will shortly be accepted as an inter-territorial institution and, if all the Governments concerned agree to this, the requisite Motion will be moved here.

The enactment in April of the Trade Unions Ordinance completed the programme of basic legislation for the regulation of labour and terms of employment. Many sections of the workers in the Colony are showing an ever-increasing desire to form themselves into organized bodies, and the attention of the Labour Department to industrial relations is being intensified. It will be the aim of the Department in the coming years to encourage and guide those Unions which have already been formed; to assist lesser associations and organizations, and to make the workers aware of the true meaning and function of trade unionism.

The Labour Department will encourage joint consultation between employer and employees as a means of developing a sense of responsibility through participation in the mutual adjustment of differences. Many employers have set up works committees and joint staff councils; and there is provision under the Regulation of Wages and Conditions of Employment Ordinance for the establishment of wage-negotiating machinery, such as wages councils and joint industrial councils.

As a result of the coming into force of the Factories Ordinance in September last year, there is now a comprehensive and accurate register of all the factories in the Colony. There are some 4,000 premises which employ over 6,000 workers, a fact which indicates the size of the task of factory inspectors, whose numbers may have to be augmented.

Close attention is being given by the Labour Department, in conjunction with the Education and Public Works Departments, to the training of artisans and to apprenticeship schemes. Trade-testing is now being started; the first full-scale apprenticeship scheme has begun in the motor industry; and negotiations are proceeding for a scheme in the cigarette-manufacturing industry.

The process of financial devolution, by which the Secretary of State has transferred to this Council many responsibilities previously exercised by him, will lead in the near future to a reorganization of the Treasury, to enable it more effectively to carry out its responsibilities, including that of financial control.

The Member for Finance will place before you a resolution asking that wider executive powers be conferred upon him than those which he enjoys at present. He will also seek the authority of the Council for the introduction of a Civil Contingencies Fund as part of the financial system of the Colony. This is a fund designed to enable supplementary provision for specific services to be made available when Council is not sitting, and when the Government considers that need for additional provision is of such urgency that it would not be in the

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interests of good government to postpone the granting of additional supply until a supplementary estimate could be moved. Requests for money to replenish the fund will be placed before the Council through supplementary estimate procedure.

With the growth of local government activity the demand for finance for capital expenditure is growing. Proposals to set up a Local Government Loans Authority will shortly be placed before the Council.

The Council which has assembled this morning differs in important respects from any previous Council in this Colony, in that on the Government side there are eleven nominated Members; eight of them chosen from outside the ranks of the Public Service for their standing and position in the country, and their ability to advise the Government on a wide range of important and intricate affairs. The Unofficial majority continues, but is reduced to two; and it may well be that experience during the life of this Council will lead to the conclusion that the Government in office must, in fact, have a majority in the Legislature.

Since this is the last occasion upon which I shall sit in the President's seat of this Council, I hope I may venture to express an opinion on one or two aspects of the problems that confront us. We have heard a good deal during the recent elections on the subject of self-government for Kenya, and many candidates have given their views on the importance of achieving self-government at the earliest possible date; but it is the declared policy of Her Majesty's Government in the United Kingdom to guide, help and encourage Colonial dependencies towards the goal of responsible government within the Commonwealth, and there is, therefore, no difference of policy between those who make the achievement of self-government their objective and any Government likely to be in office in the United Kingdom. The crux of the matter lies not in the principle of self-government, but in the nature of the Legislative body to which the Parliament of Great Britain

is to be invited to transfer the Sovereign authority, and it is imperative, as it seems to me, that we should all of us direct our minds plainly and clearly to that. The office of Governor is one which could be modified as each step is taken in the constitutional development of the country, until the point is reached when, on the achievement of responsible government, it becomes the office of Governor-General, as well established and understood in the Dominions. The offices of Members of the Executive Council in charge of groups of Departments and the office of Chief Secretary as the principal among them and Leader in the House, are capable, without any particular or special difficulties, of evolution in the same direction, so that they become Ministers at the appropriate time. The process of insulating the Civil Service from politics, which to some extent I have endeavoured to begin, and which the nomination of Members from outside the Service to the Government side of the House will sensibly assist, can be completed without difficulty as part of the transition to responsible Government, whenever that is achieved.

What seems to me, therefore, to be the major object of policy at the present time is to discover common ground between the responsible leaders of the various communities for the composition of a Legislature to which they could jointly ask the British Parliament to consent to transfer power. Common ground does not presuppose unanimity—a thing seldom to be achieved in human affairs, particularly in political affairs. It need not necessarily, in my judgment, involve a departure from the present system of communal representation, unless such a departure were generally desired.

But it does mean common ground agreed upon by a group or party who may be reasonably expected to be able to secure a majority in a wholly elected lower chamber of the Legislature. For I think you would agree that responsible Government cannot be attained unless—and until—the lower chamber of the Legislature can be entirely elected, even if a part of the electoral process in respect of the vast backward masses may have to be in-

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direct for a considerable time. Whether there should also be an Upper House or Senate, wholly or partly nominated or elected, is plainly a matter for the most careful thought.

In the current condition of public opinion among all the various communities which make up the public of this country, it seems to me unrealistic to suppose that it is likely that in the near future a state of affairs can be reached in which there is unanimous agreement by all the members of every communal group in the Council as at present constituted upon the common ground for the next step. In the nature of things, there must be those who will feel unwilling to surrender any part of what they believe to be necessary in respect of their own group and if, therefore, what I venture to call a self-government party emerges it is unlikely to contain the whole of the Elected Members, including in that term those indirectly elected; it is surely more likely that there will emerge a party of compromise and a party, or several communal parties, of no compromise.

In these circumstances it appears to me that it is of the greatest importance for the country which these various groups and parties having so great a responsibility in our affairs should not be in any political hurry. If it should be the conclusion that at the present time the common ground to which I have referred is unattainable, then there still remains a very wide scope for development of local responsibility, at any rate, in the Executive, and of the process of insulating the Civil Service from politics in the Legislature, before the stage of responsible government is reached. I think it is, therefore, an over-simplification, an overstatement, to say that unless responsible Government can be attained at once, there is only frustration, friction and controversy to look forward to. It seems to me that there is on the contrary still a great opportunity for constructive work, for the gaining of Executive as well as Legislative experience and, incidentally, for the development of strong and vigorous systems of local government, which in themselves will

be an invaluable training ground for the wider sphere of national government in the future. I have long felt, and I feel to this day, that Kenya has a destiny to give a lead far outside its own borders in these matters and that, if those who will carry on the work in the future are able to rise to their opportunities their achievement is likely to be of significance far beyond the narrow borders of our own country. I hope and pray that they may be guided to choose the right course and follow it with fortitude and understanding, looking hopefully and not fearfully to the future, rather than regretfully to the past.

My own part in public affairs is finished and, in taking my leave of you this morning, I will say no more than that a great opportunity and a great responsibility rest upon the shoulders of all of you at this time in this place, and that I believe—as I pray, that you will justify to it. I trust you for your patient and courteous attention to my words this morning, as for your consideration to myself throughout the years that I have held office here as Governor. I confess to being disappointed that I have not had the privilege of presiding over a meeting of this Council in your new Chamber, but I trust that it will not be many months now before you are installed there, and I have no doubt that it will have a very important part to play in the development of Parliamentary institutions in the Colony, and maybe in East Africa as a whole, in the future.

I pray that Divine Providence may guide your councils and inform your judgments.

His Excellency the Governor retired and Mr. Speaker resumed the Chair.

WELCOME TO THE SPEAKER

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, with your permission, I should like on behalf of my colleagues to extend to you a very hearty and sincere welcome on your return to preside over the deliberations of this Council. (Hear, Hear.) (Applause.)

Those of us who are present who were Members of the last Legislative Council are well aware of the wise guidance and patience with which you presided over

[Member for Development]

our proceedings—(hear, hear)—and we are indeed happy that we have the prospect of the continuation of those advantages. (Hear, hear—applause.)

THE SPEAKER: Honourable Members, being quite unaccustomed to speaking in this Chamber—(laughter)—you will, of course, not expect me to make any reply to the welcome which has been extended to me. As you know, throughout the last four years or so I have been in the Chair and listened to a great many speeches, some of which I was in agreement with and some of which I was in profound disagreement with, but I have never been able to express it. If anybody has suffered from this much-abused word "frustration" it has been myself—(laughter). However, I am thankful to you all for the very kind way in which you have received the words which have been addressed to you by the Honourable Member for Development for his very kindly personal references.

It must, however, be remembered that the Chair does not make the Assembly; it is you gentlemen on the floor of this Council who will make this Assembly what it is going to be, and that requires a certain amount of tolerance from all sides and a certain capacity to listen as well as to refute whatever may be put before you.

I hope that the very excellent relations which have existed in the past will continue and I am very pleased to see that as a result of the system of election, representation and nomination, there is not only an idea of continuity going on throughout the Council, but there is a certain transfusion of new blood which I hope will flourish in due course. I am happy, also, to say that I shall be assisted in the duties of the Chair now by having a Chairman of Ways and Means and the old system by which I only metamorphosically left the Chair, will now become an actual leaving of the Chair in future. (Applause.)

I will call upon the Clerk of Council to read the next Order.

INSTRUMENT APPOINTING MEMBER TO PRESIDE IN ABSENCE OF THE SPEAKER

The Acting Clerk read the Instrument appointing the Hon. E. J. C. Neep, Q.C., to preside in the absence of the Speaker.

RETIREMENT OF HIS EXCELLENCY THE GOVERNOR

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, Sir, I beg to move that—Be it resolved that the Speaker be requested to address the following message to His Excellency Sir Philip Mitchell, the Governor of Kenya:—

"The Legislative Council of Kenya, being in session at Nairobi this 12th day of June, 1952, desires to convey to Your Excellency, on the eve of your departure from Kenya on retirement from the Public Service, a sincere expression of gratitude for all Your Excellency has done for the Colony and Protectorate of Kenya and all its peoples, and of sorrow at our impending loss. This Council is especially appreciative that its existence in its present form is due primarily to Your Excellency's efforts, and your name will be ever outstanding among those who have contributed, and those who will contribute, to the constitutional progress of Kenya.

May Your Excellency long be spared to enjoy the retirement which you have so richly deserved."

It is 40 years since Sir Philip Mitchell was appointed as an Assistant Resident in Nyasaland. After some two years there, he was seconded to the King's African Rifles and served during the 1914-1918 war. He returned to Nyasaland for only a short time and was then transferred to the new Administrative Service in Tanganyika Territory. There, in Tanganyika, he became a Provincial Commissioner in 1928, and still in 1928, was appointed Secretary for Native Affairs. In 1934 he was appointed Chief Secretary of Tanganyika and he was appointed Governor of Uganda in 1935. Again, with the outbreak of war his work changed and he became Deputy Chairman of the East African Governors' Conference in 1940, with the object of co-ordinating and furthering the joint war efforts of the East African territories. The tide of war took him farther north in Africa than the territories in which he had previously served, and in 1942 he was appointed to a different part of the world, he was appointed Governor of Fiji and High Commissioner for Western Pacific. It was in 1944 that he returned to East Africa to assume the

17 *Retirement of His—*

[Member for Development]

Governorship of Kenya, which he has held for seven and a half years.

In 1948 he was appointed the first Chairman of the East Africa High Commission and surely no individual could, from the point of view of personal experience, have been more fitted for such appointment. (Hear, hear—applause.)

I do not propose to recite the history of Kenya during the last seven and a half years, but there are one or two matters I should mention which are not directly referred to or covered by the terms of the resolution, matters to which Sir Philip Mitchell's personal influence was very closely attached. The establishment of the East Africa High Commission, of the Central Legislative Assembly and its ancillary bodies were largely his work. These provided a constitutional and juridical framework for various services which had previously been known as common or interterritorial but whose position, in some extent, was somewhat "airy fairy"; the development of local government in all spheres, agrarian problems, which by the nature of our country loomed large in the interests of all inhabitants of the Colony and Protectorate; education in its broadest sense—in particular, I would mention the technical and vocational training as instanced by the Mombasa Institute of Muslim Education and the Royal Technical College of East Africa—and I think that we all remember Sir Philip's action in moving out of Government House in order to allow the new Duke of York School to spend its first term there while its buildings were being got in readiness; the development of commerce and industry, including the mineral resources in Kenya.

These words, Sir, are, I am aware, quite inadequate as a record of Sir Philip's seven and a half years in Kenya and his forty years' service, practically the whole of which was spent in East Africa. But, Sir, Sir Philip Mitchell has deserved well of Kenya and of East Africa. (Hear, hear—applause.)

Mr. Speaker, I beg to move.

MR. BLUNDELL (Rift Valley): Mr. Speaker, in rising to second the motion, I should like on behalf of the European Elected Members to support and endorse the views which the Member for De-

velopment has put forward. The greatest tribute to the wise guidance which we have received from His Excellency during his tour of office is undoubtedly the unparalleled development of our country during that period, both in commerce and industry and in agriculture. The great advances which we have made are without question due to the stability and confidence which his tour of office have engendered in all throughout the territory. (Hear, hear—applause.)

I have, Sir, one particular wish, a personal one, which I venture to put before this Council because I know it is echoed by all my colleagues. We hope, Sir, that at some future and suitable date, it will be seen fit to publish the despatches which His Excellency Sir Philip Mitchell has made during the course of his years as our Governor, not only in order that we shall read the wise insight into our affairs which he has shown, but also for the masterly presentation of the facts attributing to our problems.

Finally, Sir, on behalf of my colleagues, I should like to record our thanks that Sir Philip, at the end of a long, arduous, and distinguished career, when he might well have wished to retire and enjoy his leisure, agreed to come more to an extension of his office to the great benefit of us all. (Hear, hear—applause.)

DR. HASSAN (East): Sir, I associate myself with all that the previous speaker has said about His Excellency and I, on behalf of the Asian Members present and absent to-day express my deep gratitude for all the good work which His Excellency has done for us in Kenya. His Excellency endeared himself among the Asians to such an extent that they always considered him their friend and what he particularly performed for the Muslims in the establishment of the Muslim Institute will remain as a permanent mark of His Excellency's sincere wishes for the good of Muslims in Kenya for ever. I have been in Kenya, if I may be permitted to mention it, Sir, for the last half a century, from the time Sir James Hayes Sadler, Governor of Kenya, was here, right up till the present day, and without causing any reflection on the Governors before His Excellency, or those who will follow him, I must say that His Excellency has shown his

[Dr. Hassan] ability, by his capability, that he has made friends with every community; this Kenya is comprised of varied communities and he is considered their friend by all: The Civil Service—I speak on behalf of the Asians, but I would also include Europeans and Africans—was a mere skeleton when His Excellency came to this country and to-day it is comprised of a most efficient team that the British Empire should feel very proud of.

On behalf of the Asians I wish that it should be conveyed to His Excellency that we wish him and Lady Mitchell long life to enjoy his well-deserved retirement.

SIR ABU ABDULAH SALIM (Arab Representative): Mr. Speaker, I join with everybody else in this Council in paying a tribute to His Excellency the Governor for the good services he has rendered to this Colony. As for the Arabs, the good services done to the Arab community, the Arabs have had a very good opportunity in Mombasa, when they entertained His Excellency the Governor, of expressing their gratitude to him. I do not wish to waste the time of Council, Sir, by repeating what has already been said to him, but I only say that the Arab community is one of the communities which is most grateful to His Excellency the Governor, Sir Philip Mitchell, for all the good he has done for them.

MR. MATIU (African Representative): Mr. Speaker, I should like to associate myself with the previous speakers, and to say that on behalf of the African Representative Members, we feel that Kenya is losing the services of one of, I think, the ablest Governors this Colony has ever had; it is also going to enjoy the fruits of the labours that His Excellency has put in for the benefit of all the peoples here for the last seven and a half years. (Heat, hear.)

I should like, Sir, in addition to what other speakers have said, only to instance one service that Sir Philip Mitchell has rendered to East Africa, and which has impressed the African community. I think, more than other communities here. I refer to the time when Sir Philip

was not the Governor of Kenya, he was the Governor of Uganda. It was that time in the 1930's when I think he was mainly responsible for instituting higher education for Africans in East Africa by the setting up of the present Makerere College, which is developing into the University of East Africa. Now, Sir, during those days, when His Excellency was then the Governor of Uganda, the Africans in Kenya looked forward to seeing where they could have higher education so that they could give their contributions to the development of this country in all the aspects of its life, and then Makerere College was set up, which is not now, Sir, only for the African community but for all races. I say, Sir, that alone from the African point of view, was the widest service that Sir Philip Mitchell could have rendered to these territories here.

Sir, I should like before I sit down to emphasize one aspect of this Motion which has been moved very ably by my hon. friend the Member for Development; I refer to the constitutional development during the last seven and a half years. During those seven and a half years, Sir, the African community has benefited terribly in being associated with the Government machinery in this country. In 1944, Sir, when Sir Philip took office in this country, I was the only African Member of this Legislature. I am very pleased to say, Sir, that during those seven and a half years, the development in that direction has gone to the extent that we have eight African Members in this Legislature, and that, Sir, I think, is mainly due to the sincerity and the confidence that Sir Philip Mitchell has in the future of the development of the African people of this land. That, Sir, I think, will remain a permanent contribution to the future governmental development of this land.

In joining down, Sir, I should like to wish Sir Philip Mitchell and Lady Mitchell long enjoyable life so that they may enjoy their most deserved retirement. (Applause.)

The question was put and carried.

Council rose at Forty minutes past Eleven o'clock.

Friday, 13th June, 1952

The Council met at half-past Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following papers were laid upon the Table:—

Annual Report of the Development and Reconstruction Authority, 1951. Development and Reconstruction Authority Quarterly Report for the period 1st January to 31st March, 1952.

Commission of Inquiry into the partial failure of the Ngong Road west of Dagoretti Corner.

Proceedings of the East Africa Central Legislative Assembly—First Session, 1952, Second Meeting, Second Assembly.

(THE MEMBER FOR DEVELOPMENT)

Report of the Commissioner appointed to inquire into the 1951 Maize and Wheat Prices and to ascertain the basis for the calculation annually of a fair price to the Producer for Maize, Wheat, Oats and Barley, and other Farm Products the prices of which are controlled by the Government.

(THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES)

The Employment of Juveniles (Hours of Work and Welfare) Rules, 1952.

(THE MEMBER FOR EDUCATION AND LABOUR)

European and Asian Housing, June, 1952.

(THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT)

VOTES AND PROCEEDINGS

THE SPEAKER: Hon. Members will note this, that the Minutes are now in a new form and are entitled Votes and Proceedings and will be numbered serially and pagel so that they may be retained; they will later on be indexed.

ORAL ANSWERS TO QUESTIONS

No. 1

MR. BLUNDELL:

What is the position of the Nominated Members drawn from outside the public service in respect of their freedom to vote in all matters to which the Government Whip has not been applied? And what is their position if and when the Government Whip is applied?

THE MEMBER FOR DEVELOPMENT: Nominated Members drawn from outside the public service have expressed their agreement with the statement of Government policy, which has since been published. They may vote according to their consciences, unless the Government Whip is specifically applied. If they feel unable to accept the Government Whip (which will be used as sparingly as possible) when applied on any particular issue, they are at liberty to resign.

MR. BLUNDELL: Mr. Speaker, arising out of that answer, Sir, save when the Government Whip is applied, will the hon. Member consider applying the same principle of conscience to all hon. Members on the other side of the Council?

THE MEMBER FOR DEVELOPMENT: The matter will receive consideration. It has received consideration, but it will receive further consideration in due course. (Laughter.)

MR. COOKE (Coast): Mr. Speaker, on a point of order, should not Standing Orders be suspended before these questions can be asked as there has not been a day's notice?

THE SPEAKER: I am completely taken by surprise.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, as the person who had to reply, may I say that I raised, and I raise, no objection.

THE SPEAKER: It is quite true that Standing Order No. 24 requires two days' notice, but then I think it is only right in a case of this kind where sudden matters arise of urgency to apply Standing Rule No. 1, for cases not herein provided, and to follow the practice of the House of Commons of allowing a question to be put by private notice.

MR. COOKE: Thank you, Sir. (Applause.)

MOTIONS

STANDING COMMITTEES

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, Sir, in moving this resolution, with your permission, I shall make a small change in respect of the Public Accounts Committee by the substitution for the Member for Health, Lands and Local Government of the name of Mr. Maitland-Edye.

Mr. Speaker, Sir, I beg to move that the following Standing Committees of the Council be appointed:—

The Sessional Committee, consisting of the Member for Development (Chairman), the Member for Law and Order, the Member for Finance, Messrs. Blundell, Havelock, Nathoo and Mathu.

The Standing Finance Committee, consisting of the Member for Development (Chairman), the Member for Finance, the Member for African Affairs, the Member for Education and Labour, Major Keyser, Messrs. Havelock, Slade, Nathoo, Mathu and Sheikh Mahfood.

The Public Accounts Committee, consisting of the Member for Finance, Messrs. Maitland-Edye, Griffith-Jones (Solicitor General), Blundell, Usher, Lt.-Col. Gherrie, Messrs. Mathu and Hassan.

THE MEMBER FOR FINANCE seconded.

The question was put and carried.

THE MEMBER FOR LAW AND ORDER: Mr. Speaker, I beg to move: That the following Members be appointed:—

The Preservation of Law and Order Committee, consisting of the Member for Law and Order (Chairman), Messrs. Blundell, Cooke, Slade, Usher, Hassan, Nathoo, Gikonyo and Tamenso.

THE MEMBER FOR DEVELOPMENT seconded.

The question was put and carried.

TO RESOLVE INTO COMMITTEE

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move: That the Council do resolve itself into Committee of Ways and Means to consider the Export Duty (Hides) (Variation of Duty) (No. 2) Order, 1952.

THE MEMBER FOR DEVELOPMENT: Sir, I beg to second.

The question was put and carried.

THE SPEAKER: I will leave the Chair metaphorically only this time, as Mr. Slade is engaged in a tussle with Mr. Neep elsewhere. (Cries of "Shame!")

COMMITTEE OF WAYS AND MEANS

Export Duty (Hides) (Variation of Duty)

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to move: That whereas—

(1) Sub-section (1) of section 4 of the Export Duty Ordinance, 1951, empowers the Governor in Council by order to increase or decrease the duty payable on any commodity specified in the Schedule to the Ordinance or to abolish the duty thereon;

(2) Sub-section (2) of the aforesaid section requires any such order to be laid on the table of the Legislative Council and provides that it shall cease to have effect unless approved by resolution of the said Council passed within seven days of its being so laid;

(3) The Governor in Council by an Order entitled the Export Duty (Hides) (Variation of Duty) (No. 2) Order, 1952, decreased the duty payable on hides in the manner shown in such order; i.e.—

Hides (Air Dried) from Sh. 10/53 per 100 lb. to Sh. 2/52 per 100 lb.; and

Hides (Wet Salted) from Sh. 5/27 per 100 lb. to Sh. 1/26 per 100 lb.

Now, THEREFORE, BE IT RESOLVED that this Council approves the terms of the aforesaid Export Duty (Hides) (Variation of Duty) (No. 2) Order, 1952.

Mr. Chairman, I do not feel that it is necessary to go into any great explanation of this particular resolution. It is in accordance with the policy explained by my predecessor, as Member for Finance, and by myself at a sitting of the last Legislative Council. The fact is that once again there has been a downward tendency in the price of hides and skins during the period under review, and in consequence in the fulfilment of its policy and promise, the Government has reduced the export duty accordingly.

Sir, I beg to move.

Mr. BLUNDELL: Mr. Chairman, may I ask the hon. Member for Finance, or the hon. Member for Agriculture and Natural Resources to point out to Council the relationship between the existing tax when it becomes reduced and the cess for hides and skins. If it is reduced as much as this, it seems to me it must be coming very close to the cess on the hides and skins. I think hon. Members would like to know the relationship now between the new tax as proposed and the cess on hides and skins. In other words there must be a very slight ceiling or, a very slight addition above the cess available for tax.

THE CHAIRMAN: You are in Committee, everybody is at liberty to speak more than once.

Mr. COOKE: Better not encourage them!

THE MEMBER FOR FINANCE: I do not want to be in any danger of not answering questions in general, I think, Sir, hon. Members opposite must know quite well what is the basis of this particular tax and the formula by which it is adjusted. It is taken at the level of the cess plus 20 per cent of the difference between the average price over the current three months and the May, 1950, price, and that is the difference at the present moment. If hon. Members are a little in doubt as to the actual figures, Sir, the average price of air-dried hides over the past three months have been—

January 2/71 per 100 lb; February, 2/93; March, 2/66; April 2/36; May, 2/10.

The average price of wet-salted hides were—

January, no exports; February, 1/99 per 100 lb.; March, no exports; April, 1/34; May, 1/21 per 100 lb.

That, Sir, should enable the hon. Member to work out the exact amount that is now available for tax.

Mr. BLUNDELL: Mr. Speaker, I am sorry, but I have not got the experts of the Treasury available to me. What I think hon. Members on this side of the Council would like to know is this, we are reducing the duty payable on Hides (Air-Dried) to Sh. 2/52 per 100 lb. and Hides (Wet Salted) to Sh. 1/26 per 100

lb. I think what hon. Members would like to know is what proportion of this Sh. 2/52, if any, and what proportion of the Sh. 1/26, if any, goes to cess, and what is left to tax, or is this over and above?

THE CHAIRMAN: Yes, all tax.

Mr. BLUNDELL: Thank you, Mr. Chairman.

Col. GROGAN (Nairobi West): May I ask what the initial pretext was for the financial skinning of the people, especially suffering from cattle disease? (Laughter.)

THE MEMBER FOR FINANCE: I did not think, Sir, it was necessary at this particular stage to indulge in a reiteration, a somewhat long reiteration, of the principles on which export tax was established. It was discussed, and I suggest it would merely be a waste of this Council's time, because I am perfectly sure if the vote were put to-day, the proportionate result would be the same as it was before. (Cries of "Oh!") Well, however, Sir, there should be any fear in the minds of hon. Members as to the fact that we are going to get revenue from this particular tax, they might like to know that the present reduction still leaves us with the hope of getting something in the nature of £30,000—(cries of "Shame!")—towards the development of this country. They might also, Sir, like to know that the Controller of Hides and Skins is able to report that during the month of May, although April has been a bad month, he had what was almost a record number of applications for export of hides and skins, and I am sure they will be glad also to know that there had been a slight, although very slight, hardening of price in London, and it looks indeed as if the market is again on a slightly upward trend.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to move that the Committee report consideration of the Export Duty (Hides) (Variation of Duty) (No. 2) Order, 1952.

The question was put and carried. Council resumed.

REPORT OF COMMITTEE OF WAYS AND MEANS

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to report that the Committee of Ways and Means has considered the Export Duty (Hides) (Variation of Duty) (No. 2) Order, 1952.

MOTION

EXPORT DUTY (HIDES) (VARIATION OF DUTY)

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move: That it be resolved that this Council approves the terms of the Export Duty (Hides) (Variation of Duty) (No. 2) Order, 1952.

THE MEMBER FOR DEVELOPMENT: Sir, I beg to second.

The question was put and carried.

THE CONTROL OF HOTELS ORDINANCE, 1948

CONTINUATION OF

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that: He it resolved that this Council approves the Control of Hotels Ordinance, 1948, being continued in force until the 30th day of June, 1953.

Mr. Speaker, I do not feel I need detail the Council long in this matter. This is an annual Bill, and annual resolution to continue in force an Ordinance that at the present moment is under revision. The new Ordinance has been considered by the Board of Commerce and Industry and is being considered by the Hotelkeepers' Association. I feel that in these matters those most intimately concerned, namely, those who are making a contribution towards the amenities of this country should be fully consulted. This is pending, I believe, in other territories legislation along parallel lines, and they have asked me to take up on their behalf certain points in those draft Ordinances. As hon. Members well know, certain hoteliers operate in more than one territory. That has delayed the matter a little more than we had hoped. The new Bill will abolish the Defence Regulations. It will remove many of the regulations under the present Ordinance which I am asking this Council to continue for another year that have become inappropriate now that we have moved to more normal times.

Mr. Speaker, I beg to move.

THE MEMBER FOR DEVELOPMENT seconded.

MR. HAVELOCK (Kiambu): Mr. Speaker, with your permission, Sir, and that of Council, I would like to read my speech of last year which was the third anniversary of this particular Motion and to-day it is the fourth.

"Mr. Speaker, this is an annual occasion. Naturally we accept the apologies of the hon. Member for Commerce and Industry, but it might be easier for me to read out the speech I made last year—[laughter]—rather than read a new one. Sir, I think he could have done the same. I suggest, Sir, as I did last year that it is not necessary in view of the assurances which the hon. Member is bound to carry out, Sir, that the Ordinance will be amended, assurances that he has given us for the last two years. In view of that assurance which he is bound to carry out, I repeat, I suggest it is not necessary to extend this present Ordinance for two years. I wish to move an amendment, Sir, to the Motion."

I then went on to move an amendment to change the date "1953" to "1952". The hon. Member has come back again to the charge and wishes us to accept the date "1953".

Sir, I have no doubt at all that Government in the last year, employing their virtues of "faith, hope and Jones", have done everything they possibly can, have turned every stone, explored every avenue and made every effort to see that the amending Bill which we were promised four years ago was introduced into Council. However, their efforts have failed, owing to the great difficulties which the hon. Member with his usual charm has described to us this morning.

Sir, our patience is at an end. I cannot accept the apologies this year as I did last of the hon. Member for Commerce and Industry. I do not think, Sir, it is too strong to say that the attitude of the hon. Member, in view of the history that I have outlined, is really one of contempt for the opinions of hon. Members on this side of the Council. The actual principle of the amending Bill has been discussed for very many years. We have made it quite clear that we want this amending Bill in as soon as possible and we have made it clear for three years running.

[Mr. Havelock]

I, therefore, Sir, have wondered what I can do about it in view of the obstinacy and, as I have said before, the contempt of the opinion of the Unofficial Members on this side of the Council by the hon. Member. I thought, Sir, possibly the best thing was to vote against, but once again being very reasonable people on this side of the Council, Sir—(hear, hear)—realizing it is to the benefit of the people of the Colony in general, that the Bill should be brought in and that before it is brought in the present Ordinance should be retained, I am not going to oppose the Motion, but I will, Sir, move an amendment, and it is the last six months' grace that I, anyway, will offer to the hon. Member.

I wish to move an amendment, Sir, that all the words after "the" in the last line be omitted and the following words added "31st day of December, 1952". That gives the hon. Member six months, and by that time I hope we will see his promise carried out. (Applause.)

LADY SHAW (Ukamba) seconded.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I am always most interested in the views put forward by the hon. Member for Kiambu.

MAJOR KEYSER (Trans Nzoia): You could be more interested now.

THE MEMBER FOR COMMERCE AND INDUSTRY: I am interested in the views expressed by him in moving his amendment. My principal reason for speaking on the amendment is this, the reason why a new Bill has been held up is because those who are going to be most intimately affected by it, namely, those who are running the hotels, have desired to give it long consideration.

MR. BLUNDELL: Very long.

MR. HAVELOCK: Four years!

THE MEMBER FOR COMMERCE AND INDUSTRY: No, not very long. The Ordinance we are hoping to replace by the new Bill passed into law four years ago—it is hardly to be expected that even the hon. Member could wish that, within a few months, an Ordinance for which, I believe, he voted should be removed from the Statute Book and replaced by another.

I can assure the hon. Member that there was no contempt implied to this Council. There is, however, a certain contempt in the hon. Member's attitude towards those who are going to be most intimately affected by the new Bill, namely, the hotelkeepers who have asked for time to consider the Bill. I believe the hon. Member spoke in perfectly good faith on this matter, but I do not believe that he would wish that those whose interests are virtually affected should not be fully consulted and be given all the reasonable period of time they desire.

Now, Sir, I have no objection to accepting the amendment. (Applause.)

The question of the amendment was put and carried.

The question as amended was put and carried.

ADJOURNMENT

THE SPEAKER: Council will now stand adjourned *sine die*. Hon. Members are requested to stay behind in the Chamber as there is some matter concerning the Central Assembly to be raised.

Council rose at five minutes past Ten o'clock.

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Volume XLVIII

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In Committee—IC; Referred to Select Committee—
SC; Select Committee Report—SCR; Recommended to
Council—Re.CI; Withdrawn—Wdn.

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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

COUNCIL INAUGURATED
JUNE, 1952

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1952

FIRST SESSION — SECOND SITTING

7th July, 1952, to 11th July, 1952

List of Members of the Legislative Council

President:

HIS EXCELLENCY THE ACTING GOVERNOR, THE HON. H. S. POTTER,
C.M.G.

Vice-President and Speaker:

HON. W. K. HORNE

Ex Officio Members:

ACTING CHIEF SECRETARY AND MEMBER FOR EDUCATION AND LABOUR
(HON. C. H. HARTWELL).
ATTORNEY GENERAL AND MEMBER FOR LAW AND ORDER (HON.
J. WHYATT, Q.C.).
FINANCIAL SECRETARY AND MEMBER FOR FINANCE (HON. E. A. VASEY,
C.M.G.).
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.).
MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT (HON. SIR
CHARLES MORTIMER, C.B.E.).
MEMBER FOR COMMERCE AND INDUSTRY (HON. A. HOPE-JONES).

Nominated Members

DR. THE HON. T. F. ANDERSON, O.B.E., (Director of Medical Services).
HON. M. H. COWIE.
HON. E. N. GRIFFITH-JONES (Solicitor General).
DR. THE HON. S. D. KARVE, O.B.E.
*HON. A. H. KNELLER (Acting Labour Commissioner).
HON. G. MAILLAND-EDYE.
LT.-COL. THE HON. W. S. MARCHANT, C.M.G., O.B.E.
HON. CHIEF U. MUKIMA.
HON. E. J. C. NEP, Q.C.
HON. I. OKWIRY, M.B.E.,
HON. W. PADLEY, O.B.E. (Secretary to the Treasury).
HON. G. M. RODDAN (Director of Agriculture).
HON. SHEIK MOHAMED ALI SAID.
HON. R. W. TAYLOR, O.B.E. (Director of Public Works).
HON. W. J. D. WADLEY (Director of Education).
*HON. R. A. HAMMOND, O.B.E. (Director of Veterinary Services).
*HON. K. L. HUNTER, O.B.E.

European Elected Members:

HON. M. BLUNDELL, Rift Valley.
GROUP-CAPTAIN THE HON. L. R. BRIGGS, Mount Kenya.
HON. S. V. COOKE, Coast.
HON. W. E. CROSSKILL, Mau.
LT.-COL. THE HON. S. G. GHERSIE, O.B.E., Nairobi North.
LT.-COL. THE HON. E. S. GROOMAN, D.S.O., Nairobi West.
HON. N. F. HARRIS, Nairobi South.
HON. W. B. HAVELOCK, Kiambu.
MAJOR THE HON. A. G. KEYSER, D.S.O., Trans Nzoia.
HON. L. R. MACONOCHE-WELWOOD, Uasin Gishu.
HON. LADY SHAW, Ukamba.
HON. MRS. A. R. SHAW, Nyanza.
HON. H. SLADE, Aberdare.
HON. C. G. USHER, M.C., Mombasa.

* Temporary Member.

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

Asian Elected Members:

Non-Muslim:

Central Area:

Eastern Area:

HON. A. B. PATEL, C.M.G.

Western Area:

HON. J. S. PATEL

Arab Elected Member:

HON. S. M. S. MACKAWI

Muslim:

East:

DR. THE HON. S. G. HASSAN.

West:

*HON. ZAFRUD DEEN.

Representative Members:

African:

HON. M. GIKONYO.

HON. J. JEREMIAH.

HON. J. M. O. TAMENO.

HON. E. W. MATHIU.

HON. W. W. W. AWORI.

HON. E. W. ODIDI.

Arab:

HON. SHERIFF ABDULLA SALIM.

Acting Clerk to Council:

J. H. BUTTER

Assistant Clerk to Council:

E. V. BORRETT

Reporter:

E. FRASER.

* Temporary Member.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

FIRST SESSION—SECOND SITTING

Monday, 7th July, 1952

The Council met at Ten o'clock.

PRAYERS

[Mr. Speaker in the Chair]

ADMINISTRATION OF OATH

The Speaker administered the Oath of Allegiance to the following Temporary Members of the Council:—

Messrs. R. A. Hammond, O.B.E., K. L. Hunter, O.B.E., and Zafrud Deen.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Hon. Members; I have a communication to make to you. It is a message from the President of the Legislative Council. As you will remember, by resolution passed before Sir Philip Mitchell retired, I was instructed to convey to him the message which was set out in that resolution, and I duly attended at Government House and delivered the message to him and received his message in reply.

"Mr. Speaker, I am very much obliged to you and to the Legislative Council for the very kind resolution which was moved by the hon. Member for Development and seconded by the hon. Member for the Rift Valley, and which you have presented to me this morning in the form of a message from the Legislative Council to myself on the occasion of my retirement. It has been a very great privilege to have been associated as President of the Legislative Council of the Colony and Protectorate through these formative

years when it has, I am happy to say, taken important steps in the direction of full parliamentary responsibility.

I am one of those who believe that in the British parliamentary system lies the key to good government in the world in which we live, and that if we are able to guide the development of our own Legislature towards the powers, forms and responsibilities of the Parliament in the United Kingdom, we shall be doing a service of lasting value to all the peoples of the country and, indeed, of East Africa as a whole.

I beg you, Mr. Speaker, to be so good as to convey this expression of my thanks and gratitude to the Legislative Council. My wife and I feel it a great privilege that on our retirement we should have the honour of receiving a message such as you have brought to me to-day from the Council. We pray that you may continue to enjoy the confidence of the whole country as you do to-day in the heavy tasks that lie upon you."

Signed P. E. MITCHELL."

(Applause.)

PAPERS LAID

The following papers were laid upon the Table:—

The Wages Council (Tailoring, Garment and Associated Trades) Rules, 1952 (The Regulation of Wages and Conditions of Employment Ordinance, 1951 (No. 1 of 1951)).
The Printing and Stationery Department Annual Report, 1951.

The East African Industrial Research Board Ninth Annual Report, 1951.

The East African Meteorological Department Annual Report, 1951.

The East African Tsetse and Trypanosomiasis Research and Reclamation Organization Annual Report, 1951.

The East African Statistical Department Annual Report, 1951.

(THE MEMBER FOR EDUCATION AND LABOUR

Supplementary Estimates of Expenditure, 1952 (No. 3 of 1952).

Schedule of Additional Provision No. 3 of 1951.

The Land Bank Annual Report, 1951. (THE MEMBER FOR FINANCE)

Kenya Meat Commission. Second Annual Report and Accounts for the period 1st January to 31st December, 1951.

(THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES)

The Weights and Measures Department Annual Report, 1951.

The Transport Licensing Board Annual Report, 1951.

(THE MEMBER FOR COMMERCE AND INDUSTRY

The Report of the Public Accounts Committee on the Colony's Accounts for 1950.

(MR. BLUNDILL, CHAIRMAN OF THE PUBLIC ACCOUNTS COMMITTEE

ORAL NOTICES OF MOTIONS

LT.-COL. GRIFFIN (Nairobi West): Mr. Speaker, I beg to ask leave to propose the following Motion:

It is Resolved that Government appoint a Commission with the following terms of reference—

(a) To investigate whether Income Tax is an equitable and suitable form of taxation for the Colony and Protectorate.

(b) To study the effect of the present Income Tax, Rates and Allowances on the economy of the country and to make recommendations for the variation of such rates and allow-

ances as might be to the general benefit of the Colony and Protectorate.

(c) To study the "Act of the High Commission to provide the Management and collection of Income Tax by the East African Income Tax Department" and to make recommendations for amendments which should be made to this Act under Clause 97 which would be to the general benefit of the Colony.

Mr. COOKE (Coast): Mr. Speaker, I beg to give notice of the following Notice of Motion:—

Whilst accepting the principle and the purpose of the Meat Commission, be it resolved that an independent Committee be appointed at once to inquire into the past workings, both financial and operational, of the Meat Commission and to make recommendations for its future administration.

ORAL ANSWERS TO QUESTIONS No. 9

MR. MATHIU:

Will Government please state why they must move the Somalis at Isiolo from their present three villages, when the move is to take place, the number of Somalis who will be affected, the cost of the move and whether alternative solutions have been considered to avoid the move which will cause great hardship to the people concerned?

THE MEMBER FOR AFRICAN AFFAIRS: Although the Isiolo Township is administered by the Provincial Administration of the Northern Province, a portion of it lies within the Meru Native Land Unit and it is in this area that the three Somali villages referred to are established. Their presence there has for many years caused considerable indignation amongst the Meru who particularly resent the continual encroachment upon their grazing by large herds of Somali stock.

The matter was referred to the Catter Land Commission which at paragraph 572 of its Report recommended that the Somalis should be removed from this area.

During the war years the matter remained in abeyance, but from 1946 the

[The Member for African Affairs] closest consideration has been given to the question of solving the problem, and every possible alternative having been exhausted, Government is now of the opinion that the move should no longer be delayed. Detailed consideration is therefore being given to the practical implications of moving the Somali residents of these three villages across the Isiolo River and resettling them in that part of Isiolo Township which lies within the Northern Province.

Plans are not sufficiently advanced to enable any date for this move to be given or to estimate its cost. The Government does, however, recognize that it is under an obligation to pay disturbance compensation to those of the 200 families concerned which were originally settled in this area by Government.

No. 11

MR. MATHIU:

As it is imperative that the African Community should have confidence in the African Members of the Legislative Council, and as this confidence would be enhanced by each candidate, will Government please state the number of votes polled by each candidate in each of the six constituencies in May last?

THE MEMBER FOR AFRICAN AFFAIRS: In view of the fact that the African Representative Members to the Legislative Council were nominated by the Governor on the advice of the Electoral Colleges set up in varying form in each of the constituencies, it is not considered that any useful purpose would be served by declaring the number of votes polled by each of the candidates in each of these constituencies in May last. All those African Representative Members can, however, rest assured that each of them headed the list submitted by the Electoral College of his constituency.

No. 19

MR. HAVELOCK:

Will Government state the number of persons in—

- (i) Nairobi,
- (ii) Mombasa,

who, under the Voluntarily Unemployed Persons Ordinance, were, in 1951—

(a) found employment at their own request;

(b) compulsorily directed to employment and to what employment were they directed?

THE MEMBER FOR EDUCATION AND LABOUR: (a) The number of persons permitted to engage in approved employment under section 14 (a) of the Voluntarily Unemployed Persons Ordinance (No. 39 of 1949) during 1951 in Nairobi and Mombasa were:—

- (i) Nairobi—402,
- (ii) Mombasa—34.

(b) The numbers of persons directed to employment under section 14 (b) during 1951 in Nairobi and Mombasa were:—

(i) Nairobi: 25 (all of whom were directed to the Public Works Department).

(ii) Mombasa: 40 (of whom 21 were directed to a Municipal drainage scheme and 19 to work at the Port).

MR. HAVELOCK: Mr. Speaker, arising out of that reply, it would seem that there might be three possible reasons why there are so few persons who were directed—(Cries of "Speech")—how to your ruling, Sir, but not to the ruling of hon. Members opposite.

THE SPEAKER: Give him a little scope!

MR. HAVELOCK: Thank you, Sir. (Laughter.) And I would ask the hon. Member what is the reason why so few people were directed to employment. Is the reason that the powers are not sufficient under the Ordinance for Government to put it into practice properly? Is the reason that Government do not wish to put the Ordinance into practice, or is the reason that there are no spivs, or very few spivs in Mombasa?

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I would prefer to have notice of that question, when I can give a full reply. (Cries of "Answer.")

BILLS

First Reading

On the Motion of the Member for Law and Order, seconded by the Member for Education and Labour, the following Bills were read a First Time—

THE NATIVE AUTHORITY (AMENDMENT) BILL

THE AFRICAN DISTRICT COUNCILS (AMENDMENT) BILL

THE LOCAL AUTHORITIES (RECOVERY OF POSSESSION OF PROPERTY) (AMENDMENT) BILL

THE COMPULSORY LABOUR REGULATION (REPEAL) BILL

THE INCOME TAX (RATES AND ALLOWANCES) BILL

THE MOMBASA SHIP HOURS (AMENDMENT) BILL

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

ADJOURNMENT

THE SPEAKER: That, hon. Members, concludes the business on the Order Paper, that is, the Orders of the Day. There is to be a private meeting of those Members who wish to attend it, for the purpose of discussing certain matters of which you all have notice, and that meeting will take place in about ten minutes time. Council will stand adjourned until 9.30 a.m. to-morrow morning.

Council rose at twenty minutes past Ten o'clock.

Tuesday, 8th July, 1952
(Morning sitting)
The Council met at half-past Nine o'clock.

[Mr. Speaker in the Chair]

**PRAYERS
PAPERS LAID**

The following Papers were laid upon the Table:—

Supplementary Estimates of Expenditure, 1952 (No. 4 of 1952).

(THE MEMBER FOR FINANCE)

The Veterinary Department Annual Report, 1950.

(THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES)

ORAL NOTICE OF MOTION

MR. BLUNDELL (Rift Valley): Mr. Speaker, I beg to give oral notice of the following Motion:

"He it resolved that the Hon. S. V. Cooke be appointed to the Public Accounts Committee during the absence of Lt.-Col. the Hon. S. G. Gherrie from July 15th till October 15th, 1952."

ORAL ANSWERS TO QUESTIONS

QUESTION No. 2

MR. COOKE:

In view of the great importance to Mombasa and the Coast of an increased water supply will Government regard the Mzima Springs project as of No. 1 priority and therefore one to be most urgently carried out?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Government is fully aware of the great importance to Mombasa and the Colony of providing an adequate and reliable water supply for Mombasa commensurate with the anticipated increase in population and industrial development over a long term of years. The project to pipe water from Mzima Springs to Mombasa has therefore been given the highest priority.

STATEMENT OF SAVINGS

THE MEMBER FOR FINANCE: Mr. Speaker, hon. Members, Sir, will remember that in the debate on the Supplementary Estimates No. 1 of 1952, which

The Member for Finance] took place in the last Legislative Council, Government gave a promise that in August it would supply the Council with details of the posts that would be held in suspense during the year of 1952, in order to compensate for the amount of expenditure asked for in that Supplementary Estimate. In accordance with that promise, Sir, I beg to lay the statement of savings before the Council and to point out that this is in compliance with the Government promise. I would, of course, say on behalf of Government, Sir, that the fact that these posts are held in suspense during the year 1952 does not mean that this Council will not be asked for certain of those posts to be reinstated in the 1953 Estimates. (Applause.)

MOTIONS

MOMBASA WATER SUPPLY (MAJOR PROJECT)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move:

"Be it resolved that the Government be authorized to negotiate private loans not exceeding in the aggregate £4,000,000 on such terms and conditions and at such rate of interest as may seem fit and reasonable to the Member for Finance for the purpose of financing the construction of the Mombasa Water Supply (Major Project).

Be it further resolved that the provision of up to £1,000,000 from the Colony's funds be approved in principle for investment in the same project on such terms and conditions and at such rate of interest as may be sanctioned by this Council at a later date."

MR. SPEAKER: I hope that this Motion will to some extent be considered as more or less formal. The hon. Member for the Coast has just asked a question which clearly expresses the anxiety of people in Mombasa and the Coast as to the future of their water supply for that growing port, and I submit, Sir, that this does not only affect Mombasa, it affects the whole Colony and, indeed, the whole of East Africa. (Hear, hear.) As far back, Sir, as 1949 it was clear that by 1953 or 1954 Mombasa would be short of water.

The total capacity of their present supply is only about 2,500,000 or just over 2,500,000 to 2,800,000 gallons, and we have endeavoured to add to that by injecting a borehole supply which gives approximately a further 1,000,000 so that the total peak supply that can be made available at the moment is about 3,500,000 gallons, whereas we have worked out on a fairly careful calculation from Mombasa's requirements, growing at the present rate only that within 12 years the City and Port will be requiring about 12,000,000 gallons. We therefore had, as I think most Members will know, a series of examinations and surveys made by a well-known firm of consulting engineers. We have tried very hard indeed to find a suitable supply from fairly or reasonably near at hand, but all the experts and all the surveys that have been made have made it evident that there is no suitable supply nearer than Mzima Springs.

We further have had a survey made of the line which the pipe would take from Mzima Springs to the port and the rough estimate of what it would involve in the way of money, and as there is no provision for so large an expenditure, except a small token one which appears in its Estimates under the Development and Reconstruction Authority, it was considered advisable that someone should go to England last year and see what could be done in the way of raising finance, and I was sent to England where I met the Member for Commerce and Industry, and we had a series of negotiations in a number of quarters with the object of raising the sum of £5,000,000, because at that time it appeared that the probable cost for a pipe-line for carrying 6,000,000 gallons in the first instance would be in the neighbourhood of £4,300,000. We are not at all sure even now whether we shall not have to put in an 8,000,000 pipe-line—in fact, I think we shall in the first instance—that will cost about £5,000,000. We have even gone further than that. As hon. Members are aware, tenders have been called for and have been received and are now being examined by the Public Works Department and others.

Therefore, Sir, the time, I submit, has now come when we know the scheme we want. We have plans to put it into operation and we must come, now that we do

[The Member for Agriculture and Natural Resources] know possibly the approximate sum involved, to the Legislature for authorization to raise it.

Now, Sir, hon. Members may say "Well, it is all very well, but it is so vague; why have you not put in the rate of interest or the conditions or who it is you propose to borrow from?" (Hear, hear.) Well, Sir, I submit that that would be at this stage incorrect really, or at any rate hardly reasonable. A number of interests are involved. At the time I was in London the Bank rate was just being changed and I think we shall have to leave the exact rates of interest to final negotiations with the lenders and the Financial Secretary. All I can give the Council is an assurance, and it is this, that the sources from which we propose to borrow the money are almost certain to lend us the money for this particular project at a very reasonable rate of interest.

Lastly, Sir, I should like to say that the proposed, as I think hon. Members are aware, that as soon as the technical part of building and constructing this water supply is well under way, or completed, a Statutory Board will be created on which there will be representatives of those who invested money in this project, and the operation of the whole of this enterprise will be carried out by a Statutory Board specially created for that purpose with powers to float loans and borrow money, repay and so on and so forth.

I think, Sir, that at this stage I have tried to make the position clear and I beg to move.

THE MEMBER FOR LAW AND ORDER
seconded.

MR. USHER (Mombasa): Mr. Speaker, I merely rise to express the great satisfaction with which I have listened to the terms of this Motion. It brings us a step nearer to what we all desire, and in regard to the rates of interest, I can only say that, of course, a project of this kind run and controlled by a Water Board cannot possibly fail. Naturally, in the interests of the consumers, we hope the rates of interest will be kept as low as possible, but above all things, it is necessary that the finance should be had with the least possible delay.

Sir, I beg most strongly to support (Applause.)

LT.-COL. GROGAN (Nairobi West): Mr. Speaker, we are told that this scheme is a vague scheme, well, it certainly is, because nobody on this side has the slightest idea, apart from the finance, of what the physics of this scheme are. We have never been informed as to who are the Consulting Engineers, who presumably designed it, or the method of the contract or otherwise by which it is going to be carried out, and personally, I should like to have some particulars of this scheme because it is quite clear to me that there might be alternative schemes much more economical and probably much more effective than the simple expedient of putting in a gigantic pipe line to lead water from one particular spot to another place about 100 miles away. I do happen to know that part of the country fairly intimately, because I have been knocking about there for the last 25 years, and it has always occurred to me it would be very much simpler to go and put a dam across a very obvious site, a site obvious to any amateur like myself with a certain amount of practice in building dams, that would hold up, not only the Mzima Springs water but also the flow of the Tsavo River, inasmuch as it is allowed to go down it. (Laughter.) And from there you would have a much bigger and more assured supply, and I should have thought it would have been possible to have made an open cut. It would certainly be much more economical than an 8-in. pipe over some very substantial distance, over an unoccupied barrier of country, by-passing the absolutely useless section of the Sabaki River, and from there the pipeline element might have been shored very materially, and large supplies of water rendered available for the intervening section of country. And I trust that the hon. Members will tell us who are the responsible parties for devising this scheme, because if it is one of these schemes that has emanated from Victoria Street, personally I shall regard it with the utmost suspicion. More especially if the Crown Agents for the Colonies have anything whatever to do with it. Because my experience, which goes back a long way, is that every scheme that has originated in any way whatsoever in connection with the Crown Agents always takes the most

[Lt.-Col. Grogan]

expensive form which could possibly be devised. Because although the commissions that used to be in my early days, distributed among the members of the Crown Agents, subsequently as a result of an appalling scandal, it was re-arranged that the commission as a whole should go to the Crown Agents as a whole and not distributed among the members. Whether that is the present position or not, I do not know, but I have always regarded with the utmost suspicion any major scheme, involving millions of money, left entirely to their discretion and not submitted for our consideration. Even though we may be amateurs, but amateurs with a certain amount of experience, we are a long way ahead of certain of the firms I have mentioned. (Applause.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, the only point that I have to reply to really, I think, is the criticism by the hon. and gallant Member who last spoke. As far as the expense is concerned of a very long pipeline, sometimes going over fairly difficult country, nobody was more suspicious than I was, because even after we had had the report of the Consulting Engineers, I still, as far as I was able to and with the collaboration of the then Special Commissioner for Works, insisted on having further opinions. And in order to allay the suspicions of my hon. friend, who fears that we are in the clutches of the Crown Agents, I may add that the Crown Agents had had nothing whatever to do with this scheme at any stage hitherto. (Hear, hear.) (Applause.)

We have employed originally and subsequently for the further investigations to which I have referred, the firm of Sir Alexander Gibb and Company. We have also had independent opinions, and all I can say, Sir, is that we have done our very best (a) to find a source nearer Mombasa, and (b) to find some method of tapping the source of water we intend to tap at a much nearer point to Mombasa than that which is being adopted i.e. by going as far as Mzima Springs. And again, Sir, all I can say is that we have done everything we can to persuade engineers to tell us that either of those two alternatives were possible, and we have, on the best authority we can at any rate employ, the assurance that they are not, I therefore

submit, Sir, the urgency is such that all we can do is to take the best possible advice and go ahead, otherwise the port will be in very great difficulty. (Applause.)

The question was put and carried.

MOMBASA WATER SUPPLY RESERVE FUND

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move that—

Be it resolved that with effect from the 1st January, 1951, all profits derived from the existing Mombasa Water Supply from the 1st January, 1950, onwards shall be credited to a Reserve Fund, to be known as the Mombasa Water Supply Reserve Fund, to be used for the purpose of maintaining the cost of water to consumers at a reasonable level during the initial period of the Mombasa Major Water Project before the full capacity of the proposed pipeline is being consumed.

Mr. Speaker, the object of this motion is to authorize the creation of this special fund. As I think hon. Members are aware, hitherto for many years past the Mombasa Water Supply has been operated by, as far as the technical side of it was concerned, the Public Works Department. But the profits that are derived from the distribution of water have been divided, in that half have gone back to Government, to the Public Works Department, in recognition to Government for their technical services, and half used to go back to the Mombasa Municipal Board. When this project was mooted in 1949, or thereabouts, of course it was visualized that the expenditure would be very great. It was also visualized that any adequate water supply would have to be so constructed that there would be a period during which, as soon as the construction was completed, the capacity of that supply would be rather larger than consumption until the Mombasa demand grew to its new supply. Of course, as a matter of fact, as I think hon. Members who have experience of these things are aware, one is more inclined to underestimate potential consumption than to overestimate, and I think we shall find we have underestimated this one. Nevertheless, it was then agreed, and agreed by the Mombasa Municipal Board, that they would forgo, as from the 1st

[The Member for Agriculture and Natural Resources]

January, 1950, their share of these profits and that the whole of the profits should be put into a special fund in order that some form of cushion could be provided for the consumers of water in Mombasa during that period over which the supply was probably in excess of the consumption capacity. It is reckoned in our figures that that period might be about five to six years. It is in order to authorize this arrangement, which was made back in 1949, that I am moving this motion in Council to-day.

I beg to move, Sir,

I am afraid I have just been corrected. Sir, it was two-thirds went to Mombasa and not half. I was misinformed, I am sorry.

THE MEMBER FOR LAW AND ORDER SECONDED.

MR. USHER: Mr. Speaker, Sir, I am not quite sure if the hon. Member is correct in saying that the Mombasa Municipal Board agreed to the arrangement whereby it should forgo a proportion of the profits. In fact, I think it accepted it as a *fait accompli* and has not yet registered its protest.

Now, Sir, I am proposing to move an amendment to this Motion in order to emphasize a principle which I think we should recognize. I have the amendment here. The amendment is: "That the word 'all' before the word 'profits' be omitted and the word 'any' be substituted therefor."

Now, the point of all this is that, personally, I do not believe that there should be profits at all in this thing. I think that we should have the full benefit of the present conditions. The normal way in which major projects of a parastatal character are financed is this. You endeavour to secure terms whereby you have an interest-free period. I do not know whether the hon. Member will be able to secure such terms, but I do suggest to him that he might at least try. That would mean that the cushion—the necessary cushion—would be provided, and one would not have this extraordinary principle whereby the present consumers are going to pay for the benefit which will accrue to consumers quite a number of years hence. That to my mind is a novel principle and one which

we should not admit, and particularly where there is such a large floating population as in Mombasa.

Therefore, Sir, I beg to move an amendment.

THE SPEAKER: Before I call upon a seconder to that amendment, I would ask the hon. Member to explain how this alteration of wording makes any difference whatsoever.

MR. USHER: It is rather subtle, Sir (laughter).

THE SPEAKER: It is quite beyond me.

MR. USHER: I feel, Sir, that there is a finality about the word "all" which is removed, if one substitutes the word "any." I wish the hon. Member and other hon. Members opposite concerned in this matter to consider whether they cannot devise a means of providing an equalization fund other than this very extraordinary means.

THE SPEAKER: I remain unconvinced. I cannot see the necessity of taking up the time of Council by discussing an amendment whether "all" or "any" should be used in the context of this particular Motion.

MR. BUNDLE: Mr. Speaker, may I ask you to accept the amendment?

THE SPEAKER: NO.

MR. BUNDLE: I think there is a point which the hon. Member for Mombasa is raising. He wishes to establish the point that he is not too satisfied whether there should be profits at all. By moving the amendment he establishes there may not be profits. If he leaves the Motion, Sir, as drafted, I think the hon. Member for Mombasa considers that he is acquiescing in the fact that there shall be profits for this purpose and he wishes to put in the word "any" to make it more elastic and flexible, Sir.

THE SPEAKER: I am unable to see it myself but as far as I can see if there are no profits, there is no reserve fund. If there are some profits, there is a reserve fund. That is all there is to it. What if the hon. Member does it make it "all" or "any" is used? I am quite against it. It seems to me an abuse of procedure to make amendments of such a character.

THE MEMBER FOR FINANCE: Mr. Speaker, in order that the hon. Member for Mombasa, Sir, shall not feel that his

[The Member for Finance]

point has not been dealt with to some extent, at any rate, perhaps I may crave your liberty to intervene in the debate. The principle that the hon. Member is outlining, Sir, is, of course, a very good principle in so far as the consumer is concerned. There has always been a great deal of argument as to whether such services as water supplies should indeed make profits and contribute to the general rate, and that has been a problem which has faced local government authorities, and which the hon. Member for Nairobi South is well aware has exercised the minds of certain local government authorities in this country continuously over the last few years. But, Sir, I think the main point the hon. Member for Mombasa was dealing with was not the general principle as to whether profits should be made or not but rather whether profits should be made in the interim period to act as a cushion. Well, Sir, unless profits are made, there will be £20,000, which will have to be found from somewhere. The question of capitalization of interest, which is the other point I think the hon. Member was bringing in support of the amendment to me which has already been taken into consideration. But the latter remains, Sir, that unless the cost of water in a certain period of the construction of the water supply is to fall completely upon the consumer of that day, a reserve fund of this kind is essential. It is obvious, I think, that when the water supply to the Mzima Springs is completed and there is a statutory corporation in existence, it will indeed be their business as to whether they make profits or not, unless they are controlled in the amount of profit that they can make under the Ordinance that will establish the statutory corporation. That will be a matter for this Council at that particular time and it will be for this Council at that particular time to have regard for the interests of the consumers—the immediate consumers—and also the interests of the eventual consumers. Because, unless they are allowed to build up a big reserve or, rather, a reasonable reserve during the early years of their operation, they will find themselves handicapped in any development that has to take place in the future. And although, as my hon. friend, the

Member for Agriculture and Natural Resources, has said, we are to-day talking and planning for an 8,000,000 gallon a day scheme, which seems rather large. I have little doubt in my own mind that the history of this water supply will be the history of all other water supplies, when it is finally constructed and in being it will be found to be inadequate in spite of what we consider to be its size to-day. So that, under the circumstances, Sir, I do suggest to my hon. friend, the Member for Mombasa, that this is the wisest precaution and the better way to spread the cost equally over the next few years without placing too heavy a burden upon those consumers of the non-remunerative—if I put it in that phrase—period of the scheme. (Applause.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I think my reply has been made by the hon. Member for Finance. But I would like to assure the hon. Member, who endeavoured to move an amendment, that I do fully appreciate the point he makes, first that there should not be a big profit made out of a public utility of this nature, especially in a town like Mombasa where a very large proportion of the population is living at a very low level, and secondly, I also have a great deal of sympathy, in fact completely in many ways, in his desire not to force an existing number of consumers and users to pay too much for the future. And as and when the final tender is settled and the final arrangements are made, I can give him an assurance I will bear his points in view and I am sure the Member for Finance will too. Otherwise I have nothing to add.

The question was put and carried.
APPOINTMENT TO SESSIONAL COMMITTEE

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that the hon. Zafud Deen be appointed to the Sessional Committee in the place of the hon. J. E. Nathoo, during the latter's absence from the Colony and Protectorate of Kenya.

Sir, this has been agreed to by both Members concerned and by the Sessional Committee.

I beg to move.

THE MEMBER FOR LAW AND ORDER seconded.

The question was put and carried.

APPOINTMENT TO PRESERVATION OF LAW AND ORDER COMMITTEE

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that the hon. Zafrud Deen be appointed to the Preservation of Law and Order Committee in the place of the hon. J. E. Nathoo, during the latter's absence from the Colony and Protectorate of Kenya.

Sir, this has also been agreed by both Members concerned and by the Sessional Committee.

THE MEMBER FOR LAW AND ORDER seconded.

The question was put and carried.

APPOINTMENT TO STANDING FINANCE COMMITTEE

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that Dr. the hon. S. G. Hassan be appointed to the Standing Finance Committee in the place of the hon. J. E. Nathoo, during the latter's absence from the Colony and Protectorate of Kenya, and that the place of the hon. H. Slade be taken by Lt-Col. the hon. E. S. Grogan, D.S.O.

With regard to the first part of the Motion, Sir, it has been agreed by both Members concerned. With regard to the second part, I understand that both Members are agreeable to this course. It has been agreed by the Sessional Committee.

I beg to move.

THE MEMBER FOR LAW AND ORDER seconded.

The question was put and carried.

LOANS FOR REBUILDING HILL SCHOOL, ELDORET

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move:

It is RESOLVED that the Member for Finance be empowered to conclude negotiations with the Uganda Government for loans not exceeding a total of £250,000 for the purpose of rebuilding the Hill School, Eldoret, on such terms and conditions as to the Member for Finance and the Member for Education may seem fit and reasonable.

Sir, in September, 1943, the Kenyan Government arranged for a military camp at Eldoret to be taken over for use as a European primary school. After certain structural alterations had been made to the buildings, it was converted to what is now the Hill School at Eldoret. It was originally intended that after the end of the war this should be abandoned but owing to a large increase in the number of European children requiring primary education and also the agreement that Kenya should provide primary education for certain Ugandan children, it has been possible yet to dispense with the school. The school at present has about 200 pupils.

The present buildings are very unsatisfactory even as a temporary arrangement, and considerable sums of money have to be spent every year to maintain them. It is, therefore, highly desirable that the temporary building shall be replaced by permanent one. The construction of a new school to replace the present buildings was given priority in the Education Department's plans which were placed before the Planning Committee, but it was not found possible to include the finance provision then estimated at £200,000, on account of the other competing demands and the limited amount of money available.

The fire which occurred in 1951 has made it all the more necessary to replace the present temporary buildings. As no local capital was available the Government of Uganda was approached, in 1951 I think, and asked if they would be agreeable to lend the Government of Kenya a sum of £200,000. This they agreed to. Subsequently it was found that the original sum of £200,000 would be insufficient, and the Government of Uganda was approached to lend a further £50,000. The Government of Uganda has agreed to this, though the rate of interest for the second sum of £50,000 has not yet been fixed. The rate of interest agreed for the first sum of £200,000 was 3 per cent.

The object of this resolution, Sir, is to obtain the authority of the Legislature for the Member for Finance to complete the negotiations with the Government of Uganda for these loans.

Sir, I beg to move. (Applause.)

THE MEMBER FOR LAW AND ORDER seconded.

THE SPEAKER: Before proceeding further with this Motion, it is the intention that as soon as the negotiations are concluded that the £250,000 becomes a debt against the public funds of the Colony?

THE MEMBER FOR FINANCE: Yes, Sir.

THE SPEAKER: Well then, I suggest that this should be taken in Committee of Supply and not in Council. (Hear, hear.) You would have to go into Committee of Supply some time to really create the charge properly. I do not think the Auditor General would accept this resolution as a charge on the funds.

THE MEMBER FOR FINANCE: Would it be in order if I now move that the Council go into Committee of the whole Council?

THE SPEAKER: We will have to put it down for another day. We will let that Motion stand over for another day.

POWERS OF WRITE-OFF

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that:

It is RESOLVED that this Council authorizes the Member for Finance to exercise full powers of write-off, or abandonment of claim in individual cases, provided that no general cancellations of claims prior to a given date is involved.

On the 10th May, 1950, Sir, a resolution was put and carried in the Legislative Council:

"It is RESOLVED that the Council authorizes the Member for Finance to exercise powers of write-off up to an amount of £250 in any individual case, provided that no general cancellation of claims prior to the given date is involved."

That, Sir, was the first step on a certain stage of financial devolution that is taking place in this Colony. Write-offs, Sir, or may be to be accurate, write-offs, fall into three classes. The write-off of public money, including fixed fee receipts or stamps, the write-off of stores, and the write-off of revenue.

The present procedure, Sir, with regard to the write-off of public money or stamps is that prior reference is made to the Standing Finance Committee if the amount is more than £250, which is in

line with the previous resolution of the Council, or if any special matter of principle is involved, so that even though the Council has granted the Member for Finance power of write-off up to £250, it has been the practice where any special matter of principle was felt to be involved, to take the matter to Standing Finance Committee. The write-off must be covered by special warrant. The transaction then finds its way into a schedule of additional provision, which is laid before the Legislative Council for its approval.

With regard to the writing-off of stores, Sir, the Member for Finance at present disposes of all cases, even when fraud or negligence is involved, although again, in cases of special importance, reference is often made to the Standing Finance Committee in order to keep the Standing Finance Committee informed as to what is happening.

The writing-off of revenue, as far as individual cases are concerned, is dealt with by the Member for Finance in cases where the amount does not exceed £250.

Now, Sir, we have seen, in the last three or four years, a very great step forward in the devolution of financial control by the Legislative Council, and the abandonment of control of certain financial matters by Her Majesty's Secretary of State. One of the most important steps we have taken on our own initiative is, of course, the introduction of the Public Accounts Committee, and it is the introduction of that Committee which has made it possible to put forward the change embodied in this resolution. I would stress from my own personal opinion that in the Public Accounts Committee this Council has been given the strongest weapon to ensure that there is no waste of public money voted by this Council that it could be given, and it is interesting to see the strength which is accruing to the Public Accounts Committee.

Hon. Members, I am sure, will wish to be absolutely certain that they retain their rights of control and criticism in regard to the disbursement of public funds if this resolution is accepted, I can assure them, Sir, that those rights will be adequately safeguarded. In the first place, prior to any write-off being approved, it

[The Member for Finance] will be subject to challenge, indeed, as it is now by the Director of Audit. In the second, we propose if this resolution is adopted to include in the Colony's accounts in future a list of public money, stamps or stores written off during the year as footnotes to the accounts of the Department concerned, which will focus the attention of the Public Accounts Committee and of all the Members of this Legislature, if they study those accounts, on the amounts of stores and money written off.

Any revenue that has been abandoned will be shown in the future in the accounts of the Colony as a separate column in the statement of arrears of revenue. Thus there will be available to members of the Public Accounts Committee and to the Legislature a detailed account of this which can be studied and on which criticism can be concentrated.

I have said, of course, that all write-offs will be subject to a challenge by the Director of Audit prior to the write-off being given. The Public Accounts Committee can therefore rest assured that they will have brought to their notice in the report of the Director of Audit any cases of an exceptional nature or of special interest which the Director of Audit feels should be challenged in addition to being able to study the details for themselves and ask questions. I think, therefore, Sir, it may be said that this Legislature and the rights of individual Members will be adequately safeguarded. This is largely a technical matter and in order that it should be explained in detail, I asked that I should meet the Unofficial Members' Organization to answer any questions in detail that they might wish to ask. I met a certain number of them, Sir, and discussed this matter with them. They put forward a point that they would like to see a quarterly schedule of any write-off submitted, because their main fear is that procedure were adopted would be that there would be a long delay before the authority to write-off being given and it being drawn to the attention of the Public Accounts Committee or the Members of the Legislative Council. They suggested, therefore, that a quarterly schedule should be given to the Standing Finance Committee. I myself, Sir, would rather see that quarterly

schedule go to the Public Accounts Committee, because it is the Public Accounts Committee that has been entrusted by this Legislative Council with the task of seeing the expenditure has been properly undertaken and that no waste of public money has been involved. If, however, the hon. Members opposite wish that that schedule should go to the Standing Finance Committee, then I would have no reason to offer strong opposition and will indeed give such an assurance. (Applause.) But I would ask them to think over whether it would not be better to state the schedule to the Public Accounts Committee and keep the principle that we have already established?

Sir, I beg to move.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

MR. COOKE: Mr. Speaker, I do not propose to oppose this Motion, but I do enter this small caveat. I am slightly suspicious of this change in procedure, especially, Sir, when I look at Motion 14 which is coming on. In fact, I am not certain that this financial autonomy which my hon. friend says there has been an increase in is not more apparent than real, and when the hon. gentleman spoke about the Secretary of State having transferred certain powers, I am afraid those powers have been transferred mainly to the hon. Member himself, and I am slightly suspicious, Sir, that we may not have exchanged "King Log" for "King Stork".

MR. HAVLOCK: Mr. Speaker, arising out of the remarks of the hon. Mover, I think most hon. Members on this side of the Council would prefer—anyway, for the time being—that the schedule which the hon. Member mentioned in the quarterly report of write-off, should be submitted to the Standing Finance Committee rather than to the Public Accounts Committee. My hon. colleague on my left, the hon. Member for Rift Valley, is really the one to speak as regards the Public Accounts Committee, but I understand that it is not within their terms of reference to make recommendations of any disciplinary action that might be advisable in the case of negligence on the part of any Government officer which results in having to write off any particular moneys, stores, etc., and whereas I do not suppose—or rather it is

[Mr. Havlock]

very probable that hon. Members opposite will argue that the Standing Finance Committee themselves as a Committee have not the powers also—at the same time the Standing Finance Committee is very representative of this side of the Council and such schedules being submitted to them will mean that it is brought to the notice of representatives of this side of the Council who can then take action either within the Committee or outside the Committee. Therefore, I welcome the assurance of the hon. Member that such quarterly schedules will be submitted.

It may be, Sir, and I think the hon. Mover had a certain amount of doubt, that such schedules are necessary, but I would remind him, and he knows well enough, that the schedules we have had submitted to us for the amounts written off under the present ceiling, which is allowed to the hon. Member for Finance, have called forth comment on a number of occasions, both inside and outside Standing Finance Committee, and it is absolutely essential to our point of view that hon. Members on this side of Council are kept in touch with these matters, so we can see that we take the strongest measures to see that such negligence or whatever it may be does not happen again.

I support the motion, Sir.

THE MEMBER FOR FINANCE: Mr. Speaker, I would like to thank the hon. Member for Kiambu for his support of this Motion. I make no secret of the fact that I have a certain amount of doubt as to whether the schedules really are necessary, but I recognize the feelings of hon. Members opposite and I am only too pleased to give the assurance that they have asked for.

With reference to the suspicions of myself evidenced by my friend the hon. Member for the Coast, Sir, and the feeling that he may have exchanged "King Stork" for "King Log," I can only say, Sir, that "King Log" was in a distinct pond and a difficult thing to hunt, "King Stork" if in the present pond, is very near you, you can have a pot at him at any time so perhaps there may be some advantage even in that small change.

Sir, I beg to move.

The question was put and carried.

THE SPEAKER: No. 13 appears to me to be definitely a grant. I think you will have to take that in Committee.

You had better call No. 14.

MR. HAVLOCK (Kiambu): Mr. Speaker, No. 14, Sir, is to go into Committee of Supply, and as it is on the Order Paper we automatically go into Committee of Supply.

MR. SPEAKER: I automatically leave the Chair.

POINT OF ORDER

MR. HAVLOCK: May I make a comment before we do that?

Mr. Speaker, as regards these Supplementary Estimates I would point out that the Supplementary Estimates No. 4 which we are asked to consider in Committee of Supply—No. 3, I beg your pardon—was handed to hon. Members yesterday and I feel it is unfair to expect hon. Members on this side of the Council to debate in Committee such an important matter involving very considerable sums of money at such short notice. I would ask, therefore, that this Motion should be postponed to give hon. Members further time to consider. I would like also, Sir, if I may, to make one or two other comments on it. The hon. Member for Finance, especially in this Council, has a number of times tried to persuade us—indeed, has often persuaded us—to follow the procedure of the House of Commons. It is one of his special lines of talk. Whereas, Sir, I would not accept that principle on every occasion that we should so follow that procedure, I would draw to his attention the comments on page 694 of Ertskine May where Supplementary Estimates are dealt with, and it is obvious from there that the House of Commons has a great deal more time to consider Supplementary Estimates than the hon. Member for Finance is trying to allow this Council.

Another point I would like to bring up, Sir, is that there is absolutely no information at all on the Supplementary Estimates, as such, submitted to this Council; very much less information than is given to us on the Annual Estimates of the Colony. It is merely laid down what money is required and what posts, etc., are required and hon. Members on this side of the Council have

[Mr. Havelock] no idea as to the reasons why such posts are required and cannot have any idea until hon. Members opposite move Motion in the Committee of Supply. I feel, Sir, it is very unfair to expect hon. Members on this side to take decisions on these matters without notice of reasons for these Supplementary Estimates. I would suggest to Government two alternatives: Would it be possible to allow the Standing Finance Committee to be what one might call a "sifting" Committee; that is, that they should be supplied with the reasons and arguments why Supplementary Estimates should come before this Council? I emphasize that I am not asking for Standing Finance Committee to make the decision as to whether such estimates should be passed—but that they should be given the information which they can then pass on to their colleagues as to the reasons for the Supplementary Estimates that are going to be put before this Council. And, secondly, my other alternative, Sir, is to suggest that there should be a memorandum attached to the Supplementary Estimates as laid in this Council; a memorandum on the lines of that attached to the Annual Estimates of the Colony which does give in any cases of doubt or any cases of change some indication of the reasons for the extra expense asked for. There are two reasons, Sir, for Supplementary Estimates and, as I see it, there should only be two. The first is that not sufficient money has been granted during the Annual Estimates; and more is required to carry on the ordinary business of the Government; and the second, that new policy has been accepted by Government or by this Council which requires extra expenditure. Now, Sir, in the Supplementary Estimates put before you there are items which refer to both these reasons.

THE SPEAKER: I do not like to interrupt the hon. Member, but I understood you were taking a point of order as to notice, instead of which you are going into Estimates themselves which we cannot do until we go into Committee.

MR. HAVELOCK: Thank you, Sir. I was merely pointing out the two reasons for Supplementary Estimates as a whole, not the itemized Supplementary Esti-

mates. I only referred to them as examples, Sir.

All I am asking first of all is more notice; secondly, more information so that hon. Members on this side of the Council may make up their minds as to the necessity or not for Supplementary Estimates based on those two matters. One, that there were not sufficient funds voted at the beginning of the year and, secondly, that new policies have been adopted calling for extra expenditure.

THE SPEAKER: Mr. Vasey, you may address me on the point of order.

THE MEMBER FOR FINANCE: Thank you, Sir. The hon. Member for Kiambu, Sir, has dealt with one or two points in his point of order, Sir; the first one he has dealt with is the question of time. Now, Sir, it is quite right to say that in the House of Commons you very often get far more time, Sir, for consideration of Supplementary Estimates. Of course there is the fact that Supplementary Estimates, in the House of Commons do not go into details such as "one clerk", because the House of Commons has reached that stage of maturity where it deals with estimates on broad principles and broad policy lines. There is that slight difference. There is also another very great difference. The House of Commons, Sir, is, of course, sitting continuously. Now, Sir, with all due respect to my hon. friend we could not have laid the Supplementary Estimates No. 3 of 1952 earlier than Monday morning, because the Council was not in existence in so far as our capacity to lay a paper on its table is concerned, because it was not in sitting, and we took the earliest opportunity of laying this paper on the Supplementary Estimates. Sir, my hon. friend is perfectly aware that the fact that these Supplementary Estimates should be taken this morning was arranged through the usual channels. Through the usual channels of the Sessional Committee, Sir, it was placed on the time table for this morning. I do suggest that my hon. friend might at any rate have told us then that he was about to raise the point of order as to whether they should be taken this morning or not—(hear, hear)—and not leave this Council in the position where, indeed, if we accept this proposition, we adjourn now and waste

[The Member for Finance] the rest of the morning in what is a very hard-pressed week, because there is no other business on the Order Paper. I would suggest that my hon. friend has regard to that particular point.

MR. COOKE (Coast): Have these items appeared in front of the Standing Finance Committee?

THE MEMBER FOR FINANCE: No, Sir.

Now, Sir, we come to the next point which I think my hon. friend has raised.

It is the question of information, so that hon. Members "could make up their minds". I do respectfully suggest, Sir, that the time when hon. Members of this Council make up their minds as to whether they are going to support a supplementary estimate or not is when they hear the hon. Member concerned give his reasons. Surely, Sir, they do not make up their minds before they come into this Council. We, as a Government, are of course perfectly prepared to supply them with all the information that is necessary, and I can give my hon. friend an assurance that in future with supplementary estimates we will indeed see that there is informatory memoranda attached to items of requests for supplementary expenditure, where such information can be given.

With regard to the point of taking them to the Standing Finance Committee, Sir, I would suggest that that would really mean that the Government machine, instead of being speeded up through a process of supplementary expenditure, would have to take—to use a colloquialism—two bites at the same cherry. I do, therefore, suggest to my hon. friend that he withdraws his point of order and lets us proceed with the Supplementary Estimates (No. 3 of 1952) and the Motion to go into Committee of Supply. I would give him the assurance that in future we will see that memoranda are attached to supplementary Estimates and that where possible we will indeed communicate with him through the usual channels of the United Kingdom Organization and give him prior warning of the laying on the Table of what requests for supplementary expenditure are likely to arise. I believe if that can be done through the usual

channels that we shall arrive at a compromise to suit both sides. (Applause.)

MR. COOKE: Are you allowing any further discussion on this matter, Mr. Speaker?

THE SPEAKER: If you ask me to—

MR. COOKE: I want the hon. gentleman to tell me, if he will, does he really think that this side of the Council is going to swallow this lead and sinker without any questioning as to why this expenditure occurred, and if we are, as we must do so, going to consider this in detail, will it not really be delaying the procedure in this Council far longer than it was delayed in the past, when these matters came before Standing Finance Committee and were scrutinized by them? But now, according to the new suggestion, Sir, these various items will have to be scrutinized by the whole of the Council, because we are not likely to allow these large expenditures to go without being scrutinized. It will really add to the time of the Council.

THE MEMBER FOR FINANCE: On a point of explanation, I think the hon. Member has misunderstood completely. When a supplementary estimate is put in front of this Council, there is a free and full discussion, not by ten Members of Standing Finance Committee, but by 54 Members of this Council. All that I said was we should not go to Standing Finance Committee and then come to the Council afterwards. This, I suggest, is a far better procedure.

MR. COOKE: The suggestion from this side is that these items should be scrutinized but not passed by the Standing Finance Committee beforehand and that would save the time of this Council later on. If the scrutinization of each of these items is going to take place in this Council, it is going to mean a very long delay, and we naturally must scrutinize if they have not been scrutinized before.

MR. BLUNDILL: Mr. Speaker, I think there is some substance in the hon. Member for the Coast's point, but I understood the hon. Member for Finance to say that he gives an assurance that he will circulate in future a memorandum for all these items so that Members themselves can do that scrutiny. I should

[Mr. Blundell]

like to suggest to the hon. Member for the Coast that we should at least try the suggestion which the hon. Member for Finance has put forward—I think perhaps the hon. Member for the Coast missed that—

MR. HAVLOCK: Mr. Speaker, I should merely like to thank the hon. Member for Finance for his agreeing to submitting and circulating memoranda on these items. I think he also has accepted the fact that notice may be rather short—or has been short at this time. I certainly accept the criticism which he had laid against me as a member of the Sessional Committee in that I did not bring the matter up before, but I personally would feel now, Sir, that we might go into Committee to discuss these matters as long as in future there is further notice given and more detail given, as has been suggested and accepted.

THE SPEAKER: Unfortunately there is no definite provision as to notice in the Standing Orders or in the new draft Standing Orders. Possibly 24 hours is not long enough, but in the circumstances of this case I would not say that it was out of order to go into Committee today—it is definitely in order.

As regards the other points raised, it seems to me they are more suitable for discussion in the Sessional Committee, which was invented for the purpose of trying to meet the wishes and desires of people about procedural matters. On the other hand, I would point out that in the draft which we were considering yesterday, the functions of the Standing Finance Committee are limited to new proposals. Supplementary estimates may be required by reason of excessive expenditure over existing proposals, as well as new proposals, and there is a distinction there which will have to be borne in mind when it comes to be discussed in the Sessional Committee. But for the time being it will be in order. As it is now 11 o'clock, I think it will be advisable to suspend the sitting for 15 minutes in the usual way.

Council adjourned at Eleven o'clock and resumed at twenty minutes past Eleven o'clock.

COUNCIL IN COMMITTEE OF SUPPLY

[Mr. E. J. C. Neep, Q.C. in the Chair]

THE CHAIRMAN: The Committee is about to consider Supplementary Estimates, 1952, No. 3 of 1952, amounting to a total of K26,475.

HEAD 1—2

THE MEMBER FOR LAW AND ORDER: Mr. Chairman, I beg to move the approval of Head 1—2, items 1 (4), items 1 (8), which relate to a additional supply to enable the Judicial Department to engage one extra Asian Clerk and one additional African Clerk. Sir, as the Committee will no doubt appreciate, in this matter I am acting as spokesman for the Judicial Department who have assured me that this additional clerical assistance is essential to enable them to cope with the increasing clerical work resulting from the expansion of the Probation Services. The number of Probation Orders in 1950 was 342; in 1951 it rose to 825, and at the beginning of this year it was over 1,000, and since that date up to the end of May of this year, a further 320 Orders have been made. The Committee will agree, that there is extra clerical work for every Probation Order that is made. There is only one Asian clerk to cope with it. A further reason which has caused the clerical work to grow is that at the beginning of this year, the Probation of Offenders Ordinance was applied to the Rift Valley Province. The Judicial Department have assured me that it is essential that they should have this extra clerical assistance, and, if they do not get it, there will be a curtailment of the work of the Department—

MR. BLUNDELL: When was the order applied to the Rift Valley Province?

THE MEMBER FOR LAW AND ORDER: On the 1st of January this year.

I should, I think, Mr. Chairman, explain to the Committee that the Probation Services were transferred from the Commissioner of Prisons to the Chief Justice at the instance of the 1st January this year. The view was taken, and I think rightly taken, that the Probation Service should be divorced from the Prisons Service since the whole purpose of Probation Orders and the

[The Member for Law and Order] Probation Service is to keep people away from prisons and not have them mixed up with the administration of the prisons. That was arranged to take effect as from the 1st January this year. I must also declare to the Committee quite frankly that when that arrangement was made, an assurance was given in all good faith that the transfer would not involve any additional expenditure. Members will, therefore, appreciate why I am a little shy of certain aspects of this application. The assurance was given to the Standing Finance Committee at the beginning of this year, but expansion of this Service is such that additional clerical assistance is required. In the absence of this assistance clerical work is being done by trained Probation Officers. An Assistant Probation Officer is being employed at the present time on clerical work. That is uneconomical. He is trained for more skilled work. His services could be used to a better purpose, because he is a trained officer, and as such, he is entitled to a higher salary than a clerk. It is desired to relieve that Assistant African Probation Officer from the clerical work which he is now performing part of the time, so that he may devote his whole time to the purpose for which he has been trained. If that is to be done, additional clerical staff must be made available. For those reasons, Sir, I ask this Committee to approve this request for additional supply under these Heads.

THE CHAIRMAN: Does anyone want to move the deletion or the deletion of any item Mr. Whyatt has proposed?

MR. BLUNDELL: Mr. Chairman, if we do not move a deletion, can we speak to the item? If we speak to the item and are in the majority, on some occasions, the item is automatically deleted.

THE CHAIRMAN: We want to get on as quickly as possible and when these items are proposed in blocks in this way, we then want to get away at once any items that anyone wants to cut right out, or any items that anyone wants to be deleted. If there is no complaint we want to pass on.

MR. BLUNDELL: Mr. Chairman, I beg to move that the whole item be deleted. The whole item of K250.

MR. COOKE: I wish to say that the particular item be deleted, £50, I am not satisfied with this explanation by the hon. Member that this item is necessary. We discussed all these matters very carefully in the Estimates last November or January. In the first three years of 1952, Government comes along with special proposals and these proposals that I tried to emphasize would get any support, were not scrutinized by the Standing Finance Committee, and I am going, item by item, to expose the silliness of the claim of my hon. Member for Finance when he tries to he can—use an unparliamentary expression—put across these matters gentlemen on this side of the Committee. Therefore, I move that item £150 be deleted.

MR. BLUNDELL: Mr. Chairman, on point of order I have moved that £250 be deleted. Would you please check whether the lesser or the larger item takes precedence?

THE CHAIRMAN: Mr. Blundell, the answer is that the larger item takes precedence, therefore, you should move first.

MR. COOKE: Does that prevent any further deletion?

THE CHAIRMAN: No, but if the larger item is put and carried, then that clearly covers the smaller item.

MR. BLUNDELL: I moved this because I am dissatisfied with the explanation of the hon. Member opposite. The first thing I would like to know is if this transfer has taken place from the Prisons to Judiciary, there must be certain bodies now left in the Prisons. The work that has been done by these bodies in the Prisons has not got this work to do now. I would like to know whether there is a corresponding saving in the Prisons. The second point which I think is unsatisfactory, I would like to record that all hon. Members on this side of the Committee will, I hope, be extremely chary of initiating new posts during the course of the year. (Hear, hear.) If it was indeed intended to introduce into the Rift Valley Province this Ordinance on the 1st January, then I would have said that some provision was immediately necessary and it could have been foreseen that they would have been necessary and could have been agreed in the Estimates last year. In view of all this, I do not feel I can support the item.

THE MEMBER FOR LAW AND ORDER: I will first deal with the point which the hon. Member for Rift Valley raised when he suggested that when these services were transferred from the Prisons to the Judicial Department at the beginning of this year, they must have left behind some bodies who were previously doing the probation work in the Prisons Department. The fallacy in that argument is to assume that when the services were transferred none of the bodies were transferred with them. In point of fact the one and only Asian clerk who had been doing all the work so far was transferred along with the Probation Services.

MR. BLUNDELL: In the Estimates?

THE MEMBER FOR LAW AND ORDER: It does not come into the 1952 Estimates. The clerk was transferred from the headquarters of the Prisons Department and was put on the same work under the Probation Service and is doing the same work now as he was doing before. That answers that point. When the work was being done by the Prisons Department, it was possible, with the clerical staff of that Department, sometimes to reshuffle it to help him out when the one clerk could not cope with the work. I suppose it is not so easy to do that now when he is in the Judicial Department. But the only person who was allocated to do that work was transferred to the Probation Service at the beginning of this year. The further point which I think the hon. Member for Rift Valley raised, was that it should have been foreseen that the Ordinance was going to be extended to the Rift Valley in January, and that additional provision should have been made to meet it. Well, the application of the Ordinance to the Rift Valley has increased the clerical work to some extent, but not to the extent of one extra clerk, and, therefore, we could not have made additional provision for a clerk to meet those circumstances. For those reasons, Sir, I ask that this Committee should grant the supply.

MR. HAVELOCK: Is there not another opportunity for other Members to speak in Committee?

THE CHAIRMAN: The Member for Law and Order was replying. He is perfectly

entitled to speak as many times as he likes.

MR. HAVELOCK: I am asking that another Member could speak.

THE MEMBER FOR LAW AND ORDER: I was replying.

MR. HAVELOCK: There are matters which have been raised by the hon. Members.

THE MEMBER FOR LAW AND ORDER: I did not raise anything new in my reply.

MR. COOKE: There are Members who might still speak on this.

MR. BLUNDELL: Mr. Chairman, I do submit if he may speak again if he wishes.

THE MEMBER FOR LAW AND ORDER: I was intending to reply. I waited for some considerable time to see if any other Member wished to speak.

MR. HAVELOCK: In Committee there is no right of reply.

THE CHAIRMAN: I thought the proper thing to do was to have a reply. I thought that concluded matters. If you want to add something let us hear it.

MR. HAVELOCK: I should like to ask the hon. Member for Law and Order whether the increase of the Probation Service of which this suggestion is an indication, it because the Prisons are so full that it is a policy to put more people on probation now than to send to prison.

THE MEMBER FOR LAW AND ORDER: No, Sir, that is not the policy. It would be quite a wrong method of administering the Probation Ordinance.

THE MEMBER FOR FINANCE: Mr. Chairman, merely for the edification of hon. Members opposite who were so puzzled, it was agreed that in the case of a division the new Standing Orders should apply. We have, therefore, five minutes.

MR. HAVELOCK: Not in Committee. (Cries of "Yes".)

THE MEMBER FOR FINANCE: It is not a question of whether one wants it or whether one does not. One agreed yesterday that a certain rule would apply. It is a Standing Rule or Order. It is to be used from time to time.

MR. BLUNDELL: I should recommend, Sir, that in that event we carry on and after five minutes we take the division.

THE CHAIRMAN: It is a little difficult in this case because Mr. Cooke may have to be heard on his £150. I do not think we can really pass on.

MR. HAVELOCK: Surely, Sir, we could take the division?

THE CHAIRMAN: The division is about to be taken.

The question was put and on a division negatived by 31 votes to 4 votes. (Ayes: Mr. Blundell, Group Capt. Briggs, Messrs. Cooke, Crosswell, Lt.-Col. Ghesrie, Messrs. Harris, Havell, Major Keyser, Mr. Macnochie, Welwood, Lady Shaw, Mrs. Shaw, Messrs. Slade and Usher, 13. Noes: Dr. Anderson, Mr. Awori, Major Cavendish-Bentick, Messrs. Cowie, Davies, Gikonyo, Griffith-Jones, Hammond, Hartwell, Dr. Hassan, Messrs. Hope-Jones, Hunter, Jeremiah, Dr. Karve, Mr. Kneller, Sheikh Mahmood Mackawi, Mr. Maitland Edye, Lt.-Col. Marchant, Mr. Maithi, Sir Charles Mortimer, Chief Mukima, Messrs. Odele, Padley, Mohamed Ali Said, Sheriff Abdullahi, Messrs. Tameno, Taylor, Vasey, Wadley, Whyatt, Roddan, 31. Did not vote: Mr. Neep, 1. Absent: Lt.-Col. Grogan, Messrs. A. B. Patel, J. S. Patel, Zafrud Deen and Okway, 5. Total: 30.)

MR. COOKE: Sir, I move the deletion of this sum of £150, because I am not satisfied with the explanation given by my hon. friend as to the necessity. As I tried to say before, when we discussed the Estimates last November and December, we gave warning to Government that we were not going to weakly acquiesce in every supplementary estimate that was put forward. My hon. friend, Mr. Vasey, changed the old established custom of referring these matters to the Standing Finance Committee. If that custom had been preserved, we might have avoided a lot of the detail we are going into this morning. Indeed, it looks as if it is going to last for at least three days. Of course, the hon. gentleman can always throw in the sponge, and reconsider. Sir, I oppose this increase of £150, one Asian clerk.

THE MEMBER FOR LAW AND ORDER: Mr. Chairman, the argument's I put forward in support of the view that supply should be granted for one Asian clerk and one African clerk have commended

themselves to this Committee. These arguments must necessarily apply *a fortiori* for one Asian clerk. That Mr. Chairman, is a sufficient answer to the arguments put forward by the hon. Member for the Coast to delete the Asian clerk.

MR. COOKE: As there are about 50 or more items to come, and as I have respect for my hon. friend, I will withdraw this item. (Laughter.)

HEAD 2—1

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I beg to move that Head 2—1, Central Administration, Secretariat (Non-Recurrent), New Item Office Equipment, £343 be approved. Sir, in the year 1950 an expert on office systems examined the Secretariat at the Government's request, and he recommended that the existing registers of files should be replaced as soon as possible by an alphabetical index which required a special type of equipment called Linindex Equipment. This has been done in a number of sections in the Secretariat. Experience has shown that this new system is very much more convenient and efficient than the old system of registers. We now require this additional sum of £343 to buy the equipment required to complete the conversion in the remaining sections of the Secretariat. If any Member on the other side cares when he is in the Secretariat to call on me, I shall be very pleased to take them to one of the registers where this change has been effected in order that he can see for himself what a great advantage this new index system has over the old form of register.

Sir, I beg to move.

MR. USHER: Sir, I think it was suggested by these experts that this would result in economy. Would, perhaps, the hon. Member indicate what personnel it is proposed to remove as a result of this system?

MR. BLUNDELL: Mr. Chairman, on a point of explanation, I should like it also noted that the expert was appointed at the request of hon. Members on this side of the Committee.

MAJOR KEYSER: Mr. Chairman, would the hon. Member tell us—I understood him to say that this system is already in existence. What does he want the money

[Major Keyser] for now, if it is already in existence? (Laughter.)

THE MEMBER FOR EDUCATION AND LABOUR: Sir, if I might deal with those points in order. With regard to the point made by Mr. Usher, there has been no reduction of staff on account of the introduction of this system, but, of course, the number of files is continually increasing and this makes it much easier to cope with that increase than if you had the old system of entries in a register made by hand. With regard to Mr. Blundell's point, it is possibly quite true that the investigation was requested by hon. Members on the other side. With regard to the point made by Major Keyser, the new system has been introduced in certain sections of the Secretariat, but not in all, and we want to complete it in the remaining sections where it has not yet been introduced. It is for that purpose we need this extra equipment.

MAJOR KEYSER: May I say that I am all in favour of this system being adopted and will support the Motion. I would also, Sir, like to remind the hon. Member: because his memory is evidently a little bit short, that we were assured in this Council when this matter was brought up some time ago, about two years ago, that all steps which were possible had already been adopted in the Secretariat.

MR. HAVLOCK: Mr. Chairman, may I ask why this was not put in to the annual Estimates or, on the other hand, if it were not put into the 1952 Annual Estimates, why it is not put into the 1953 Annual Estimates? Is it so very important that it should be a supplementary estimate? I am sure that this "mint bricks" system—

THE MEMBER FOR EDUCATION AND LABOUR: (Laughs.)

MR. HAVLOCK: Thank you, Sir. I quite realize now that Mintbricks are something for the children to play with!

THE MEMBER FOR EDUCATION AND LABOUR: On Major Keyser's point, the recommendation was accepted, and it is in the process of being put into operation.

MAJOR KEYSER: We were assured it has been put into practice.

THE MEMBER FOR EDUCATION AND LABOUR: It is in the process of being put into operation. With regard to Mr. Havlock's point, I think it would be a great pity if for the remainder of the year, we were forced to give up this conversion, because we had not got the equipment. It is true if we had had more foresight we might have made the provision in the 1952 Estimates. (Hear, hear.) The point was we did not know exactly how fast the conversion would take place. In order to go on with it, we need this extra money.

MR. COOKE: Government has committed to this system without having consulted this Committee and this £343 is really *fall accompli*.

THE MEMBER FOR EDUCATION AND LABOUR: No, Sir, the original provision was, of course, put into the Estimates and passed by the Council.

THE CHAIRMAN: I think if no hon. Member wants to move the deletion—

MR. COOKE: I want to move the deletion of this sum of £343, because I am not satisfied with the explanation of the Members opposite.

The question was put and negatived.

HEAD 2-2

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Chairman, I beg to move that Head 2-2 (2) Item 1 (4), Nyanza Province, Chiefs and Headmen—upgrading, £3,420 be approved.

Mr. Chairman, we discussed the matter of Chiefs and Headmen's salaries in this Council in April this year and I gave an assurance then that anomalies in the present rates of salaries were going to be looked at by the Provincial Commissioners that month and they were, and the Provincial Commissioners recommended that, generally the existing rates of salaries for Chiefs and Headmen were on the low side and that we should introduce a new one, the top scale at the moment being £276 to £348, and the Provincial Commissioners recommended that there should be a scale above that, running from £348 to £350 which is the same scale as the Makere College graduate scale at the moment. They also recommended that we should look right through the lists of existing Chiefs and see who

[The Member for African Affairs]

deserved promotion from one scale to the other. The result of that is in this figure as far as the Nyanza Province is concerned, will cost £3,420.

Now, the Government considers, Sir, that the task of Chiefs and Headmen is getting more and more difficult, that the importance of having a contented, loyal collection of Chiefs and Headmen is very great and that these people do thoroughly deserve this increase in their scale of pay.

That, I think, is all I need say, Sir.

I beg to move.

Mrs. SHAW (Nyanza): Mr. Chairman, I beg to move the deletion of this item. I do so for certain reasons, and those reasons are not because I do not believe that many of these upgradings are necessary and justified, because I do believe that many of the Chiefs and Headmen should be upgraded, but as a protest against Government methods of procedure. In the Budget Session, if I remember correctly, this question of the upgrading of Chiefs and Headmen came up, and there was a Committee appointed which had on it Government representation and Unofficials to sit on that Committee to go into the question of the upgrading of these Chiefs and Headmen. That Committee has, as far as I know, never been called or met. (Shame.) At least, I have never been called to attend that Committee, and have no knowledge of that Committee ever having sat or met to discuss or consider this matter. I think that is very incorrect procedure, and when a Committee is appointed like that, out of a Budget Session, I do think that before Government takes these suggestions and brings these demands for extra finance for a *fall accompli* they should at least have called the Committee that was appointed to consider these recommendations.

Therefore, Sir, I beg to move the deletion of this £3,420 until such time as that Committee has met and considered the matter.

MR. MATHU (African Interests): Mr. Chairman, I rise to oppose this gesture made by the hon. and gracious lady for Nyanza that there be a deletion of this item. She says, Sir, that the wants to do

that because she wants to pay Well, you can protest about many things but you cannot protest about valuers. This is a very vital matter and during the course of this Session, Sir, we are going to debate a Motion by Mr. In. friend, the Member for Rift Valley, about crimes. The most important factor in the African Land Units who committed us in all these incidents in the Colon. I check the crime, is the Chief and if the Chief is not satisfied, Sir, with his remuneration, and I must say the Chief's have been very badly paid for years, and now that we want to improve the situation, the hon. and gracious lady, the Member for Nyanza says she wants to protest. A Committee can meet, I agree, and should have met when it was appointed. The Committee did not meet, but I say the Government has adopted a very wise procedure in upgrading these Chiefs when we are in a very difficult situation, and I suggest, Sir, that these Chiefs should be upgraded, and to suggest that the item of £3,420 should be deleted is not for the public interest, and I would like to support that this item should be accepted by the Committee.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Chairman, I would like to ask, if I may, the hon. and gracious lady what Committee this was. I have never heard of this Committee and if she could tell me what this Committee was, when it was appointed, and so on, and if so, if it was appointed during the Budget, why she did not raise this matter when it was a matter for question before this Council. I am afraid I have no memory whatsoever of that Committee.

THE CHAIRMAN: We are trying to find out for you.

MR. ODEDI (African Interests): Mr. Chairman, I should like to congratulate Government on this particular item because I realize the responsibility which the Chiefs have. They do everything in their localities and for such they should be well paid. I know a Chief in my Province who had to retire, or resign, just because he was badly paid, and he was the best Chief that we had, and if we are not going to pay the Chiefs better, surely we shall have such cases very often. What we want are good Chiefs and, therefore, we should pay them well. So, I congratulate Government on this item. (Applause.)

Mrs. SHAW: Mr. Chairman, I am quite prepared to withdraw my Motion to delete this because I realize the force of arguments put forward on this side. But I do want to make a very strong protest, because I think when Government does appoint a committee—I am afraid I was a very new Member in those days, I cannot quite remember whether it was an official committee, I think it was appointed from the Government side of the Council, I was asked to serve on, that was definite. I had no notice of any meetings and I wish to make a strong protest.

MR. COOKE: I am supporting this because I think Members on this side of the Council asked for the upgrading in April. I am rather sorry the hon. and gracious lady has withdrawn this because she protested against the way it was done rather than against the upgrading of these Chiefs. I think this Council should get an assurance that if any promise was given it should be fulfilled. For that reason I am sorry this was withdrawn.

MR. BRUNDILL: Mr. Chairman, I want on behalf of the European Elected Members to welcome these proposals and congratulate Government bringing them forward. I would like to put on record that a great deal of the initiative on this matter arose from this side of the Council, especially from the hon. Member for Kiambu.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Chairman, I wish to say first of all that items 1 (5) and 1 (New) are withdrawn. Item 1 (19) is reduced to £543 in consequence of the withdrawal of 1 (5) and 1 (New).

The Cost of Living Allowance. Sir, I now ask that support may be given to item 1 (19). Cost of Living Allowance, reduced to £543. I ask for approval of that, Sir. That is consequent, of course, on the chiefs' upgrading of salary.

MR. MATHU: Mr. Chairman, I want to comment on the withdrawal of 1 (5) in particular, Sir. My hon. friend did not explain why it has been withdrawn. I feel sorry that it has because we had assumed that the £160 was going to upgrade the African officer or officers to something higher. I would like to know why he withdraws that because I have spoken in this Council—I was mainly

responsible for creating these posts in this Council in 1945 and I have always said that these people have been taken as glorified clerks if they are not upgraded. I would like to know from the hon. Member why he withdraws that. I feel very sad if he does that—to leave them as they are with very poor pay. I must say, and use them, as I say, as glorified clerks. And I would like to know a further explanation, Sir, why he withdraws that item before we go forward.

THE CHAIRMAN: Could you just deal with that?

MR. COOKE: I should like to support that. I cannot understand this paper was only circulated yesterday, why there has been this waste of paper putting these items through, and ink and time. (Laughter.)

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Chairman, I must apologize for the waste of three-quarters of an inch of paper, I would say, Sir, in reply to Mr. Mathu, that the £160 had nothing whatever to do with the upgrading of the salaries of African Assistant Administrative Officers. It was proposed that Mr. Paul Mboya should be offered the post of African Assistant Administrative Officer with a personal and non-pensionable allowance. In conversation, this offer was turned down. Therefore, the amount is withdrawn from the paper before the Council this morning. (Laughter.)

THE CHAIRMAN: Where would you like to pass on to?

THE MEMBER FOR AFRICAN AFFAIRS: I would like to pass to items (3), (4) and (5) first of all. That is the money for the upgrading of chiefs and headmen in Rift Valley, Central and Coast Provinces and the Cost of Living Allowance that follows. Could I jump, Sir, also and take No. (7) as well which is the same for the Masai District and ask that approval be given to those sums: £733, £177; £2,477, £375; £452, £126; £631, £192.

MR. HAYLOCK: On a point of order, Sir, I do not think you have yet put the question of £3,420?

THE CHAIRMAN: That question will come up when I put the final question. That deletion was withdrawn. There is no need to do that.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Chairman, I was going to propose that item (6) at the bottom of page 1—Wajir £175, Moyale £95, Mandera £300, Isiolo £215, Garissa £200, Marsabit £65 and Turkana £30 be approved.

These sums, Sir, cover the additional cost of rations for staff in those places. The estimates for the cost of rations to staff each year are made up about May or June of the year before, and the cost of the rations and the cost of the transport has gone up in those rather inaccessible places. That is the only explanation on these items and I beg they be approved.

THE CHAIRMAN: Perhaps you could deal with the last item in this group.

THE MEMBER FOR AFRICAN AFFAIRS: The last item No. (52) is withdrawn.

MR. MATHU: Why?

THE MEMBER FOR AFRICAN AFFAIRS: The provision for that service is not required.

MR. COOKE: It was required yesterday, Sir. Why in these 24 hours has there been this change of policy?

THE MEMBER FOR AFRICAN AFFAIRS: This, Sir, is not a change of policy, it is a change of figures.

HEAD 4-4

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I beg to move that Head 4-4, Miscellaneous Services: Recurrent Item 12, Compensation payable under Workmen's Compensation Ordinance, £2,000, be approved.

Sir, this is necessary because the sum originally provided in the 1952 Estimates which was £2,000, is nearly all used up already. This is a statutory commitment which cannot be avoided. Of course, it is impossible to foresee exactly at the beginning of any year, how much money will be required. I think this is inescapable.

Sir, I beg to move.

MR. COOKE: On a point of order, I thought you gave an assurance to the hon. Member for Kiambu that when the items of Mr. Davies had been put up, they would be put to the vote. We seem to have jumped from that to the Chief Secretary.

THE CHAIRMAN: What I said was if any particular item is challenged, that

is if it is asked to be deleted or diminished, then a vote will be taken on that particular matter after discussion. If someone proposes to delete or diminish and withdraws or if the vote does not incur any displeasure, we go on and at the very end I shall put a omnibus question on the whole of the Estimates as amended.

MR. COOKE: That is going to be very difficult, Sir, because there will be very serious controversy over a lot of these items.

THE CHAIRMAN: You have your chance when the particular items are brought up. I asked if anyone in this Committee—

MR. COOKE: It is going to be very difficult.

THE CHAIRMAN: It may be very difficult, but that is the way it is going to be until I am told to do it another way.

HEAD 5-1

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move Head 5-1, 1 (7) and 1 (12), One Asian Clerk in the office of the Member for Agriculture. This request for an additional clerk in the registry of my office was suggested when the original Estimates for 1953 were introduced, but it was also suggested—

MR. HAYLOCK: They have not been introduced yet!

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: 1952. It was suggested that the Registry Superintendent in the Secretariat had better come and see what my clerks were doing. In point of fact, since then my Head Registry Clerk died. He was a very good man and we are in a very awkward position. I think the Office Superintendent discovered that my clerks were doing more than most clerks and gave an assurance that letters alone have doubled since 1949. That is, of course, only part of their work. I can only give an assurance, we must have another Asian clerk.

MAJOR KEYSER: Do I understand the object is to reduce the output of the clerks to that of other departments? (Laughter.)

MR. HAYLOCK: Why is this matter brought up in the Supplementary Estimates. There are only another six months to go. Surely it could be brought in the 1953 Estimates.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Well, Sir, I have killed one clerk. I do not particularly want to kill another. (Laughter, applause.)

MR. HAVELOCK: I suggest the hon. Member is asking for the opportunity to kill two more, Sir.

THE CHAIRMAN: Does any Member want to move to delete that item?

HEAD 5-3

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The next item is Head 5-3, sub-head (14), Agricultural Department, 1 (New) Special Non-Pensionable Duty Allowance to the Superintendent of Maize Conditioning Plant.

Hon. Members will be aware that we have in Mombasa a Maize Conditioning Plant. It is a very old one, and it is rather on its last legs. They will also be aware that this year we have had to put a tremendous amount of work on that plant. It always does need a great deal of work but especially in view of the fact that we are trying to export a lot of rain-damaged and sprouted wheat as well as a large quantity of maize, all of which have to go through the conditioning plant. We have an officer who runs the plant, extremely efficient, who, literally, has been working night and day to keep the plant going. I took, what in civil life would be the ordinary step, to suggest that this man should be paid overtime. I was told that as a Government servant, he could not be paid overtime. This overtime at normal rates would amount to £470, and I suggest that it is only fair that this officer, in this particular case—I do not approve generally—but in this particular case he should get this very small allowance of £70 a year. (Hear, hear.)

My next item I would like to take as a block if I might, even if there is to be a challenge on odd items.

HEAD 5-4

HEAD 5-4, Forest Department, (New), those items amounting to a total of £8,820.

Sir, as I think hon. Members are aware, we have a very large programme of plantation planning in the Forestry Department and a very large amount of that is coniferous, mostly cypress, and we have found, especially during the

thinning stage, which we have now reached in a lot of these plantations, that we are suffering immense deforestation from a boring insect, *immidila*. This *immidila* is peculiar to Kenya, not even peculiar to East Africa, although an example of it is apparently on record in imported timber many years ago in South Africa, but it is the only recorded example of this particular species. It is a particularly dangerous pest and can survive in timber, sawn timber, which is apparently, as far as an expert can tell, absolutely sound, but it may have the eggs of this insect in it, and apparently they hatch out at varying periods, up to even ten years. I cannot stress too much what a danger this particular pest may become to this country. It is not only in exotic trees such as cypress softwoods, it is now present in a great many of the indigenous trees in this country, and also is present, of course, in the roots and structural structures of houses and so on, that have been built. It is in order, Sir, to deal with this that I have brought in as an emergency this provision and asked whether we may be allowed to recruit this team. We have one entomologist. He has gone over to the East African Agriculture and Veterinary Research Organization and we want another one to work under him. We do want these foresters to take examples and examine what is happening in various districts of this Colony, and we want them trained, and the training will be done by Mr. Gardner who is the only entomologist we have available. As regards the mycologist, we have also suffered considerably from fungoid diseases, nothing like as serious as this insect pest, and we have been able to utilize for our work in that respect an officer who has also gone over—or is now employed by the East Africa Research Organization.

He is going on leave and we shall be left with nobody to deal with these fungoid diseases. In view of the money and the vast potential of our forests I submit that I might be excused from bringing this in as an emergency, because it was not until recently we realized the extent of this emergency, and we should have these officers to work as an emergency team. (Applause.)

MR. JEREMIAH: On a point of clarification, with regard to new item 4,

(Mr. Jeremiah) Foresters, Scale C III. I understand that C III is pensionable; it is shown as such. Considering this amount shown here is for four people, I do not think it is a pensionable salary at all. I always thought pensionable salaries started at £72 per person; this is less than £40 per person.

THE MEMBER FOR FINANCE: Sir, the point is that the amount shown in the Estimates is only for six months. The remainder of the year.

MR. COOKE: Mr. Chairman, we have not had an explanation for the employment of the European clerk. Is that consequential on the mycologist and three foresters? One staff of European, £240. Why was not that mentioned in the Estimates?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I gather he is required to collaborate with the work done by rangers and so on. I cannot answer these things in detail. We have this suggestion, these Estimates are in respect of a team which is the minimum, I can assure hon. Members it is the minimum of what I am told is required by Mr. Gardner, who is an expert in these matters, by the Conservator of Forests, and I may add we had a meeting with certain interested parties who were millers and who knew this forest, the Public Works Department, the Conservator, and the scientists—and, as a result, we have tried to cut the thing down to its very lowest. All I can say to the hon. Member is that this clerk was part of the team.

MR. COOKE: I am glad to hear the admission he cannot answer this in detail because it reinforces this point I made this morning, that these matters should be dealt with in the Standing Finance Committee where they can be answered in detail. Public moneys are being expended; we have every right to know they are justifiably spent. I can quite see it takes up too much of the time of my hon. friend in this Council to be answered in detail. I hope they will be answered in the small meeting of the Standing Finance Committee.

MR. MACDONALD-WELLS: One small point I would like to raise here. It seems to me possible that as the hon.

Member has not yet got his mycologist that the salary offered may be too small. I know a good deal about his matter and it is one of such vital importance that I am sure this Council would not refuse to grant extra money if it is required. The degree of infection in certain of the forest areas amounts to something like 40 per cent of the plantation of trees and to judge money or it would, to my mind, be the most appalling mistake. I only mention that in order that the hon. Member shall realize that I, at any rate, will strongly support any increase if he finds difficulty in getting the man for what appears to be a very low salary scale to a scientist of that calibre. (Hear, hear.)

THE MEMBER FOR FINANCE: I can only say, in reply to the hon. Member for the Coast, that details take up the time of the Member concerned, whether it is in this Council or whether it is in the Standing Finance Committee. But, Sir, it is just as well that the hon. Members on the other side of the Council should understand the implications in full. I think, Sir, my hon. friend the Member for Agriculture and Natural Resources has pointed out that if you have a mycologist and three foresters—people who are field officers—then you want one clerk at least to co-ordinate their work. You do not want officers doing office work. (Hear, hear.)

HEAD 6-5

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I beg to move that Head 6-5, Military, Item 3, Kenya Regiment, £3,937, be approved.

Sir, at the time the 1952 Estimates were framed, we were still completing the arrangements for the training of the Kenya National Servicemen in Southern Rhodesia. We did not know exactly what the arrangements would be, or when the first batch would return to Kenya. The first batch have completed their training a short time ago, and have now returned, and will go to the annual camp in September. For that purpose money will be required for pay and allowances, and for the reasons which I indicated, no provision exists for that in the 1952 Estimates. In addition, those 100 men have left behind in Southern Rhodesia certain items which they will require here, for example, great coats, equip-

[The Member for Education and Labour] ment rifles. They have been left behind in Southern Rhodesia to be used by the next batch, who have just gone down there. It is, therefore, necessary to provide these 100 men with new great coats, etc. This money is required for that purpose.

I beg to move.

MR. MATHIU: Mr. Chairman, I rise to propose the deletion of this item.

THE MEMBER FOR COMMERCE AND INDUSTRY: Why?

MR. MATHIU: I am going to tell you in a minute. I do that as a protest. My hon. friend knows very well I raised this question with him and with the Government many times. That the African should be trained in Junior Corps at Senior Secondary Schools, and I have said that, Sir, because I feel that it is for the whole country. Now we are raising this money for the training—military training—of the European youths and others. Now I feel, Sir, that my hon. friend has never satisfied me, and even my hon. friend, the Director of Education, why it is impossible to train Africans in the Senior Secondary Schools in the Junior Training Corps as you train other people.

THE CHAIRMAN: You will recollect that you are speaking in an item which is concerned with the Kenya Regiment, will you not? You must not go too far away or you will become quite irrelevant.

MR. MATHIU: Yes, Sir, this is to do with military training. Military training, I submit, should be done for all communities and that is why, if you will rule me out.

THE CHAIRMAN: You must not go too far.

MR. MATHIU: I want to elicit from the hon. Member why it is that he does not propose moneys to be spent to train Africans in the African secondary schools for the very same reason why he raises this money for the Kenya Regiment. I do not think it would be too irrelevant but if you rule me out, I submit to your ruling.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, it is correct, as the hon. Member for African Interests

says, that he has raised this matter on numbers of previous occasions. It is also true that I have not been able to satisfy him on the point he raised; it was last raised in Standing Finance Committee some months ago, after which I again discussed that matter, and another related matter, with the General Officer Commanding and the late Governor, Sir Philip Mitchell, before he left. I would prefer, if it is agreeable to the hon. Member, to discuss it with him, which I am willing to do at any time, and to explain to him what the technical difficulties are in the proposal he has proposed.

MR. MATHIU: Mr. Chairman, I would like to withdraw my proposal that this item be deleted, but I should like to mention to the hon. Member that I shall arrange for a discussion with him. But I do hope he will not raise all the mountains of difficulties which I know can be overcome to train our African youths to support and help the Empire.

MR. COOKE: Mr. Chairman, I do not think that I have heard the hon. Member give any explanation as to why these items were not included in the Estimates. It is a very large item amounting to £4,000. Did they not conceive that these youths in Southern Rhodesia would need these great coats in Kenya as well? Why were not the items put in the Estimates?

THE MEMBER FOR EDUCATION AND LABOUR: I thought I did explain that at the time the Estimates were framed our plans for training in Southern Rhodesia were by no means complete. We did not know at that time that they would be back in time for this year's annual camp. We also did not know they would leave behind some of their equipment.

MR. COOKE: To err is human, Sir!

THE MEMBER FOR FINANCE: Mr. Chairman, I would like to point out that we must get this particular question settled once and for all. The 1952 Estimates were framed in July, 1951, and therefore it is a year since the Estimates were actually framed and prepared for presentation to the Council.

MR. COOKE: I do not think that one convinces me at all, because items are frequently put in after the Estimates are framed.

HEAD 6—6

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Chairman, I beg to move that new items under Head 6—6, sub-Head (50), Contribution towards cost of Research into Luo Customary Law: £500, be approved.

This item, Sir, was not put in the Estimates for 1952 because, at the time when the Estimates were framed, we did not know whether we could, in fact, get an officer to come and do this work, research into Luo Customary Law, and we were also in doubt ourselves whether we were able to contribute money towards any further anthropological investigations.

There is a body called the Colonial Science Research Council which takes it upon itself to provide money from the British Council to provide money for anthropological research. Some colonies are able to provide money to assist in these investigations, but we have not done so because we have not always been satisfied that the investigations to be undertaken would, in fact, be of great use to us. We have, on the other hand, for some time felt that we wanted to know a good deal more than we do at present about Luo Customary Law and particularly in its relation to land tenure. We have our eyes, Sir, on a certain Dr. Phillip Mayer who worked in the South Nyanza District three or four years ago and who produced some extremely useful reports as a result. It does not often fall to my lot, Sir, to try to persuade anybody that we want to have a large number of these anthropologists here, but in this case, Sir, I think we do want this one and I do ask the Council most sincerely that they may approve of this particular amount of money. We want it to go into the Customary Law relating to land tenure amongst the Luo because, as all Members of this Council know, we have problems of population, of settlement and even of the possibility of the introduction of some form of individual land tenure, and before we tackle those sort of questions, we must know something about the ground upon which we stand.

Sir, I beg to move.

MR. MATHIU: Mr. Chairman, in support of that, I would like the hon. Member to correct me if I am wrong, but I thought we had financed an anthropolo-

gist to study the Teita and the ~~hassa~~, have we not? If not he can correct me. I am wrong, but I support this item anyway.

THE MEMBER FOR AFRICAN AFFAIRS: The answer to that is, Sir, not for some time. The three anthropologists at work at the moment are financed entirely by the Social Science Research Council. This sum I am now asking for consists of one-fifth only of the cost of this Luo Customary Law investigation.

MR. COOKE: We will let you down lightly this time.

THE MEMBER FOR AFRICAN AFFAIRS: Thank you, Sir.

HEAD 7—3

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move Item 7—3 (50), which is a non-recurrent item in the nature of a "Conning of Age" gift to the Nakuru Municipal Council. (Hear, hear.) Now, the Nakuru Municipal Board has been functioning for many years and it has now reached a standing where it is justified in applying for promotion. That promotion to Council status has been approved, and that will mean that the Nakuru Council will have a Mayor and a Mayor requires a certain amount of paraphernalia to do justice to his position. (Applause.) This is the first Municipal Board since our present local government system was established, after the Feltman Commission, to attain promotion to the higher status of Council. It is proposed that the Kenya Government should, in congratulation and in recognition of the Board's new status, make this gift of its mace to the new Municipal Council. I believe the Nairobi City Council is making a similar gesture in the gift of the Moyalor chain, and it is only fitting that the Kenya Government should fall into line and make this gesture of appreciation. The cost is put down at £500 as that was the cost of the mace which the Government presented to the Nairobi City Council on its Charter Day. The order has not yet been placed, but we do not think it will cost more than £500. The new status is to take effect in December, consequently the order must be placed quite soon in order that we may have it in time.

With confidence, Sir, I propose this Motion.

MR. USHER: Mr. Chairman, it is not always that Members on this side of the Council welcome new items, particularly when they are of grace and not of supposed necessity. But on this occasion I do think that welcome from here would be appropriate—(hear, hear)—because it gives us the chance to congratulate the Nakuru Municipality on the enhancement of its status.

Sir, there are two very good reasons why we should be glad of this felicitous gesture; these are on general grounds that we have proved that the transplantation of this very ancient habit of local government from England—of course it is very much older than that Angevin business of parliament—that it has been accomplished so successfully, and that this particular Municipality should have so well deserved what we are proposing to give it.

Sir, I beg strongly to support. (Applause.)

MR. MACONOCHE-WILWOOD: Mr. Chairman, I wish to move the deletion of this item—(laughter)—and I do so on these grounds. That we are concerned in this Council, on most occasions, to endeavour to safeguard the taxpayers' money and this is one of those things which is undoubtedly, however deserving the Nakuru Municipality may be, a pure luxury and I think we should bear in mind that whenever we purchase a pure luxury we are inevitably cutting out a necessity because we have reached a stage in this country where financial stringency is so great that necessities are continually being cut down. Moreover, Sir, it seems to me unsuitable that this Council, which itself is not without dignity, and has refused to give itself a mace during my time in Council, should vote a mace to a municipality.

MR. COOKE: Mr. Chairman, I should like to support everything that has been said on this matter. Sir, it seems to me if this gesture was going to be made it might have been made by the wealthy inhabitants who surround the town of Nakuru, especially when the price is unfortunately so high as it is at present. Now we are asking the unfortunate taxpayer to put his hand in his pocket to provide a mace for the inhabitants of Nakuru who, I think, could quite happily provide it themselves.

MR. GIKONYO (African Interest): I rise to support the deletion of this item because I cannot see why Nakuro has been without a mace for 50 years. Now we have Nakuru, which is being raised to the status of a municipality; they must have a mace. I do not see the necessity to have that. I see no reason why Nakuru should be in a great hurry.

MR. BLUNDELL: Mr. Chairman, I rise to oppose the Motion. I think the elevation of Nakuru to the status of Council is an event which should be noted by this Council with approbation. (Hear, hear—applause.) It shows unusual enlightenment when I consider other areas—(laughter)—and I consider, again, an unusual desire for progress. Once more, Sir, I think of other areas. I would remind the hon. Member for Uasin Gishu that "Man does not live by bread alone," and also the hon. Member for the Coast with his constant harping on the question of cereals.

MR. COOKE: They should do it by self-help.

MR. BLUNDELL: Self-help is a first-class thing, but everyone needs encouragement. I only hope, by presenting this mace to Nakuru, we shall encourage other backward counties—we shall encourage others to become more enlightened. (Hear, hear.)

MR. HARRIS: (Nairobi South): Mr. Chairman, I rise to oppose this Motion on two fairly good grounds. Firstly, I think this country is very sadly lacking in ceremonial, and the maces and baubles of authority which go to make up the ceremonial. Secondly, Sir, it has been suggested that we are using the taxpayers' money wrongly here. (Hear, hear.) Might I remind Members that the accession to full municipal status of Nakuru will probably have the effect of stinging the members of the Nakuru Municipality in rates and relieving this Council of the necessity for the necessary taxation. (Hear, hear.)

DR. HAYDEN (Muslim, East): Sir, I strongly support the Motion by the Commissioner for Local Government and I hope this gesture of goodwill, now that it has been proposed from this Council to the Municipality, will only be extended to what the hon. Member for Rift Valley called the backward municipality of Mombasa.

MR. BLUNDELL: I did not say the Municipality of Mombasa was backward, I would not dream of doing such a thing.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, I must oppose the Motion of the hon. Member for Uasin Gishu. This is one of the few occasions presented to this Council of an opportunity for a gracious gesture. Do not let us spoil it by carping criticism. (Hear, hear.) Nakuru self-help has been mentioned, Nakuru is one of the outstanding examples of self-help. (Hear, hear.) I shall have occasion to refer to that in a few minutes. There is a very ancient precedent for the attitude taken by the hon. Member for Uasin Gishu when ointment was used on a certain occasion and someone said "could not this ointment have been sold and the money given to the poor?" The answer was a rebuke. The ointment was used. The gracious gesture was made. I do ask hon. Members to drop their opposition and give unanimous approval to this vote of £500 as a gracious gesture to our up-coming municipal council. (Hear, hear—applause.)

MR. COOKE: It is necessary to add to the dignity of these municipal boards, especially to the Municipal Board of Nakuru, but our intention is that the people of Nakuru should help themselves. There has been no convincing argument yet put forward that the consumers, for instance, especially in the poorer sections of the country, who are paying very largely towards the taxation of this country, on a small salary, should be asked to present this luxury gift to Nakuru, that is all it is. We must wipe out all the sentimentality. As the hon. gentleman also quoted the scriptures, I will also say that "the poor are always with us" and therefore we ought to look after that poor and not dispense with the money on luxury gifts.

MR. BLUNDELL: I think it is ridiculous in this Council to suggest that the people in Nakuru should help themselves. When I earned a medal during the war from His Majesty the King, it was given to me as a gracious gesture for the work I did towards the common cause. I did not have to pay for it.

MAJOR KEYSER (Trans Nzoia): Are the townspeople of Nakuru producers of

cereal crops, because there are people that only use the maize; for their benefit the authority exists.

MR. COOKE: I do not know whether the hon. Member was trying to get me or not.

MAJOR KEYSER: I am.

MR. COOKE: I was talking about the unfortunate consumers that have to spend money in order to give a mace to the people of Nakuru, the consumers of Mombasa and various other places.

THE MEMBER FOR FINANCE: Mr. Chairman, time is getting very near; I would like to say one thing on this point. That is, when we are talking about self-help, let us remember that this particular Nakuru Municipal Board has increased the amount of rate levied upon its own people. I am speaking from memory, from £15,000 to to-day's figure of £45,000, which means that they are paying £30,000 more for services for themselves, which might otherwise have been a call, at any rate to some extent, upon the revenues of the country, and let us give a municipality and ratepayers, who are prepared to take that action to provide services for themselves, the credit that is due to them. I would suggest that the hon. Member for Uasin Gishu, having expressed the point of view that he wished to express, should now, in the interests of magnanimity, at least withdraw his deletion. But in any case, Sir, I rose to say, is it not time that the Committee reports progress and asks leave to sit again.

THE CHAIRMAN: I think a number of other Members may wish to speak on this. I am going to put the question that this Committee do report progress.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

The Chairman of Committees reported progress and asked leave to sit again.

ADJOURNMENT

Council adjourned at fifty minutes past Twelve o'clock.

Tuesday, 8th July, 1952

(Evening sitting)

The Council met at Five o'clock p.m.

PRAYERS

[Mr. Speaker in the Chair]

ORAL ANSWERS TO QUESTIONS

No. 4

MR. BLUNDILL:

Will Government state when the proposed new Adoption of Children Ordinance will come before Legislative Council?

THE MEMBER FOR LAW AND ORDER: Government has in mind certain amendments to the Adoption of Children Ordinance. As, however, the matters dealt with by this Ordinance come within the purview of the Committee appointed by the Governor to inquire into Children's and Young Persons Legislation, Government wishes first to consider the recommendations of that Committee which it is understood will not be long delayed, before publishing an amending Ordinance.

MR. BLUNDILL: Mr. Speaker, arising out of that answer, as this matter of the adoption of children presses hardly upon some parents who have adopted children, may I urge the hon. Member to ask the Chairman of this Committee to expedite his report?

THE MEMBER FOR LAW AND ORDER: I did not find it necessary to press the hon. Member for Aberdare. He willingly volunteered to expedite the matter and I understand he will have the report ready in the course of the next few weeks.

MOTION

APPOINTMENT OF AN INDEPENDENT COMMITTEE

Meat Commission

MR. COOKE: Mr. Speaker, I beg to move:

"Whilst accepting the principle and the purpose of the Meat Commission, be it resolved that an independent committee be appointed at once to inquire into the past workings, both financial and operational, of the Meat Commission and to make recommendations for its future administration."

It is my lot this evening to move a Motion for which I think there has been a volume of unanimity unsurpassed in the past in my experience in this Council. Some time in April or March that virile body—I may describe the Nairobi housewives as such—had a monster meeting in this hall, and they passed a strong resolution in favour of an inquiry into the workings of the Commission. That, Sir, was followed by a large mass meeting in Mombasa which was attended by all races and at that meeting, Sir, another strong resolution was passed, stronger, I may say, a good deal than the Motion I am proposing this evening. Now, Sir, in addition to those meetings there have been recommendations by the Chambers of Commerce and Industry of Eastern Africa, and by no less a body than the Elctelors' Union, pressing for an inquiry into the Meat Commission. The more well-known of the newspapers of this country have also urged that some sort of inquiry should be held and I think from my experience, at any rate, of yesterday, the majority of Unofficials on this side of the Council are in favour of the Motion.

Now, Sir, I want to make it quite clear at the start that the Motion is mildly worded and it does not ask for the abolition of the Meat Commission. Some people may say that if that is so, why press for an inquiry at all, and why not give the Meat Commission time to establish a reputation for economic working? Well, the reason, Sir, is this, that public opinion in this country feels that the Board have taken the wrong turning and the sooner, therefore, they are pulled up the better for the future administration of the Commission.

Now my emphasis, and I am not going to be very long because I know that there are a number of other speakers on this side of the Council who are going to make important points—my emphasis, Sir, is on the word administration. You know the old saying of Pope: "For forms of government let fools contest what 'er 's best administered is best"; and it is because we feel that the administration by the gentlemen who compose the Board of the Meat Commission, is wasteful and inefficient that this Motion is brought this evening.

Now I have three or four points which I want to make which I am going to

[Mr. Cooke]

criticize in the administration of this Meat Commission. The first, is this, that the Commission is spending excessive amounts of money on buildings and on salaries and on other expenses. I understand, for instance, that the Manager receives a salary considerably higher than that of the Member himself, and there are rumours going around, and I know that rumour is "lying jade" as the saying is, that very extensive sums are being spent on the housing for those employed by the Commission. We were told the other day, for instance, that a swimming bath—not being provided, I think it was there already—was being rented and put into working order for the members of the staff. I do not personally think that that is a legitimate item of expenditure in an organization which should look after the interests of the consumers as well as the interests of the workers in the factory.

Now there is another allegation, and that is that in their purchasing of steers and sheep and goats they do not make use of the most economical method of purchase. I think that is admitted now by the Commission itself because I understand they are making arrangements in future—other arrangements unlike the arrangements they had in the past.

Now, Sir, at one time, and I know the country particularly well, where the Africans breed sheep and goats and cattle to an enormous extent, that is the Northern Frontier and other similar parts of Kenya, there were fortunately in this country traders who for generations had been purchasing meat in those localities. They were Arabs and Somalis and other well-known nomadic people and they knew the trade routes and stock routes and watering places and the various other factors which enter into bringing stock cheaply from those outposts to Nairobi, Mombasa and other big towns. But the Meat Commission, despite protests made by myself and others at the time, insisted on employing young Europeans at the work whom, I think, personally, good as they may be in other vocations of life, were unsuited to that particular line of work in that particular country, and, of course, the consequence was that the price of production of meat necessarily went up.

Now it is also alleged, Sir, and I am going to tell, although I cannot mention names, what has been told me by two farmers up-country. It is alleged, Sir, that the grading is very inefficient. One very well-known farmer in the Uasin Gishu told me last year that he set down several truck loads of steers which he knew full well to be second grade and they were all upgraded to first grade, and standard grade whatever you might like to call it, and we hear other stories of that nature. We hear stories of this nature right throughout the country. And another up-country settler from Transvaal volunteered to tell me the other day that the farmers and producers there can sell any old cow or old tuck oxen or runt to the abattoir at Kitale and they are bound to be taken. They cannot refuse them. And for that type of meat, stupidly fantastic prices are paid. I do not mean fantastic in the sense that they are very high, but they are very high in comparison to what the meat is worth.

Now there are another two points which I would like to make in this connection, and that is in a country of vast distances such as this and of great transport difficulties analogies cannot be drawn with meat commissions in other countries, and, therefore, the further meat has to be taken or steers have to be conveyed, the higher of course goes up the working of the Meat Commission. Now we have often heard Southern Rhodesia quoted at us, but anyone who read a week or two ago in the *Kenya Weekly News* the Rhodesian Notes, would have seen that there is a great inclination there for the farmers to produce second grade instead of first grade meat, or to use the jargon of the day, there is a disincentive to produce first-class beef because second-class beef is obtaining such high prices.

Now those are arguments, there are only a few because I am perfectly aware that others—my friend the secondor, noticeably and my friend the hon. Member for Nairobi South who will deal, I think, particularly with the report that was published yesterday, they will be following on me.

Now I must make some allusion to that report. I think, Sir, that it is very unbusinesslike that a report that was handed to the Member six weeks ago was only published yesterday and I do

[Mr. Cooke]

think in a matter of great public concern, such as this matter is, there might have been some expedition in the printing and the publication of that report. It is one of the matters to which we on this side of the Council very frequently call attention.

Now there may be also said, "what is the reason for all this lullaballoo about this matter of the food or meat prices?" Well, Sir, I think any one would be liable to go off the deep end if he awakened one morning and found that the price of his meat has gone up 30 per cent or 40 per cent, especially at the time when there was a deep suspicion throughout the country that things were not going well. Now, Sir, on the 10th of May, the butchers' shops in Nairobi were empty because there was no meat for sale. On the 11th of May, the price of meat went up roughly to an average of 40 per cent. On the 12th of May the butchers' shops in Nairobi were full of meat and on the 13th May we were informed that a foot-and-mouth disease was showing signs of abatement! And the people, and you cannot blame them, naturally said: "Well, it is a very extraordinary coincidence that the up-raising of the price of meat should have led to the disappearance of foot-and-mouth disease", and it just shows the suspicion that has arisen throughout this country that we are not being told the whole truth, and nothing but the truth with regard to the Meat Commission, and, as we all know, it is just as important to avoid even a suspicion that things are wrong as to prove the things themselves are not wrong. Therefore, Sir, I am proposing this Motion to-night.

Now, when I ask for a committee I am not asking for a commission or anything of that sort.

I would like to propose a Committee of three persons, one of whom I would prefer to be the Secretary, to the Treasury or the Accountant General as Chairman, and then I would like to see the other two members, one nominated by the Chambers of Commerce, and the other member nominated by the Kenya Farmers' Union. And that Committee should confine itself to inquiring into the present administration. Whether the best and only the best people are employed, and after all if this Committee,

as some people think, find that there is nothing wrong with the working of the Meat Commission, what, Sir, could be finer. And, therefore, I can understand—I do not know what line my friends on the other side are going to take because I am proud to say I am one of those persons who does not do any lobbying, and I am not certain, even to this moment, what line my hon. friend, the Member for Agriculture, will take, but I will emphasize before I sit down that we bring this moderate Motion in a moderate manner and we hope that it will be accepted and will receive the approval of this Council.

Sir, I beg to move.

DR. HASSAN: Mr. Speaker, Sir, I rise to support the Motion moved by the hon. Member for the Coast.

It has already been explained by him that it is not our idea to oppose the Meat Commission, but to work and help them to keep on keeping their establishment in this country. The second, we know this Meat Commission, Sir, was established for the primary benefit of the stock producers, for the consumers, and for the benefit of Kenya as a whole. After its two years' working, we find that it has satisfied the producers to a great extent, and I believe butchers have nothing to complain about, and if they have, they have got a very strong body to represent them. But I find, Sir, that the consumers are not satisfied. This Motion only asks for a committee to inquire, to find out what problems there are which are facing the consumers, which have not been solved by the Meat Commission. Consumers feel that they are called upon to pay for the upkeep and maintenance of the Meat Commission and this report that we have received to-day is a proof that the Commission is doing very well. They have distributed, or at least are going to distribute, the sum of £65,000 to the producers, to the individuals, probably European producers, and no doubt their profit is, if looked upon in any business, a very good profit and consumers are very anxious to know how long they are going to be called upon to pay, or bear this commitment. Sir, they want to know if there is going to be a limit. They have certain problems, particularly those which I found in the Coast

[Dr. Hassan]

Province which have not been solved by the Meat Commission.

For instance, the meat supply of Mombasa is supplied by the Coast itself to the tune of about 60 per cent of beef and about 80 per cent of mutton. Out of the 60 per cent, half of it comes from the neighbouring territories and half from the Northern Frontier District Coast Province. The remaining 20 per cent of beef and 40 per cent of goats we used to get from Kitui and up-country. Supplies from Kitui and up-country have been deferred from Nairobi, and whatever is obtainable in the Coast Province is not brought in to the Mombasa market regularly. The supplies are extremely irregular, so that the meat eaters of Mombasa, for months together, have meatless days. This was purely due to the fact that the Meat Commission had only two or three officers sitting in Mombasa doing all they could there, but they had no set-up to bring supplies from a far away country.

The second thing, Now I come to the requirements of the Muslims that I represent. Meat is a very important item of their diet; their religion has a great deal to do with it and they feel that they have been ignored to a great extent, Sir. The Muslims are very thankful to this Council for helping them to solve their political problems and they have been recognized by this Council as a community by themselves, and I would like to request this Council to see that the Meat Commission also recognizes us. The Muslims feel very strongly that their meat supply is not regularly supplied to them. Besides, two days in a year, when the Meat Commission has been helping them, they have other days when they need live animals for sacrifice according to their religion and that supply is not always regularly given to them. If the Meat Commission has it, they give it to them, but when they have not got it, they say we cannot help you, and the Muslims cannot go and buy because of the monopoly to the Meat Commission, whereby no one can buy and sell unless they are from the Meat Commission.

Muslims do not like to interfere in the requirements and the choice of other

communities for their meat, and they do not want, and they cannot tolerate any interference in their own supply. So, the method of preparation, the slaughter, and the distribution to the Muslim butchers, is not controlled, or, at least, is supervised by the Muslims. The Meat Commission has failed to appoint a Muslim adviser in their set-up, neither in the Board nor in their set-up to supervise abattoirs have they appointed any responsible Muslim who should see they slaughter the animals according to their faith, and see that the animals so slaughtered go to the Muslim butchers' shops. They are very perturbed about it, and being one of the major communities of meat-eaters, paying taxes, they feel that they should be given a sort of satisfaction that the meat is prepared according to their faith.

The next thing, Sir, before the Meat Commission took over we had predominantly Muslim traders bringing in meat from all over Kenya, and to the satisfaction of the whole of Kenya. They maintained supplies in all the major towns of this country. When the Meat Commission took over, they were totally ended by the stroke of a pen; they were made to disappear. Their means of livelihood was snatched away from them and, as far as I can find out, the Meat Commission never attempted to absorb them in their own Commission or set-up, so that they would have "been" of immense use to them to bring stock from the remote borders of Kenya. Neither do I find that any of them were compensated for the business that was taken away from them.

This inquiry that is asked for, Sir, is, I believe, in the good interests of the Meat Commission itself, of the producers and the consumers and of Kenya as a whole, because a lot of things are said about the Meat Commission which this inquiry will do away with and will strengthen the hand of the Meat Commission for the meat supply of this country. (Applause.)

MR. SHARIF ABDULLAH (Arab): Mr. Speaker, I rise, Sir, to support the plea of the hon. Member for the Coast for the appointment of a Committee of Inquiry to go into the policy and workings of the Meat Commission. I do so, Sir, for the simple reason that there has been

[Mr. Abdollah] a great difficulty, particularly at the coast, in getting a regular supply of meat. Those difficulties, Sir, did not exist at the time when these local purchasers in Mombasa used to go out in the districts and buy livestock. The supply at that time, Sir, was very regular, and the price for meat was very much cheaper than it is to-day.

Since the Meat Commission, Sir, has come into being there have been complaints every time about not getting a regular supply of meat—and the feelings of the people at the coast are so acute that I feel that nothing will satisfy them unless the Committee of Inquiry is appointed. I beg to support the Motion. (Applause.)

MR. MATHU: Mr. Speaker, I just rise to give my support to the Motion moved by my hon. friend, the Member for the Coast. I do that, Sir, because I did see that somebody who does not come from the coast was delating that the inquiry into the Meat Commission is only in the Coast Province! I feel, Sir, this Motion has been worded in a most innocuous manner, and the hon. Member did move it in a very moderate manner, as he said himself.

I feel this Council should support it. When the Meat Commission Bill was before the Council I did say, Sir, that I was not sure that as my hon. friend the Member for Agriculture said at the time, that the meat was going to be cheap, in fact he said it was going to be about 20 cents a pound and losses and things would transfer the meat into African areas. That has not happened. In fact, now in the African areas it is one shilling and sixpence in the African areas. For the first time in this Colony it has been more expensive than before. The first time I attacked the principle of a monopoly which is behind the whole set-up of the Meat Commission, and one of the previous speakers did mention that the stock traders have been sort of put out completely from their trade and their livelihood had been very much in jeopardy. I can instance one case, Sir, of the Somalis in Isiolo, and Somalis, as you know, Sir, live on this stock trade. There are very many of them, Sir, who have nothing else to do, they cannot do anything. The Meat Commission has

come, they buy the stock and these traders are left high and dry. Therefore, I think, Sir, if this Committee is accepted by the Council, they will go into the question of monopoly, which personally I think is a wrong principle to remove the livelihood of some people, and put it in an organization such as the Meat Commission and—

THE SPEAKER: The Motion expressly reserves the principle and purpose of the Meat Commission and does not attack the existing legislation. The hon. Member, in his speech, as far as I understand him, is more or less condemning the whole item which this Council enacted two years ago. He is not entitled to do that unless he is moving, say, a Motion to a Bill for repealing the whole thing. On the Motion before the Council at the present time, the principle and the purpose is accepted in the first line of it. Therefore, we cannot go into monopoly and things like that. It is only the working of the administration which is attacked.

MR. MATHU: Mr. Speaker, naturally I submit to your ruling and to say when the Committee is appointed I shall have an opportunity to air my own feelings on the matter.

THE SPEAKER: You would also on a Bill.

MR. MATHU: Yes, Mr. Speaker, if I may say, Sir, one further point on this: the administration—the working of the Meat Commission—which I think is the point at issue, I would like to say, Sir, that as far as I know—the African community has been most dissatisfied with the whole working and the administration of the Meat Commission. And even if not for anything else—for that alone, Sir, I think a Committee should be appointed to go into the whole of this matter.

Sir, I beg to support.

L. DY SHAW (Ukamba): Mr. Speaker, I am not going to support this Motion. I think that all organizations which have nothing to be organized of are, as a rule, perfectly ready and willing to be inquired into, and I feel sure that the Meat Commission would be ready and willing to be inquired into when it has achieved its full stature. At the present moment a very large part of its workings, namely,

[Ldy Shaw] the factory at Athi River, which will cause meat to be cheaper, because the edible and inedible offals will be properly used, has not yet come into operation. If this inquiry is asked for in a year's time, Sir, and the same reasons adduced, which have already been adduced, then, Sir, I would back the Motion. As it is, I feel the whole Motion is entirely premature and, because it is premature, entirely unfair to the Meat Commission. (Applause, hear, hear.)

It also strikes me that several of the things which have been said show a wonderful ignorance of the whole set-up. For instance, the hon. Member said a thing which struck me as wonderful, he said a farmer who had sent his cattle—several truck-loads of them—which he knew to be second grade, had received a price for top grade or standard. That is what the Member said. Now, the hon. Member does not know, perhaps, that there could hardly be more difference than there is between standard and top grade. If you sold several trucks of cattle for which you hoped to get second-grade price and got less, you might be a little dissatisfied. If you got top grade, I think you would have a fit, you would be so astounded. I have heard it said, as he has, that cattle are sent off, for which one believes and hopes one may get second-grade prices, or first-grade prices, and one may get standard grade. That, I would like to tell the hon. Member, is not top grade. Then, Sir, the hon. African Member, Mr. Mathu, mentions the enormous prices to Africans in the native reserves of the meat they buy. I imagine that he must know, when he makes that statement, that the Meat Commission are unable to compete with the prices paid by the African buyers—the independent buyers—independent in spite of this monopoly. One of the reasons why the lower-grade meat has been raised in price is because the African, independent of the Meat Commission, pays such high prices that the Meat Commission can get no meat. That, Sir, is a fact.

I would like to declare an interest in this. I sell nothing but old cows. (Laughter.) Therefore, Sir, I usually get fourth or standard grade. I beg your pardon—fourth or compound grade. However, if fourth or compound grade

is sought for by the Meat Commission in the markets, it cannot be obtained because the African buyers pay such very much higher prices for it independent of the Meat Commission. Those, Sir, are facts. I feel before this debate goes any further it is just as well for some of the people in this room, who perhaps know as little of meat trading as some of the other people, should know the facts.

Sir, I beg to oppose. (Applause.)

MR. HARRIS: Mr. Speaker, Sir, I rise to support the motion and I very much hope that I will be able to keep to facts. Now, Sir, the hon. Member has told the Council of the very considerable demand there is through the country for an inquiry into the Kenya Meat Commission. I do not like the Council to feel, Sir, that this is caused by the recent increase in prices, which has been suggested in another place. The position is, Sir, that the Associated Chambers of Commerce of Eastern Africa as long ago as April, 1950, called for an inquiry with very much more drastic terms than this Motion, and that demand has been repeated since 1950. It has also been suggested, Sir, that this demand now has been caused by vested interests. I can assure you, Sir, I can assure the Council, that many people who have no vested interests in the Meat Commission or in meat, except as the people who have to eat it and pay for it, have got in touch with me and asked for such an inquiry as this one. There seems to be, Sir, in the minds of many a confusion of thought in that if one attacks the Meat Commission, or rather the administration of the Meat Commission, one is promptly attacking the principle of producer marketing. I deny that, Sir. I feel that the average consumer in the towns is perfectly happy that the producer should get a fair price for his product. (Hear, hear.) But there is a feeling abroad, Sir, that there is wasteful administration in the Kenya Meat Commission. Now in 1949 I had a lot to do with the old Nairobi Municipal Abattoir. It was my job to know something of the administration of that plant. In 1949, Sir, the Municipal Council of Nairobi were very dissatisfied because the plant and the buildings were out of date, and plans were produced to bring the Nairobi abattoir up to the standard of

[Mr. Harris]

a reasonably efficient abattoir and by-product plant. Those plans envisaged expenditure of £120,000.

Now, Sir, only two weeks ago there was an arbitration award in which the City Council of Nairobi were awarded £34,000 for the building, land and machinery of the Nairobi abattoir. If you add that £34,000 to the £120,000 that it was proposed to spend to bring that plant up to a state of efficiency, we have, Sir, a figure of £154,000. I would ask Members to consider whether the difference in expenditure, between £156,000 proposed and the expenditure on the present plant, proposed expenditure at Athi River is the right sort of proportion between the amount of work that the Kenya Meat Commission is likely to do in the reasonably near future, and what Nairobi City Council would have done had they retained their abattoir. I would say, Sir, because it will tie up with some figures which I am going to take from the Kenya Commission Report later, that in 1949, the last year of operation, the Nairobi abattoir disposed or handled 10,000,000 pounds of meat, and I would ask hon. Members to remember that figure.

Now, Sir, to handle that 10,000,000 pounds of meat, the staff employed by the Council for slaughtering, droving and to run a by-products plant, was two Europeans, five Asians and 130 Africans, and perhaps, Sir, if the hon. Member for Agriculture and Natural Resources intervened in this debate he might tell us the staff which is now being used by the Kenya Meat Commission to handle in the last year for which we have accounts 19,000,000 pounds of meat, that is, Sir, approximately double.

Once again, when those figures are produced, if they are, I will ask hon. Members to consider whether the difference in the work being done by the Kenya Meat Commission, and the work which has been done in the last year by the Nairobi abattoir, is comparable with the different staffs which are engaged and were engaged.

It is felt, Sir, certainly in the towns, that this Commission is building up for itself a facade of prosperity which is not reflected in the condition of the trade at the present time.

I, Sir, am a great believer in the future of the meat industry in Kenya, but at the present time behind this facade the Commission cannot even supply the local market. As recently as the 18th May 2,000 carcasses of Australian mutton were imported into Kenya, which, Sir, should be exporting meat. If I were anything to do with the Kenya Meat Commission, and it were necessary to import Australian mutton, I am afraid I would issue orders forthwith that the "whited sepulchre" at Athi River should be camouflaged, that the offices in Saller House should be closed and what staff were necessary for the duty of the Commission should be moved to wooden huts at Athi River so as to be near their job. I would also see, Sir, that the entire staff responsible for the running of that factory were collected around the factory and not distributed in some cases as far away as 24 miles at Muthaiga. I would take the necessary step, Sir, to see that the Commission really became economical and quietly efficient.

Now, Sir, whenever the Meat Commission is under review, a point that is always made by the protagonists of the Commission is that they are selling meat to the purchaser at the same price as they pay the producers. Referring, one minute, Sir, to the Nairobi abattoir in the old days, there was a slaughter fee of Sh. 3 for an ox under 300 lb. and Sh. 7/50 over 300 lb. The slaughter fees being charged by the Kenya Meat Commission at the moment, Sir, are in respect the hides of the beasts and the offals which are considerably higher than those slaughter fees of the old abattoir. I feel, Sir, that we should be grateful to the hon. Member for Agriculture for producing the accounts yesterday, because an analysis of the trading accounts and the profit and loss account shows that in 1951 in round figures the factory and buying expenses amounted to £100,000, and the administrative expenses amounted to £28,000. That, Mr. Speaker, is a total administrative expense of £128,000 for handling 19,000,000 pounds avoirdupois of meat. A little arithmetic shows, Sir, that that works out at 135 cents per lb.

Now the argument is always made that with a new venture it is obvious that overheads will be high in the early stages

[Mr. Harris]

as production increases so the overheads per unit will be reduced, but if we look at the 1950 figures for seven months we find that the factory and purchasing expenses were £48,000, the administrative expenses were £11,000, making a total of £59,000 to handle 10,000,000 pounds avoirdupois of meat.

This, Sir, shows that in 1950 the expenses were 11.8 cents per lb. of meat handled and in 1951 this had been increased to 13.5, I feel, Sir, those are figures which this inquiry might well investigate. If we take the straight administration, we find that in 1951 28,000 lb. works out at 2.95 cents per lb. In 1950 it cost £11,000 to administer 10,000,000 lb. of meat, or 2.2 cents per lb. In other words, Sir, the administrative costs per lb. on meat increased by 74 per cent between 1950 and 1951, and I feel, Sir, on those figures laid on the table yesterday there is yet another reason why there should be an inquiry held into the administration of the Meat Commission.

Finally, Sir, I would appeal to all Members of this Council to support this Motion on the grounds that if everything is well with the Meat Commission public fears, and they are many, will be allayed. On the other hand, if there is administrative bungling, if there is extravagance, this is the time, Sir, and not in a year's time, to inquire into them and put them right.

I beg to support. (Prolonged applause.)

MR. MACKAWI (Arab Member): I strongly support the Motion laid down by the Hon. Member for the Coast, and the remarks made by the previous speakers. I wish to inform the Council that the Arab Community have been doing the livestock business for so many years in this country. I beg to recommend a Select Committee be appointed to investigate into the matter.

I beg to support the Motion. (Applause.)

MR. ODIDI: Mr. Speaker, Sir, I think that the hon. Member for the Coast had proposed this Motion because of the appeal of the European housewives during the election for their candidates.

Now, Sir, I would actually take the opportunity to indicate to this Council

how I feel the Meat Commission is responsible for the high cost of meat, mostly in the townships. The reason is that the report of the Meat Commission says that the Meat Commission does not compete with traders in the country, mainly in the African areas, and yet those traders take their cattle and sell to the butcher. The traders themselves get reasonable profits, otherwise they would not go on doing the business. At the same time, the butcher himself gets a profit after selling his meat and then the consumers themselves are not worried so much as the consumers in the towns. It means, therefore, that in towns where meat from animals bought by the Meat Commission is sold is where the price is very high, and Africans in those areas, and housewives feel the pinch.

Now, Sir, if European housewives can feel the pinch of the high price of meat in the towns while their income together with their husband's is usually about £1,000 or £1,500, how much can the ordinary labourer, whose pay is Sh. 30 to Sh. 40 feel the pinch? It means that the labourers who are actually supposed to eat good meat so that in the morning they do good work, do not eat meat at all. I have heard some people say that the prices for meat in this country are not as high as in other countries. This, I think, is not really true, and I would say that in those countries the income of the mass of the people is quite high, and in this country where the mass of the people have lower incomes, if we raise the price of a staple food like meat, how is the mass going to live? I think the mass of the people would suffer quite a great deal.

I would say that in those countries the income of the mass of the people is quite high, and in this country where the mass of the people have lower incomes, if we raise the price of a staple food like meat, how is the mass going to live? I think the mass of the people would suffer quite a great deal.

Sir, I will read a statement which was made by a gentleman, I am not going to mention his name, the gentleman is a producer as well as a member of the Meat Commission. The statement reads: "It is a very strange position that Africans in this Colony whose purchasing power is not one-twentieth of that of Europeans, person by person, is willing to pay more for meat than the Nairobi citizens can pay these days."

Now, Sir, this sort of statement I think, is not right, because I do not believe that any African in Nairobi and in the country around this area is willing to pay the price that Europeans pay. I do not believe it at all. How do these people

[Mr. Odede] get money so that they can be willing to pay such a price?

I am not opposing the Meat Commission, but I am of the idea that it is responsible for the high price of meat. (Applause.)

MR. MACONOCHIE-WELWOOD: Mr. Speaker, I rise to oppose the Motion, and I do so mainly for the reasons given by my hon. friend, the Member for Ukamba.

I do not see any purpose that can be served in the investigation of a Commission which has just started. To begin with, the investigation cannot but be incomplete because they have no machinery as yet to investigate. A Motion such as this, however moderately worded, and I must say that the speech of my hon. friend, the Member for the Coast, was moderate—(hear, hear)—much more moderate than I had expected in view of the bitter criticism going on in the country of the Meat Commission. Nevertheless, if at this stage an inquiry takes place into an organization such as the Meat Commission, it is in effect a vote of censure, both on the management and on the Board of Directors, and I, for one, will be no party to passing such a vote of censure at such an early stage in the Commission's activities. (Hear, hear.)

There are certain points in the hon. Member for the Coast's speech which I should like to reply to. He mentioned, amongst other things, the pay of the staff as being very high. Indeed, he mentioned the pay of one member of the staff being probably larger than that of the Member for Agriculture and Natural Resources. Well, I can well understand that, and hon. Members on both sides of the Council must be very well aware that people in high executive positions in commerce and industry are invariably paid more than hon. Members opposite, who control the destinies of this country. It is an unfortunate thing, perhaps, but it is a fact, that most people accept, not least those Members who live in the towns of this country and must be very well aware of this discrepancy between the high pay of executives in business and the low pay of executives in Government. (Hear, hear.)

Rather surprisingly for my hon. friend, the Member for the Coast, he made some criticism of the staff welfare. Well, working in a Meat Commission, I can imagine, is a particularly unpleasant job, and I for one am not prepared to suggest that the staff of the Meat Commission should not be given the maximum welfare in order that the consumers in this country should have their meat rather cheaper. It is an astonishing suggestion to me.

On the question of prices the hon. Member for the Coast said that a sudden rise of 40 per cent in price was given after which meat was immediately obtainable, and I think behind that is an insinuation that meat was held back, and the reason it appeared was nothing to do with "Foot-and-mouth".

MR. COOKE: Yes.

MR. MACONOCHIE-WELWOOD: The hon. Member agrees with me that that was his insinuation. If that was the case, I should have thought the hon. Member would have realized that at the prices prior to the rise, producers of these cattle were unable to sell for those prices, were holding the cattle, and they were perfectly entitled to hold them, at the time when those prices were uneconomical.

Now, another point is this, at that time the price of native cattle was so high that it was quite impossible for the Meat Commission to compete with them. This is a thing to which I speak with knowledge, because I have been offered for cattle—live on the hoof infinitely higher prices than the Meat Commission could give me by native buyers, and it is a fact whatever may be said by the African at that time was prepared to pay far higher prices than the Meat Commission was allowed to pay by statute. Why this arises is another matter. One of the reasons is that the African is very unready to part with stock. Another reason is that the African has fewer basic needs than the European and one of those basic needs which he considers of vital importance is eating meat, therefore he puts it as a top priority in his budget and is prepared to pay almost anything in order to gratify his desire for meat. It is a perfectly reasonable desire on his part, but it

[Mr. Maconochie-Welwood] means he is prepared to pay very high prices indeed.

My hon. friend the Member for Nairobi South, whom I would like here to congratulate on a particularly able maiden speech—(hear, hear—applause)—produced a lot of figures which I for one am not in a position to refute. One of them, however, I will mention, the total of £156,000 that he mentioned as what the Nairobi Abattoir was prepared to spend and have to bring it up to the conditions that it required. But I would submit that that has no bearing whatever on the activities of the Meat Commission, because the Meat Commission is being set up as a long-term venture, both to increase the export of meat in this country, the production of meat, the canning of meat and above all the processing of African meat and, I maintain, that those figures have very little to do with the activities of the Meat Commission which is developing on the lines of a very major organization, not to be compared with an abattoir in any town. Furthermore, the activities of the Meat Commission are entirely different. The Meat Commission has to buy and bring cattle from all over the country. It frequently has to send men to look at cattle on farms which has never been an activity so far as I know of the Nairobi Abattoir. At least, if that, they never sent men as far as Eldoret, Nakuru, Nanyuki to look at cattle, gauge them and buy them. All those are functions which the Meat Commission have to perform and which the Nairobi Abattoir did not have to perform. It is an entirely different position and organization.

Another statement was made that the Meat Commission broke down because they were unable to supply sufficient meat. Again I must refer to this infinite and incredible confusion of thought that appears to go on in Nairobi, this time that the Meat Commission in some mysterious way breaks down in not producing the meat because in fact it was not allowed to pay the prices which were necessary to obtain the meat. Those are facts. In particular, the price of sheep and lamb was mentioned, and the question of sheep and lamb being imported from Australia—well, that is particularly obvious to those associated with sheep

at the moment. The price of wool has been exceedingly high, with the result that very little European mutton is coming forward. Prior to the recent rise in meat the price paid for lamb and mutton to the European producer was so low that he was not prepared to sell it. Indeed, the prices paid among Africans all over the country to one another for native sheep was in many cases as high as the prices paid for grade sheep by the Meat Commission prior to the recent rise. These are matters of fact which I must emphasize. This continual confusion between the prices fixed by Executive Council and the prices paid by the Meat Commission are very damaging to the Meat Commission and very unjust to it.

One last word. The question of hides and offals has been brought up as being the only profit of the Meat Commission. Well, Sir, the hides and offals in the past were the profits of the butcher. He got those in addition to the 33 per cent profit which he is now allowed by the Meat Commission. And here I might say by the way that to my mind it is very interesting that in all this howl against the Meat Commission, and it is constant, and goes on, I have not yet heard anybody mention the fact that the butcher, between the time he buys the meat and the time he sells it which may be 24 or 48 hours—I am not a butcher, I do not know—he is automatically allowed this 33 per cent profit. There has been no question in this Council or, so far as I know, outside for an investigation as to how the butcher explains the necessity of 33 per cent which he is now allowed. It is true he has now lost hides and offals. They are being taken partly for the development of the Meat Commission and in part to be paid to the producer. Now, Sir, it has been argued, and no doubt will be argued again, that those hides and offals shall go solely to reduce the price of meat to the consumer. But I would point out that the whole animal, before it leaves the producer, is the property of the producer, and I do not think anybody here will deny that. (Hear, hear.) Yet the astonishing suggestion appears to be that a portion of that animal shall be used by the consumer to reduce the price to the consumer and that it should not go to the owner of the animal.

(Mr. Maconochie-Welwood)

And here I would mention previously another matter which has an important bearing on the price of meat, and that is the percentage of the condemned animals. If the Medical Department would agree to not inspecting carcasses it is probable that the price of meat could be greatly reduced and any reader of this document, the Meat Commission Report, can see that. It is not unusual for the producer to keep beasts for four years or five years and send them in to sell cold-dressed weight and have anything up to 16 per cent—I admit that is high, but I have known 20 per cent—condemned absolutely; in which case the only thing the producer gets from his animal is the hide. Yet, it is suggested that those hides should be used rather to reduce the price to the consumer than that their value be paid out to the producer. That, I submit, might, Sir, be utterly unjust and in the present condition of this country, if we must go on with the inspection of meat, as apparently we must, the producer of meat knows that he is likely to have a proportion of his animals condemned. In that case, Sir, it seems to me that the producer is entitled to the major proportion of the hides and offals of the animal that he has sold.

I beg to oppose. (Applause.)

THE SPEAKER: It is the wish of hon. Members to continue the debate or take the usual quarter of an hour interval?

MR. BLUNDELL: I think, Sir, hon. Members on this side would like the interval.

THE MEMBER FOR EDUCATION AND LABOUR: Yes, Sir, we should like, too, the interval.

THE SPEAKER: We will suspend business for 15 minutes.

Council adjourned at forty minutes past Six o'clock and resumed at twenty minutes past Six o'clock p.m.

MR. TAMBONO (African Interests): Mr. Speaker, Sir, I beg to support the Motion, because I find that the Meat Commission as it stands has so far failed to satisfy the consumer as well as the producer. I say this from the point of view of the African. We have, at the moment, very

high prices for meat. On the other hand we have African traders capable of paying more to the producer than the Meat Commission can. It is very necessary for a committee should be set up to investigate these matters. We have the middle men, the traders who may very probably be the cause of the very high price of meat, but at the same time, these people some of them have for a long time been dealing entirely with the livestock trade and I feel more convinced that the necessity for a committee still holds. The hon. Member for Usain Gishu did mention that this committee should be appointed and that the Commission itself, being of a long-term policy is the more important point. A committee to investigate the matter should be set up because if we are told in Kenya we are going to benefit from the Meat Commission, we should have it on our defined policy and on a working which is satisfactory in all cases. The high cost of meat should not be entirely attributed to the traders themselves, who are responsible for buying cattle from the Africans and selling them to the butchers. It is one of the standards of the rising cost of living, we are experiencing now in Kenya. If we do happen to have a committee set up to investigate the past working and financial operations of the Meat Commission, I think it will be possible to solve one of the problems which may give a solution to the standard of grading we have in this Colony.

I beg to support the Motion.

MR. SLADE (Aberdare): Mr. Speaker, least it be thought that this Motion is entirely put forward by representatives of consumer interest, I am rising to say I support it representing a rural constituency. I have reason to believe that there are many producers in rural areas who, rightly or wrongly, would welcome this inquiry. And such also was my impression at the Production Conference which was held last week. I have no reason to suppose that the inquiry will not produce a finding that the gentlemen who are responsible for running this Commission are doing their very best with a difficult job and that no one can teach them any better. If so, the inquiry will still be very much worth while. (Hear, hear.) The point is that there is this dissatisfaction on both sides, and the sooner it is cleared up the better. By no

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(Mr. Slade)

means will such an inquiry suggest a vote of censure of the Commission. It is to help them of hampering criticism that may be ill-founded, as much as to find wrong if, indeed, they be wrong. I could not say in better words than those used by the hon. Member for Nairobi South at the end of his speech the arguments in favour of this Motion. (Applause.)

MR. USHER: Sir, I wish to intervene briefly to make two points in supporting this Motion. Sir, I think a great deal of the criticism from outside, the bulk of it, of course, is on account of the price, which people have to pay for their meat, and they do feel when they criticize those prices that they are being, as it were, lobbied off with an explanation. Hon. Members will remember their David Copperfield and, therefore, the firm of Spenlow and Jorkins. Spenlow was always quite willing to help anybody who wanted to get anything out of him, but there was always in the background the inexorable Mr. Jorkins. Now that, Sir, suggests to me that we ought to try to consider the possibility of having a complete tie up in the price structure. That is to say, that we might have one authority entirely responsible for price fixation, from the price to the producer to the price to the consumer. That is not the case at present.

The other thing which I think might be worth investigating, and which I feel might be considered by a committee such as is desired by this Motion, is the creation at the earliest possible moment of a Stabilization Fund. That is allowed, I believe, by the Ordinance and it would give, I think, very genuine satisfaction if such a fund were created.

I must, Sir, end by repeating what has been said several times already this evening that, at the moment, the Commission has not got the complete confidence of the country and that it would be a very good thing to yield to the request for a committee such as is required by the Motion.

Sir, I beg to support. (Applause.)

MR. BLUNDELL: Mr. Speaker, I beg to oppose the Motion. (Hear, hear.) I do so, Sir, because I think that the request for an inquiry is premature. From the moment that the Meat Commission

begins, I believe it has been the victim of what one might almost call an organized campaign against it by those whom I, personally, consider are interested in its removal. I do not say this, Sir, without due thought, and I should like to emphasize that I am in the unfortunate position of having my constituents evenly balanced between those who consume and those who produce. But nevertheless, I am quite sure there has been an organized attempt to put the Meat Commission in the worst possible aspect—(hear, hear)—and I think that an indication of this is the significant factor that the recent petition, certainly in the up-country districts, was largely organized through the shops of those who are primarily interested, in my view, in removing the Meat Commission. (Applause.)

Certain remarks have been made, Sir, with which I would like to deal tonight away. The first is this. We are told by the hon. Mover that he could not believe and he was good enough to make it clear as an expression of thought and not as a conviction, that he could not believe that it would be economical to move carcasses from a distance down to a central abattoir and that such movement must inevitably increase the price to the consumer. And yet, Sir, at the conference the other day of Chairmen of Agricultural Production Committees, at which the hon. Mover was present, it was clearly laid down by the Chairman of the Meat Commission himself, that that movement would be solely governed by one factor and one factor only, the factor of economy *vis-à-vis* the rail freight and extra transport incurred on the carcasses moving down the line and the products resulting from the carcasses when dead, when handled in the central abattoir. If the rail freight exceeded proceeds which would be liable to accrue to the Commission from the handling of the carcasses, then it was the intention of the Commission to organize slaughter in remote and local places to meet that particular point. So that we can immediately remove from our minds the criticism that the movement of the carcasses down the railway will immediately increase the price of meat to the consumer.

Sir, the hon. Member for Nairobi South touched upon two aspects to which

[Mr. Blundell] I wish to refer. He mentioned the extreme efficiency and the lowness of the slaughter fees in Nairobi Municipal Abattoir. I am perfectly content and happy to agree with his statement, with one reservation. I remember very clearly, before I think the hon. Member for Nairobi South was in this country, the extreme dissatisfaction of the producing element who sent their animals to the Municipal Abattoir because of the extreme profits which that abattoir accrued to itself from the processing of the hides, the carcasses, the skins, the tallow, the horns and all the rest of the hormones—(laughter)—which were legitimately and properly the property of the producer.

Now, I remember that distinctly and to inform this Council that the slaughter fee of Sh. 5 was a very reasonable one and covered the processing. Sir, is a misleading statement, because there was a profit which accrued to the abattoir, over and above the Sh. 5 which was properly the property of the producer.

Now, Sir, one other point to which he referred—I think it is possible for experts to argue for ever on figures, and I understood from the figures that he quoted that it was his intention to imply that the administration and handling of the meat was excessively costly. Sir, that may well be. I do not dispute it with him because we have not got in this country a comparable meat organization with which we can compare the figures. But at least we have got a comparable organization which, curiously enough, without any criticism whatsoever from the public, has been performing in its own sphere the very functions which the Meat Commission perform. I refer to the Kenya Co-operative Creameries. They have, although the sabre of public criticism does not appear to have lanced them; a monopoly, by reason of conditions, a monopoly in the production of butter. And I think it is significant that their handling charges are based on exactly the same figures which the hon. Member for Nairobi South produced. Yet the administration and handling of the butter within the factory are more than double per pound the amount which it costs the Meat Commission per pound of meat.

Now, Sir, hon. Members may say, of course, the amount of butter is so small,

the overheads may be large and yet that is not so. The pounds of butter produced last year by the Kenya Co-operative Creameries were 9,000,000 and that is a very comparable figure to the initial 10,000,000 pounds to which the hon. Member for Nairobi South referred to in the matter of meat.

Finally, Sir, may I record this. No body, nobody, no organization, no person, no group of persons can be removed from the constant rise in the cost of handling everything and the proof of that is that that efficient organization the Kenya Co-operative Creameries has had, in the last two years, a rise in its handling costs comparable to those of the Meat Commission which have also risen, which I understood the hon. Member to say should have fallen because of the greater volume of through-pull, have risen by no less than 30 per cent. (Shame!) The hon. Member may say "Shame!" I would recommend he might look at the Nairobi City balance sheet which he so recently left and he will see at once that the cost of the municipal services has risen, let alone the Meat Commission.

MR. COOK: You will have to move a Motion.

MR. BLUNDELL: Perhaps the hon. Member for the Coast will move it.

The hon. Member for Aberdare whom I hesitate to call, Sir, in question, as he represents the constituency which was lately mine, he has inferred, Sir, that at the Production Conference, the other day, there was a large demand, an unspoken desire for this inquiry. May I record, Sir, and I would like, if the hon. Member would like to question, to ask him to look at the proceedings of the conference. There was only one only one delegate present who implied in any way that he wished for an inquiry as a producer into this Meat Commission and that delegate, Sir, represented the rich and profitable coffee industry (Laughter, applause.)

LT.-COL. GHERSIE (Nairobi North): Mr. Speaker, I had no intention whatever of intervening in this debate at all (Cries of hurry!)—but I have been forced on my feet by the remarks made by the last speaker. I do believe there is a certain amount of confusion of thought amongst certain Members of

[Lt.-Col. Gheris] on this side of the Council. (Hear, hear.) In fact, I almost on one occasion, Sir, said they might perhaps declare their interests.

MR. BLUNDELL: Mr. Speaker, on a point of explanation, may I make it quite clear that I sell no beef, and I am allied with the hon. Member for Coast as a consumer of meat.

LT.-COL. GHERSIE: Sir, hon. Members on this side of the Council represent directly the taxpaying community of this Colony and there has been a demand or a request from every section of the community, be it the Chambers of Commerce, the housewives, the Electors' Union, and we have now heard from certain of our own hon. Members representing producers' interests here, that they would also like this inquiry. This is not a witch hunt. There is suspicion amongst a great number of people that the Commission is not efficiently and economically run. I do believe that in the best interests of the Commission and everybody else that we should agree and accept this Motion. There is no suggestion that the Meat Commission should be done away with. It is not a witch hunt, it is a genuine request that this matter be investigated, and I am sure it would be to the best interests of all if this Motion is accepted, Sir. (Hear, hear—applause.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, it has been a very long debate and it has provided a number of our new Members with an opportunity of making their maiden speeches. It is a somewhat difficult task which I am going to undertake, but I suggest—certainly from my own point of view—this Motion should be opposed, difficult merely because, as has been said by other speakers, more than one protagonist of this inquiry have put their case so reasonably that I am beginning to suspect them, more especially as they have suggested so carefully that there is no possible desire to do anything except to clear the Meat-Marketing Commission and the Commissioners of all charges of maladministration and incompetency.

Now, Sir, I am afraid I take a somewhat different point of view. Under the circumstances to which I wish to refer

I think my duty at the present stage is to defend the Commissioners and the Commission from such an inquiry until such an inquiry is justified. (Hear, hear.) When that day comes, I shall be the first to support a demand for such an inquiry.

Sir, the history of this much-abused Commission, which is under such grave suspicion for being responsible for so many of the ills which befall various persons associated with the meat industry and the consumers of meat, is a very long one and, although I know that in this Motion the principle is not disputed, I still think, in order to develop my argument as to why this very reasonable request for an inquiry should not be complied with, I must just go back to the history of this Commission.

Now, for years and years past, we have been told that we have got to do something in certain parts of this country, notably in certain African areas, to provide a means of ridding the soil of a surplus cattle population. Equally, for years and years, we have been told—and nobody subscribes to this more than I do—that we have got in other parts, notably parts that are now under European occupation, we have got to change the monocultural system of farming into a better method of farming and we have got to put more cattle on to their land. Thus in the interests of an agricultural policy I submit three things were very necessary. I do not want to labour this too much, but I just want to draw attention to it. The first was to have some method of enabling persons who are short of capital—because everybody in this country, or a very large proportion of them, have very little capital—to obtain such capital and thus prevent their being forced to make capital at the expense of the soil, in other words, farming on the capital which belongs to the future generation. For this we wanted an Agricultural Bill which merely selected those portions of the legislation which we have been working under during the last war and since, that is under a series of war-time regulations and the Increased Production of Crops Ordinance and puts these into a permanent form for the benefit, I would say, of agriculture generally. Secondly, we had to deal with water and thirdly, we had to provide an avenue whereby an enormous surplus cattle population could

[The Member for Agriculture and Natural Resources] be dealt with and disposed of in a reasonable manner. Eventually and in the not distant future I venture to suggest, by export overseas. Now export overseas is not so easy from a country in which we have certain much-dreaded diseases which are enzootic in this particular country, notably, of course, rinderpest. Also, be it European or African stock, once you have—I am thinking ahead now, once you have satisfied local demand which after all is very, very small compared to our potential output, we must have some system of getting the optimum out of the animals that are slaughtered and dealt with and that cannot be done, I submit, by and through mouth purchase by odd traders selling wherever they can, so that when the initial market is satisfied, there is no further demand.

Now, Sir, Mr. Daubney, who was, I think, a very respected and long-sighted officer, had great ideas for creating something on the lines of this Meat Commission way back. I should say in 1925 or 1926, since which we have had one very bad set-back in trying to induce a firm to come here to deal with only scrub stock by castrating, and a lot of people foretold at the time that that piecemeal approach would not be a success. Since then, we have gone into this question in tremendous detail. We had the advice not only of people here who are always ready to advise, but from people from overseas. We have had here Dr. Fowler, we have had here Professor Leydon, we have had here Mr. Miller and Mr. Wadsworth, from Rhodesia, and it was only as a result of those investigations and the advice of these gentlemen, and at considerable pressure, I may say, from the producers, that we eventually embarked on this organization which is now known as the Kenya Meat Commission.

Now, Sir, a Bill was drawn up, in accordance with I repeat not merely meat trading requirements but, as part of a much wider subject, as part of the agricultural policy of this country. That Bill was submitted less than two years ago to this Legislature. It was quite obvious that that Bill, as it always the case in these sort of Ordinances, would tread on a great many corns. It was opposed I

think, I may say in detail by almost every Member on the opposite side of the Council, on one count or another. A Select Committee was appointed, of which I was the unfortunate Chairman and we sat as I think many Members will remember for a very great length of time, and took evidence not only from individual members, but from Chambers of Commerce, from local authorities, from what is now the City Council here, from traders, from butchers, from farmers, etc.—

MR. COOKE: Mr. Speaker, I must rise on a point of order, I am sorry to say so, Sir. I made it quite clear in my opening remarks that there was no question of principle appertaining to the Meat Commission. The substance of my remarks was and is that it is now being ineffectively administered and I submit that that is the only question the hon. Member should answer.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I agree with the hon. Member and I did say I hoped he would bear with me because the whole of my argument was to the effect that there is no proper cause for saying that the Commission is badly administered must to some extent depend on my being able to remind hon. Members of the not very far distant past. With your permission, Sir—

THE SPEAKER: I think it is quite in order to refer to the recent past in pointing out what the difficulties are, but we do not want to go over elaborate history at the expense of the immediate present.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Naturally, I accept your ruling, Sir.

But I have got, Sir, I think, almost to the recent past. In fact, I have now reached a stage at which I have reached the near past—an Ordinance which is the one we were discussing. I have pointed out it was so altered and so changed that it became almost a re-written Ordinance. That Ordinance, Sir, only came into being in June, 1950. At that time there was as yet no money, there were no buildings, and yet the whole of this enterprise depends on the provision of cold storage and on the proper use and preparation of by-products. I submit, Sir, that until this organization is in being, and has got what it was designed to have, it is a little bit harsh to suggest

[The Member for Agriculture and Natural Resources] that it is being mal-administered, and I can deal with most, with a great many of the criticisms that have been made against that background.

Sir, we have, so far, had two reports. The first covered a period of six months, and the second, which was laid this morning, covered the period of a year. A year and six months, mind you without cold storage, in the process of building a factory, and without any of the appurtenances or the equipment that is necessary to put into effect the purposes of the Meat Commission. As to the persons who run this Commission—we had more argument over their selection, I think, in this Council, than we have had over most things, and that is saying a lot—(hear, hear)—but eventually a certain number of gentlemen were selected, and I say here now that I believe we made the best possible selection we could make at that time.

Here now there is a full-scale "pogrom" or general attack going on; they are *inter alia* accused of being extremely extravagant. Some of the points made have been taken up, but I think I must mention them.

As an example, the housing and the amenities which have been provided for the staff have been mentioned. The property when bought included a swimming bath and, I think, if anybody has been down to that factory, and been at Athl River for any length of time, and working some of the hours some of these people are working, they would not, I think, begrudge a few bits of concrete or a little bit of cement to repair an existing swimming bath. It seems a most unfair and fantastic accusation to make, to quote in the press, and to give as an example of extravagance. It is true they have a club. The club was given to them by a contractor, constructed out of odd bits which he put together into a rough club-house. Is that an extravagance? Does anybody deny the employees have the right to that much consideration?

Again I have been told that the farmers—since the Meat Commission has been established—that is one story, there is another side of course—have been amazed at the up-grading of the very poor steers that they have sent in. Well, I am afraid if the hon.

Member sat in my office for even not a very great length of time, he would find himself frequently confronted by the most indignant farmers saying they've not had the prices they ought to have. But more often than not, when the, are shown why, and the sort of stuff they have sent down they eventually appreciate they have not altogether been given an unfair deal. But this is the first time I have ever heard of farmers admitting to receiving too high a price, much higher than they expected!

The hon. gentleman also referred, again this has been mentioned during this debate, to the extraordinary happening that on the 10th of May there was no meat in the shops, that on the 11th of May, the price was put up 40 per cent, and that on the 12th of May there actually was meat in the shops. He seems to suggest that all the story of foot-and-mouth was nonsense and that I was merely trying to hide the fact that I wanted the price of meat to go up. Now, for months and months I have said that the price of meat would have to go up and I gave everybody warning of it. And let me say this now, that the price of meat, even to-day, and the price of dairy products, even to-day, is quite out of proportion to the prices for cereals and other crops. (Applause.) We must get these things into better proportion, which I hope, sooner or later will take place—I do not say necessarily by putting everything up; some things may have to come down—nevertheless meat is out of proportion and the price of dairy produce and stock products is low. Foot-and-mouth is still with us. We only had another outbreak, I am sorry to say, quite close to here, last night, so I do not think that it is very unreasonable, and human nature being what it is, there having been rains, can you blame farmers for withholding cattle until they got what they considered was at least a reasonable price. On this question of price, although it is repeated again, and again, and again, it seems impossible—and even in this debate it is misunderstood—to try and make people understand that the question of price to the producer and price to the consumer has nothing whatever to do with the Commission. The Commissioners naturally do not like it. They think this provision is most unfair as it has the effect of tying their hands behind their backs. But that

[The Member for Agriculture and Natural Resources] provision was put in at the time we revised this Ordinance. The people to blame if prices go up are not the Commission. I am to blame and the Governor in Council is to blame. It is our decision which puts the price of meat up and not the Commission. (Hear, hear.) (Applause.)

Now, Sir, we come to another point which was made, also connected with this question of price, and that is the very large, they have been called profits, they have been called commissions, and they have been called, I do not know, what amounting to 100,000, which is possibly payable to producers. And it has been suggested by more than one speaker that when so-called margins are made they obviously should be used for reducing the price of meat to the consumer. Well, I can quite see that argument; and if I did not know a little bit more about the position than the ordinary consumer, I have no doubt I should use it myself. Let me put it to you almost the same way as it was put by the hon. Member for Uasin Gishu, but not quite. When we buy meat, bullocks on the hoof, either from Europeans or Africans or at auctions, as the Commission does, the price offered is very carefully calculated on the cost of transport, on the value of all the by-products and on the value of the carcass meat—the seller gets a price which is calculated on all those factors. Why then, when a man sends his beast down, and he only gets the return of the cold dressed weight, that is the carcass value as a first payment, should he be deprived of the rest of the value of his animal and see that go to somebody else?

So, Sir, I do think there is ample justification for this system of deferred payments. At present they are misunderstood and because, I grant you, they are too big. These margins are far too big for the reason. It would be infinitely preferable to pay the producer a bigger initial price absorbing the margins there may be between overheads plus cold dressed weight and the money obtained for the hides, offals, etc., which would result in the producer receiving a higher price than the wholesale price charged to the butchers. I believe this may be done shortly, but the reason why

it has not been done yet is that the price of hides has fluctuated and been exceptionally high, and the Commission has as yet no by-products plant, which naturally tends to make the Commission cautious in estimating the margin which may be obtained from hides, by-products and offals.

I maintain, therefore, that under the circumstances this was an unreasonable surplus, and I ask that the Commission is given a fair chance to work with its proper equipment, when a lot of these subjects for criticism will automatically disappear.

Now, Sir, we have been told also that the Commission has reacted extremely unfairly on the trade. Well, Sir, all I can say is that last year—I have got some figures here, if I can find them—last year, the traders bought for Mombasa alone for the Meat Commission, over 20,000 head of mixed stock. This number, I must repeat, was bought by the Commission from traders. Traders also at Laisamis, Garba Tula and Marsabit bought another 30,000 head—I am talking now of sheep and goats—which were also sold to the Kenya Meat Commission for distribution. In addition to that, a large number of these traders are given licences by the Provincial Commissioner, Northern Province, and they themselves trade and bring sheep and goats into the consuming areas in Kenya.

Now, Sir, I submit that it is quite untrue to say that we are not using traders, or that we are putting these particular traders out of business. Take other parts of the Colony, the Masai, the Nandi District, Nyanza Province, or anywhere bordering on Uganda, and you will find a very large number of traders, and very prosperous traders, paying prices the Meat Commission cannot possibly pay, and running cattle into Uganda or selling them elsewhere. So, Sir, it is not correct to say that we have completely put paid to cattle traders in this country. If anybody should doubt the figures I have given, they are available and they have been audited and that can be proved.

In my opinion there will always be room for traders, but we have got to try somehow, and this will take time and experience, to get away from the double price factor which exists in this country to-day.

[The Member for Agriculture and Natural Resources]

It has even been suggested by one of the last speakers that the Meat Commission is responsible for putting up the price of meat in the African areas. Well, Sir, when you have a country next door to us—Tanganyika—which has had a longer experience than we have of attempts to market native cattle—that their Third quality and compound meat when it comes here is more expensive than our meat, our first grade European meat, it is scarcely strange to infer that traders attending the sales can pay high prices, so high that the Meat Commission, even now at increased prices, has great difficulty in buying. When it comes to the prices ruling in Uganda, which surely can have nothing whatever to do with the Meat Commission, prices in Uganda are infinitely higher than even the prices paid in the African areas in this Colony. There again, if anybody doubts it, this can be proved. If you have Uganda on one side and Tanganyika on the other side, both prepared to pay these higher prices, whenever the Meat Commission has been kept to very low prices in order to try and satisfy consumers as far as we possibly can, it is hardly surprising if sometimes you find shortages of meat.

In Mombasa the Meat Commission has been blamed for the fact that for the first time we had the wettest year almost on record in the Northern Frontier Province. I did not know the Meat Commission was, *inter alia*, a rainmaker, but apparently it is! It was for some months—this again can easily be proved—it was for some months quite impossible owing to floods to move small stock, or any stock, from the Northern Frontier Province into consuming areas, especially into Mombasa. Incidentally, due to this, a lot of the traders lost a lot of money and the Meat Commission did all it could to help them, indeed it even made cash payments to help them in some cases.

Now, Sir, one of the objectives of the Meat Commission is to buy stock wherever it offers and to keep it in cold storage and supply places like Mombasa, evenly all the year round. It has been one of the criticisms that have been made in this debate that they have not been able to supply all the year round. Of course not, they have not got their cold

storage yet. I suggest, Sir, some of these criticisms are unfair, very unfair against the background on which I commenced my speech.

Turning now to financial matters, the hon. Member for Nairobi South, who made, if I may say so, a very effective maiden speech provided that I am not expected to agree with it—suggested that there was a demand for an inquiry—and I must say the hon. Member always consistently opposed the Meat Commission, and he has every right to his own point of view—but he did say that there was this demand in 1950 by the Chamber of Commerce for an inquiry. Well, I have no doubt the hon. Member is correct and there was such a demand, but all I can say is that that demand was, I suggest, perhaps a little more premature than the present demand because, in 1950, the Commission only started in June!

The hon. Member for Nairobi South also mentioned that the City Council were proposing to spend a large sum of money on the abattoir—but not so large a sum compared with what has actually been spent by the Commission. I would submit his attempt, his endeavour to suggest that the figures he gave as overheads translated into cost per pound, and compared to the cost per pound of trading in the city abattoir might be very misleading, because although I cannot naturally at short notice examine his figures very carefully, I think he will find that he has taken figures covering an immense organization, and it will be a very big organization, which is still building its factory for by-products and its canning factory which deals with hides, and altogether is designed for a completely different purpose to an ordinary city abattoir.

MR. HARRIS: On a point of personal explanation, mine was the comparison between the Kenya Meat Commission, 1950, and the Kenya Meat Commission, 1951, and has nothing to do with the Municipality Abattoir.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: If that is so, then I will take the hon. Member up on that point, because I did clearly understand he was comparing the expenses of the two. If it is between one year and the other of course as the building progresses before it is in operation the overheads

[The Member for Agriculture and Natural Resources] does not increase. There is no other way of doing it, but I can add this, these overheads include railrage, slaughtering costs, and a great many other things which, of course, do increase as the turnover increases. Administrative costs last year were in fact 2½ per cent. of the financial turnover and, if that is correct, and I am pretty sure it is, I do not think really that it is as extravagant as people are trying to make out.

It has been a very long debate and I think I have covered quite a number of points, and a good many have been covered by previous speakers. In short, Sir, I submit that we have no proof whatever of extravagant administration. I would suggest that those who talk so glibly about extravagance and so on, might, before demanding a public investigation, come down to Athi River factory and spend, if they can, an hour or two there and ask any question that they would like to ask and perhaps we would endeavour to satisfy them about other points not connected with the factory itself. I am sure members of the Commission will be only too glad to meet critics and no doubt would profit by such criticism.

In this very room we had, I think, 170 people, most of whom were farmers, and most of whom represented production committee areas, and sub-committee areas. They had a lot to say about the Commission in detail in the same way as I have heard a lot said about the Commission in detail during the course of this debate, but I think everybody realized that it was impossible for the Commission to function without making some mistakes at so early a stage of its development, but more often than not the very things that were criticised were not the extravagances of the Commission but the fact that they wanted more buyers and more motor cars for more assistants, which the Commission was not prepared to give because they did not think they could afford it.

I think, Sir, that to saddle these very hard-working members of the Commission, who have taken upon themselves the utterly thankless task—as this debate has shown it to be—of trying to run this very difficult enterprise, and to carry it through its teething troubles without any

of its assets, such as the factory and cold storage, to saddle them with an inquiry of the nature that has been suggested, can do no good whatever. I do not believe that it would be in the interest of the Commission, as had been so glibly suggested, I believe, on the contrary, that it will mean an immense amount of work by everyone concerned, to no useful purpose, and may lead, if possible, to even more misunderstandings than are prevalent today about the workings of the Commission.

I suggest, Sir, that if in two years' time, when the Commission has had a year's run with its equipment and its factory and cold storage to maintain reserves of meat against seasonal shortages, there is still dissatisfaction over the Commission, I will be only too glad to support any inquiry that may be made. I believe in two years' time something else will be shot at and the Commission may well by then be regarded as a very great asset to this country. Sir, I beg to oppose. (Hear, hear, applause.)

THE DIRECTOR OF VETERINARY SERVICES: Mr. Speaker, the demand for this inquiry is said to have come from every section of the community and the purpose for the inquiry is in order to achieve increased efficiency. It has been suggested that the Kenya Meat Commission is being ineffectively administered and it has been implied that more efficient administration would lead to lower prices to the consumer. Let us accept for the moment that the inquiry which is being pressed for is established. What would be the result of their investigation? Increased efficiency would not, on the figures provided in the balance sheet, have any effect whatever on the meat price paid by the consumers for their meat. The only effect of increased efficiency, if lack of efficiency were to be found by the Committee of Inquiry, would be higher prices for the producer. It is abundantly clear from the balance sheet as presented on the final page of the estimates, that a total of £200,000 revenue accrued to the Commission from the sale of hides and skins and offals. From that £200,000 the operating expenses of the Commission were met and a surplus balance of £65,000 was being returned to the farmers who sold those cattle to the Kenya Meat Commission. I think Members opposite are deluding

[The Director of Veterinary Services] themselves. If an inquiry were to be held and if that inquiry were to find that there was inefficiency, which is not admitted. They are deluding themselves if they think they will find that it will result in lower prices to the consumer.

MAJOR KEYSER: Mr. Speaker, I rise to oppose the Motion and I oppose it, Sir, for many of the reasons which have already been stated. And those are chiefly, that I do not think that it is fair, after some 18 months of the passing of the Ordinance in this Council, to censure the Meat Commission until it has had a fair opportunity of taking it into its stride. Now, Sir, this Commission was saddled with the task of putting up a very big operation and basing the whole of its operations on a central abattoir. During these 18 months the Commissioners have had to concentrate to a very great extent on getting that central abattoir established. It has not yet come into use, and until it has begun to work, and we have been able to see the results of the Commission workings with its central abattoir, in fact, under the conditions which it was meant to work under, I think it was quite unfair to criticize it. Now, Sir, had any potent criticisms been made of the administration of the Commission. I think my attitude might have been quite different to it. But, Sir, not a single point has been brought up by the supporters of this Motion which could convince me for one second that there are any grounds for such an inquiry. The hon. Member for Nairobi South, in his excellent maiden speech, which I thoroughly disagreed with—(laughter)—did make possible the only points by any of the supporters of the Motion. His point was the increased cost of administration and handling in 1951 as compared with 1950.

Now, Sir, to start off with, I think that in any new concern one must expect high handling charges in the initial stages. But when, Sir—it is also considered that a Meat Commission did not start on a small scale and gradually build up both its purchases and its general turnover, but had to start almost in full swing by handling some 20,000,000 lb. weight of meat in its first year, rather in its first seven months, gives us some idea of the organization which had to be established immediately. Had they had time to

build up this organization gradually there is no doubt it could have been done far more economically, but having a start off full blast in that way it is bound to some extent to be uneconomic. Staffs must be engaged; there will be failures in the staff, they will have to be sacked, I can see, and every time the failure is taken on and sacked there is a loss. But, Sir, another reason for the increase in the cost in 1951 as compared with 1950 is that as the factory is approaching the time when it will be used, so factory staff must be engaged.

I understand, for instance, that an engineer has been engaged who was not required until the central factory had been built. He has been engaged but he is not at the moment contributing anything to the revenue of the Commission because the central abattoir has not come into operation. I think, Sir, that it was perhaps a pity that the hon. Member for Nairobi South mentioned the abattoir run by the Nairobi Council in the past. I say it is a pity, Sir, because I have recollections during the war and just after the war, of the enormous dissatisfaction created by the manner in which that abattoir was run. I remember, Sir, in this hall debating the question of the Nairobi abattoir and it being disclosed at that time that a vast number of cattle which were being condemned for measles were being dumped somewhere in a hole on the Athi Plains and not buried and there was a long procession of Africans walking out of the suburbs of Nairobi, taking their cuts of these condemned carcasses and coming back with them.

At the same time, Sir, the producer got nothing whatsoever for a condemned carcass, and the fact that the other day the Nairobi Municipal Council could put in a claim for £70,000 for loss of profits because of the abattoir having been closed down gives some idea of what they were making out of the consumers—producers and consumers.

Incidentally, Sir, I do believe, when the rail freights were increased some months ago, that the increased charge of moving cattle to the slaughterhouses to various parts of the Colony was entirely absorbed by the Meat Commission—because it was not passed on to the consumer.

Sir, most of the supporters of the Motion were quite honest in their

[Major Keyser] reasons for supporting the Motion, which was that they disagreed with the prices. They thought the price of meat was much too high, and they blamed the Meat Commission for that. We all know that the Meat Commission has no power to increase prices. The price is fixed entirely by the Governor in Council, so I think, Sir, that their support for the Motion is based entirely on wrong premises.

MR. COOKE: Question?

MAJOR KEYSER: Well, Sir, is it a question? The question, Sir, is who fixes the prices? practically all the supporters of this Motion who stated that it was a question of price, excepting the hon. Mover and possibly the hon. Member for Nairobi South—North—both the Members for Nairobi North and South—but, Sir, now the hon. Mover stated that there was a great demand throughout the Colony for an inquiry into the Meat Commission. Sir, he did not tell us the reasons why there was this great demand in the Colony. He did refer to a meeting that took place in Mombasa and, Sir, I say categorically that, according to reports of that meeting in Mombasa, those people who demanded an inquiry or the abolition of the Meat Commission, did so because of prices, and that the hon. Mover, himself, Sir, criticizes the Meat Commission over the matter of prices. Although the whole of the demand from the public of both Mombasa and Nairobi for an inquiry is based entirely on their dissatisfaction of the prices of meat to the consumer, the hon. Mover says it is quite true, and, since the Meat Commission has no jurisdiction over the price he must agree that it is quite unfair to ask for an inquiry on a body which is obviously not at fault—for the dissatisfaction that is to-day felt in the country over the question of price. The hon. Member for Rift Valley suggests that the inquiry should be on the Government Council—perhaps that would be fairer than on the Meat Commission.

Sir, the hon. Dr. Hassan mentioned the dissatisfaction of the Muslim Community of Mombasa with the arrangements made for the slaughtering of cattle, and he stated that there was no officer of the Commission to supervise

this work. I would like to ask the hon. Member for Agriculture who—I do not think he heard what I was saying—whether it is so or not. I understood there was an officer, who himself was a Muslim, supervising the slaughtering of cattle for Muslims.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Yes, that is so.

MAJOR KEYSER: So the complaint of the Muslims is perhaps not quite—

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It certainly was arranged for, and I have to believe that it is so. In Nairobi it was most carefully provided for after discussion with the Muslim community.

DR. HASSAN: There is no responsible Muslim supervising the slaughter in Mombasa. There is no responsible Muslim in the Nairobi Abattoir.

MR. COOKE: Withdraw!

MAJOR KEYSER: I am not in a position to say whether there is one or not. I did understand—

MR. COOKE: Is the hon. Member not bound to accept that there is no Mohammedan supervisor? He says he is not in a position to say.

MAJOR KEYSER: Sir, the hon. Member interrupted me. I was going to continue to say that therefore, under the circumstances, I accept Dr. Hassan's statement. The hon. Member might give me an opportunity of finishing my sentence.

—Sir, the hon. Mover also mentioned—quite apart from the astounding case of the farmer of Uasin Gishu who complained that his cattle had been graded too high—he also mentioned the stock farmer, apparently a constituent of mine—and evidently I do not know my constituents as well as I should—who complained that he was getting too high a price for old cows. It was not so long ago that a representative in the Meat Commission came to my farm and asked me whether I had any old cows for sale. They particularly wanted that type for fourth grade meat. He said it was fetching fantastic prices. It is all laid down. Everybody knows what a compound of fourth or third grade animals fetch. There is a very great demand for this

[Major Keyser]

type of meat to-day. So that when my constituent said he would be able to sell his old cows in Kitale or to the Meat Commission, he was carrying out a very useful function to the community. That is no reason for having an inquiry into the Meat Commission.

Sir, I think most of the points have been covered, and I shall not labour the point, but I do think it is most unfair at this stage in the life of the Meat Commission that an inquiry should be held, when no administrative weaknesses have been proved or have been substantiated during this debate.

Sir, I beg to oppose.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I want to make three points. The first is that when the hon. Member for Agriculture was speaking, he was speaking for the Government as a whole.

The second point is that, surely in the terms of the Motion, when the hon. Member for the Coast asked for an inquiry after the comparatively short time during which the Meat Commission has been operating, this debate—at least in my submission—amounts to precisely that type of interim inquiry, that is of great value. Thirdly, it was suggested that if within another two years there was still dissatisfaction in the country, then an inquiry would serve a most useful purpose. I suggest that the purpose of his Motion has been largely met by this debate.

I beg to oppose.

THE SPEAKER: If no other Member wishes to speak I will call upon the hon. Mover to reply.

MR. COOKE: Sir, when I brought in my Motion in December last the hon. Member for Agriculture and Natural Resources, with an exaggeration of language to which I am afraid he is becoming lately too prone, described myself as distinguished. I wondered whether that was a parliamentary expression. I have not found out. He goes a little further to-day and accuses myself, and other Members on this side of the Council, of talking glibly, and of making statements which are quite untrue. With regard to the statement, alleged by my hon. friend to be quite untrue, that

Arab and Somali traders had been one out of their livelihood, I would say that the statement of my hon. friend, the Member for Agriculture and Natural Resources, is quite untrue.

Now, Sir, I am going to set out why it is quite untrue. It may be perfectly true that there are opportunities for the Somali, or an Arab to trade in Uganda, but the fact of the matter is that there are a great many Somalis and Arabs who had vested interests in the Northern Frontier and other provinces, and they had for generations been trading in those provinces, and they had been done out of their trade by the Meat Commission, so it is quite true to say that those unfortunate people lost their livelihood by the intervention of the Meat Commission. That is one of those half-truth statements which emerge from time to time from the other side of the Council. I remember what Tennyson said about a lie—that half a truth is ever the blackest of lies.

I shall deal with one or two points made by hon. Members, and shall begin with those made by the hon. Member for Trans Nzoia as he was the last to speak.

... Very nice.

He was very nice indeed! But inaccurate! My hon. friend did not see any reason for an inquiry, and he thought we should wait for another two years for an inquiry. In other words, I am going to quote Mr. Churchill—"that the value of recriminations about the past is that they lead to effective action in the future".

The point I want to make is that, before bad goes to worse, it is a good thing to intervene. If a man is travelling along a road and suddenly turns down a by-path, surely it is better to put him on the straight and narrow before he goes further into the wilderness. We are asking Government to provide this Committee. My hon. friend said—if indeed I can find his notes—that with regard to my allegation...

ADJOURNMENT

THE SPEAKER: It is now eight o'clock. The Council will stand adjourned until 9.30 a.m. to-morrow morning.

Council rose at Eight o'clock p.m.

Wednesday, 9th July, 1952

The Council met at thirty-five minutes past Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

The Speaker called Mr. Blundell for Question No. 13—Mr. Blundell absent.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, in view of the fact that he demanded very speedy replies to questions, what is the procedure in his absence and without authorization of somebody else to ask them?

THE SPEAKER: If there is nobody here to ask it, it cannot be asked. That is all. It will have to be put down again.

The Speaker called Order No. 6.

MOTIONS

MR. COOKER: You could not possibly, Sir, take a vote on my Motion while they are not here?

THE SPEAKER: In reply to what was put to me by the hon. Member for the Coast, as you know, I do not arrange the Order Paper, nor am I on the Sessional Committee and have anything to do with it. But when Members the other day in the formal meeting insisted on at least one day for private Members' business, I would have thought that as one day had been given and private Members' business was not completed, but there was an adjourned debate, that that could come on to-day. However, as the Order Paper is in a different form, I am afraid I cannot help you.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, in regard to Item No. 6—

THE SPEAKER: This is not an item. It is an Order of the Day, it is presumed to be an Order of Council that this business should be taken. As Leader of the Council, you have the right, I believe, to fix this Order of the Day, and I think they must always be referred to as Orders, not as mere items.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I am sorry that I used the wrong word. In regard to Order No. 6, since Mr. Blundell is not here, could the Finance Member deal with this Motion, Sir? It is a formal one.

THE SPEAKER: I do not know whether it is intended to have any debate on this Motion or whether it is merely formal.

THE MEMBER FOR FINANCE: It is usually regarded as merely formal. It is the Public Accounts Committee.

(Unofficial Members enter.) (Applause.)

THE SPEAKER: Order! Order! We cannot have these constant interruptions of noise by Members from either side of the Benches. It is most undignified.

REPORT OF PUBLIC ACCOUNTS COMMITTEE

MR. BLUNDELL: Mr. Speaker, I beg to move that the Report by the Public Accounts Committee on the Colony's accounts for 1950 be adopted.

MR. SPEAKER: This is normally a formal Motion. I do not think I, as Chairman of the Public Accounts Committee, have any particular matter in the Report to which I wish to draw the attention of Council.

THE MEMBER FOR FINANCE: seconded.

The question was put and carried.

APPOINTMENT OF SELECT COMMITTEE

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that the following Select Committee of the Council be appointed to examine the East Africa High Commission services:—

The Member for Health, Lands and Local Government, the Member for Agriculture and Natural Resources, the Member for Commerce and Industry, Messrs. G. Maitland-Edye, W. B. Havelock, N. F. Harris, Major Keyser, D.S.O., Dr. S. G. Hassan and Mr. F. W. O'Jede.

Sir, this Select Committee was originally appointed in 1951 with terms of reference which I think it is not necessary for me to read out. The Select Committee died when the old Legislative Council was dissolved and the object of this Motion is merely to bring it to life again.

Sir, I beg to move.

THE MEMBER FOR LAW AND ORDER: seconded.

MR. HAVELOCK: Mr. Speaker, I beg to move an Amendment, Sir, that the name of Mr. Sheriff Abdullah Salim be added to the list.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: seconded.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I accept that amendment. It was mentioned to me by Mr. Havelock, but I am sorry that I forgot it when I was reading the Motion.

THE SPEAKER: I will take it the Motion has now been amended to include that name.

The question was put and carried.

FINANCIAL RESOLUTIONS

THE MEMBER FOR FINANCE: Mr. Speaker, I would at this stage, Sir, ask for your guidance. Numbers 8, 9 and 10 of the Order Paper are Financial Resolutions. Is it your wish, Sir, or the correct procedure that we should go into Committee of the whole Council to cover the three at once, or that we should return to Council after each Resolution. In the case of Order No. 9, Sir, I am desirous of reducing the sum asked for—£100,000—to £50,000 with the agreement of hon. Members opposite? I would like to know whether I should make that clear before we go into Committee of the whole Council or alter?

THE SPEAKER: When you go into Committee, you will move a sum of only £50,000, the lesser sum. But there are certain formalities, such as the Governor's recommendation and things like that which should be announced by yourself, I think, in Council.

Then comes the question of getting the Speaker out of the Chair. I take it you wish to follow the usual analogy that I leave the Chair without putting any question?

THE MEMBER FOR FINANCE: That is right, Sir. What I wish to know is whether you wish us to go through this procedure.

THE SPEAKER: Strictly speaking, each one should be moved into Committee separately, the same as every Bill. But there has been a custom in this Council in the past to commit several Bills together and I see no reason why we should not commit several Resolutions

together especially when the are not very diverse, or anything of that kind. Each Resolution, of course, will be reported back, the subject of a separate Report afterwards. As far as I am concerned, once you get into Committee of the whole Council, the debate proceeds according to the Rules in the Supply, except the amendments are framed in the ordinary frame and not in the frame peculiar to Committee of Supply. The scope of the Resolution is limited by the terms of the Resolution which has received the King's recommendation—in this case the Governor's recommendation. Any amendment exceeding the terms of this Resolution would amend the exercise by the House of the initiative in expenditure which is constitutionally reserved to the Crown.

It should be clear that not only any increase in the amount of the charge recommended but any alteration in the objects to which it is directed, even if no additional charge is incurred, implies the exercise of such an initiative and is therefore out of order.

I will now leave the Chair without putting any question and the Chairman will take the Chair and move the Resolutions and report to Council afterwards.

COUNCIL IN COMMITTEE

[Chairman of Committees (Mr. E. J. C. Neep, Q.C.) in the Chair]

LOANS FOR REBUILDING HILL SCHOOL, ELDORET

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I wish to move:

Be it Resolved that the Member for Finance be empowered to conclude negotiations with the Uganda Government for loans not exceeding a total of £250,000 for the purpose of rebuilding the Hill School, Eldoret, on such terms and conditions as to the Member for Finance and the Member for Education may seem fit and reasonable.

Sir, I explained the reasons for this resolution yesterday, and it seems to me unnecessary to repeat to-day what I said then.

I therefore beg to move.

THE DIRECTOR OF EDUCATION: seconded.

The question was put and carried.

CIVIL CONTINGENCIES FUND

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to move that:

BE IT RESOLVED that a Civil Contingencies Fund be established and that for this purpose the sum of £50,000 be granted to the Governor.

Sir, this is another step in the financial development of the Council. Apart from the powers of certification reserved to His Excellency, the Governor, which I do not think have ever been used in this Colony, the only authority is for the expenditure of public funds; this authority is the Council. The draft Estimates are debated in this Council and the wishes of this Council find their expression in the final act of the passing of the annual Appropriation Ordinance. Under this system it is wrong, however, for the Government to send any money, however urgent the need for it may be, unless authority of this Council has been obtained. Now, Sir, Estimates are, after all, only Estimates, they have to be prepared many months before the expenditure to which they relate is actually incurred. Indeed, the preparation of the Estimates for 1953, the Estimates of Expenditure, is now in full swing. In the changing conditions with which we are faced, time and again, certain items of expenditure which have been asked for are proved to be inadequate. Sometimes, indeed, provision has to be made for some form of service or a purpose which was not foreseen at the time the Estimates were prepared. Now, until recently, Sir, the procedure adopted to obtain funds for which no provision is made in these Estimates, was to seek the advice and recommendation, because of course that is all that it is, in fact, of the Standing Finance Committee, which, with its unofficial majority ensured, at least it was thought it would ensure, that the subsequent approval by the Legislature of the schedules of annual provision would be no more than a formality. However, the work of the Standing Finance Committee has now been considerably reduced by the introduction of the Supplementary Estimate procedure with which hon. Members oppose and on this side of the Committee are now fully familiar and under which the authority of the Legislative Council for any Supplementary expenditure is obtained, as it should be, before the expenditure is incurred

and that is of course, one of the great and fundamental differences between the Supplementary Estimate procedure and the old Standing Finance Committee. Nevertheless, there still remains for consideration, Sir, those cases where an urgent need arises for the authorization of expenditure not provided for and which arise sometimes when Legislative Council is not in session. This parliamentary difficulty, of course, arises in almost every country. It is overcome in the United Kingdom and, I think, in almost every Dominion, almost every part of the Commonwealth, as apart from a number of colonies, by adopting the United Kingdom's financial system by the establishment of what is known as the Civil Contingencies Fund. This is a fund which is placed at the disposal of the Treasury by the Legislature from which advances are made in anticipation of grants by the Legislative Council, when it is impossible to wait until the necessary grant is made. It is important to note, Sir, that this Fund is under the complete control of the Member for Finance and if there is a misuse or abuse of this it is the Member for Finance who can be called to account across the floor of the Council. No expenditure can remain as a charge against the Civil Contingencies Fund after the end of the year and any advance from the fund must be cleared as soon as possible by the introduction of a Supplementary Estimate. The idea of course is that an advance will be made from the Fund to meet the needs of any particular urgent service for which there is no provision that a Supplementary Estimate will be introduced at the next sitting of the Legislative Council, repeat, the next sitting of Legislative Council, in order that the Fund should be replenished. All charges to the Fund, I have said, must be cleared within the financial year to which they relate and the accounts of the Fund will show details of receipts and payments. The accounts of the Fund will be certified by the Director of Audit. They will be subject to challenge and question by the Director of Audit and they will be laid before the Legislative Council and before the Public Accounts Committee.

I may say, Sir, the Director of Audit has been in consultation with the Treasury during the whole of the discussion on this Fund and is in through

[The Member for Finance] agreement with the proposals that are now brought forward.

One word of explanation. In a discussion, Sir, to the original motion which I was going to move was for £100,000—on this matter, as on the other financial resolution I referred to in this Council earlier, I asked that I should see the Unofficial Members Organization in order to explain technical details to them. I met several members of that organization, Sir, and they stated that they were prepared to support this matter, but they would prefer at the early stage to see the Fund limited to £50,000. As long as the principle, which will speed up the business of the Government in an emergency and will strengthen the hand of the Treasury considerably in dealing with this type of expenditure, as long as the principle is accepted then I am quite prepared to agree that £50,000 should be the limit placed upon it for the time being. There is one other assurance that I am only too pleased to give, that is, that such money will be used for *ad hoc* emergency expenses which will not commit the country to any increases in recurrent expenditure except in any vital emergency; in that case I will give an undertaking that the leaders of the groups on the opposite side will be consulted before recurrent expenditure is placed against the Civil Contingencies Fund.

Sir, I beg to move.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

MR. HAVELOCK: Mr. Chairman, I would like to thank the hon. Member for Finance for the assurances which he has given to hon. Members on this side of the Council, which, of course, we had asked him for before he brought this Motion before us. As far as the last assurance that he gave is concerned, the words were "That the money would be used for *ad hoc* emergency measures which would not commit the country to any increase in recurrent expenditure." I do hope that it is clear that should any such measure be necessary for an emergency measure, any bodies who have to be taken on would be taken on only on temporary and contract terms, until the Supplementary Estimates had been brought before this Council and we had

had an opportunity to state whether we wished these posts to continue or not. I think that this is one of the major reasons for asking for an assurance of the sort the hon. Member has given. He has, of course, as he very often does—in a cautious manner, entered the caveat that there may be certain emergencies where he cannot comply absolutely to the letter with that assurance that he has given; in that case he will consult the leaders of groups on this side of the Council. I think, I hope, I can say that the hon. Members have sufficient confidence in their leaders to accept that assurance, with that caveat.

THE MEMBER FOR FINANCE: I have nothing to say, except to thank hon. Members opposite for the nice way in which they have received my assurances.

The question was put and carried.

PAYMENTS TO THE REVENUES OF D.A.R.A.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I wish to move that—

BE IT RESOLVED that payments be made to the revenues of the Development and Reconstruction Authority of £200,000 from the Nyanza Province Cotton Sales Proceeds Fund and of £200,000 from the Coast Province Cotton Sales Proceeds Fund for the purpose of financing such specific development projects in the Provinces concerned as may be approved by the Governor in Council.

The explanation of this is, Sir, that our arrangements for the buying of cotton are of necessity more or less tied to the arrangements that are made in Uganda. That I might say is almost a complete necessity as far as Nyanza Province is concerned. As Members are aware, the Uganda method, has a Stabilization Fund, and indeed in Uganda that Fund has reached a very large proportion. Equally but on a very much smaller scale, naturally our funds have also reached considerable proportions. Roughly speaking, in the Nyanza Province the fund now stands at over £900,000, in the Coast Province at over £450,000. Now, Sir, if we realize these sums and apply them to developmental purposes, we shall still have in hand the right proportionate amount to maintain

[The Member for Agriculture and Natural Resources] the principle of the East African Stabilization Fund in the Provinces We shall still have about £700,000 in the Nyanza one and about £250,000 in the Coast one. It has been suggested, Sir, by the Provincial teams in those Provinces that this money should be very well spent, as I say, on developmental purposes. I hold the strongest views that where these monies do exist and can be spent for the developmental purposes, it is far better to use it for that than keep it in a bank.

I beg to move that these two sums be paid into the Development and Reconstruction Authority and the schemes which have not yet been drawn up should be submitted to the Governor in Council for approval.

THE DIRECTOR OF AGRICULTURE, seconded.

MR. CHALMERS (African Representative): Mr. Chairman, Sir, I oppose this for the Nyanza Province. I am not going to contest about the Coast Province, because I understand some of the planters there are non-Africans.

Now, Sir, in Nyanza I have been all the time asking what has been happening about this money the Nyanza Province Cotton Sales Fund, and so far nobody has given me a right reply. It is gratifying to know that at present Government has decided at this moment that this money could be utilized. I came to learn a few weeks ago that the Fund stands at about £900,000, which is an awful lot of money. I myself come from the cotton-growing area, and I am afraid to say that the people who grow cotton, the peasants, lack quite a great number of amenities. There are certain areas where there are no botcheries, there are no hospitals and quite a number of things are lacking there and I feel that this money should go to the local government concerned. In the Nyanza Province I should say that only two districts are concerned, that is Northern Nyanza and Central Nyanza. Now, I should be told that the African District Councils are not able to devise methods of spending this money, but I think that is all wrong. Take for instance, in North Nyanza, I mean their budget at present stands at £130,000. Now, if they are

going to spend £130,000, I think they ought to be able to spend, say, £100,000 of this Cotton Sales Fund. I feel that the Development and Reconstruction Authority should not be concerned in the planning for spending this money. In North Nyanza we have the Africa Betterment Fund. This is doing quite a good work although it is not perfect. I feel that Africans should be given a chance of learning how to spend and how to plan. But if Government would be afraid that because this is a large sum of money and Africans should not be able to have the funds, I think it is a mistake. I always believe we have to learn by mistakes and this is a time when the African has to be given a chance. I feel, Sir, that this money, instead of going to the Development and Reconstruction Authority, should straight away go to the African District Councils concerned, and I think they know better about the ways and means of spending this money. In case they are in doubt, definitely, they will apply to Government for any help, whether technical or otherwise.

Sir, I am not at all opposing the money going to be spent in the Coast Province, but in the question of Nyanza Province I feel this money should go back to the African Local Governments and particularly in Central Nyanza, which is poor financially, it would benefit it in an awful lot in cases such as Samia, Ugenya or Alego, which would benefit an awful lot. I must oppose this motion in the way of Nyanza Province and say that the money should go back to the African Local Governments concerned. (Applause.)

MR. ODEDE: Sir, I am entirely opposed to this money, £200,000, being paid to the Development and Reconstruction Authority. The reason is that I think that money which accrues from any area should be used for the services in that area. I think if this money is paid to the Development and Reconstruction Authority it may be spent in other areas. We have a maize fund which is being paid to the particular area from which the maize is produced. In the same way, cotton fund should be paid to those particular areas where cotton is produced.

[Mr. Odede]

Sir, as the previous speaker mentioned, Central Nyanza is usually said to be a poor district, and the African District Council is poor financially. Now, as far as I know, most of this money has come or has accrued from cotton produced in Central Nyanza District, and if it is going to be taken from the poor district it is not right. These District Councils have responsibility for different things, for example the construction of roads, soil conservation work and building of dams, most of which are now being done by the local authorities, and if such money, which has actually come out of the soil of those areas, is being given to the Development and Reconstruction Authority to spend, for the benefit of other areas of the country—of course I do not disagree that money should not be spent for the benefit of the whole country, but particular money which accrues from the produce should be spent in those areas from which the produce was produced.

Now, Sir, I have in mind the rehabilitation of some parts of Central Nyanza. The lakshore of Sakwa Location, and the Yala Swamp and the Samya Location. If both these areas are cleared, 20,000 people can be settled in those areas and if the local authorities can start the rehabilitation work in these areas and then later the Development and Reconstruction Authority comes to help, I think that that would be a very good idea.

The Development and Reconstruction Authority itself does not actually seem to know these areas. I know they might be thinking of them, but the Development and Reconstruction Authority has a lot to do and so, if the local authorities can start those schemes because they know better what their areas are, and then the Development and Reconstruction Authority goes to help, it will be a very good idea. The District and Provincial Team which has recommended that this money should be paid to the Development and Reconstruction Authority, I think are the people who should straight away help the local authority in using this money in starting such schemes of rehabilitation of the areas I have mentioned. If those areas can be rehabilitated, more cotton and rice can be grown, particularly in the

Yala Swamp, I am opposed to the idea of paying this money to the Development and Reconstruction Authority, because, Sir, it is not going to be used for the benefit of the peasants and the people in the area concerned.

MRS. SHAW: Mr. Chairman, I quite understand the fears of my hon. friends, the Members representing African areas in the North and Central Nyanza, and I should like here to pay a tribute to the work of the African District Councils in my Province, which is absolutely excellent. I believe though, that in this the Development and Reconstruction Authority, and I would like the hon. Member for Agriculture to correct me if I am wrong, would only act as an agent, and if we could have an assurance from him that this sum of money would be, in fact, used solely for the benefit of Nyanza Province, then I think possibly those fears might be allayed, and the hon. Members representing African areas would be satisfied, and possibly the Provincial Team is the correct body to suggest to the African District Councils certain schemes and methods for spending that money. (Applause.)

MR. HUNTER: Sir, as a retired Provincial Commissioner of the Province concerned, I had something to do with this subject when serving. At the time I was opposed to the grant being made through the Development and Reconstruction Authority on the grounds that the Development and Reconstruction Authority habitually imposes an administration charge. On that point, I would like to ask the hon. Member for information as to whether the grant via the Development and Reconstruction Authority will be subject to that.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Chairman, I would like to reply to a few of the points raised by hon. Members opposite.

First of all, I would like to give the assurance asked for by the hon. and grateful Member for Nyanza that is, of course, that this money will only be used in the districts of its origin. That, I think, also answers the point made by the hon. Mr. Odede from Southern Nyanza. Further, Sir, the Development and Reconstruction Authority will consult with the African District Councils, as well as with the Provincial Teams,

[The Member for African Affairs] upon the objects for which this money will be spent. I would comment upon the point made by the hon. Mr. Awori, from Northern Nyanza, when he said Africans should be given the chance to make mistakes. I would suggest that the African District Council of North Nyanza, at present, have the chance to make mistakes with their budget of £130,000, plus their Agricultural Betterment Fund budget of, I would say, another £100,000 a year, and that is quite enough, if I may suggest, to start making mistakes on. I am not suggesting that they do, but they have the chance.

I would like, Sir, to assure also the hon. Official Member, Mr. Hunter, behind me, that administration charges will not be made in this case. (Applause.) I would also like to say that I think that the fact that the money, being under the Development and Reconstruction Authority, will have the effect of its being far less tied up than it would be if it was merely under the African District Council. The Development and Reconstruction Authority will be able to call in the African District Council, or its officers, to spend that money, or will be able to bring in their own officers from the African Land Settlement Organization, to help in the administration of the work involved in spending this money.

I think, Sir, that answers all the points that have been raised.

MR. COOK: Mr. Chairman, it is an astonishing thing to me, Sir, that the explanation which has just been given was not given when the Motion was introduced. I would express the hope, Sir, that propaganda in African areas are conducted on a better basis than we might be inclined to believe they are conducted by hearing the Motion this morning. Exactly the same—call it propaganda or, I much prefer to call it information—actually it went through my mind this morning, that there will be a natural suspicion as to disbursement of these funds. Time after time we have these incomplete statements in this Council which only give opportunity for criticism. I do suggest in future all the implications of expenditure such as this should be explained in the proposing of the Motion. (Applause.)

MR. JEREMIAH: Mr. Chairman, I stand to support the Motion, and one plea I

want to make, Sir, is that the money, it is going to the Development and Reconstruction Authority, wherever it is going to be kept, should be made available as soon as it is wanted.

MR. AWORI: Sir, arising out of the explanation made by the hon. Member for African Affairs, if in future this money will have to be submitted to the Development and Reconstruction Authority before it is paid for its African use. At the same time I would like to know this point, that at least one African Member for Nyanza should be on the Planning Committee too, in future, to see that this money is properly spent for the purpose required.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to move that the Committee reports that it has approved Financial Resolution No. 8 on the Order Paper, that it has approved Financial Resolution No. 9 with amendment of its figure £100,000 reduced to £50,000, that it has approved Financial Resolution No. 10 on the terms on the Order Paper.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

Committee reported consideration and approval of Financial Resolutions.

REPORT OF COMMITTEE

THE MEMBER FOR FINANCE: I beg to move, Sir, that the report of the Committee be adopted. Would you wish, Sir, that I moved each Resolution separately, Sir?

THE SPEAKER: The correct procedure is that the Council agrees with the Committee and the said Resolutions.

THE MEMBER FOR FINANCE: I beg to move that the Council agrees with the said Resolutions.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

The question was put and carried.

BILLS

SECOND READINGS

The Native Authority (Amendment) Bill

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, I beg to move that the Native Authority (Amendment) Bill, 1952, be read a second time.

111 The Native Authority—

[The Member for African Affairs]

The main objects of this Bill, Mr. Speaker are two. The first is to regularize the present position of sub-Chiefs in the districts. I would explain that a Chief of a location in Kenya covers an area which to-day holds as many as 60,000 people or as few as 5,000 people. The average is about 20,000 people. It is quite obvious, therefore, that one Chief with the powers given to him under the Native Authority Ordinance, he alone is not able to carry out the functions which are put upon him to maintain order in that location of his, and he has to have men to help him. Now, in many of the districts there are sub-Chiefs, already existing under the Chiefs, but they have no legal status at present, and it is the object of section 2 of this Amending Bill to allow of their official appointment by the Provincial Commissioner, and under section 3 of the Amending Bill to give them certain powers. Those powers will be found to be under section 5 of the present main Ordinance, that is, the duty of maintaining order; under section 6 of the original Ordinance they may be able to employ people under them to assist them in their duties.

Section 7 of the Ordinance allows them to interpose for the purpose of preventing offences by Africans in their locality and gives them power to do that, and to bring arrested persons who are guilty—who appear to be guilty of a cognizable offence—before the Native Courts or other Courts in the district.

Section 8 of the Ordinance will allow them to compel Africans of his location to attend before an African Court having jurisdiction in that district.

Those, Sir, are the objects of sections 2 and 4 of this Amendment.

Section 3 is a more difficult subject. First of all, Sir, in the Objects and Reasons of this Bill as printed, hon. Members will see that it is Government's intention to repeal the Compulsory Labour Regulation Ordinance. Later in this Session, Sir, my hon. friend the Member for Labour will move that a Bill for that purpose is approved by this Council. Investigation into the use of the Compulsory Labour Regulation Ordinance has revealed that its provisions could be dispensed with if there were retained the

power to call out compulsively labour for work of any nature which under the International Labour Convention is specifically exempted from the operation of compulsory labour. The full title of that International Convention is the International Convention concerning forced or compulsory labour and Article 2 of that Convention states *inter alia*, that I may take up the time of the Council in reading it: "Nevertheless, for the purpose of this Convention the term 'forced or compulsory labour' shall not include: Any work or service enacted in case of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake and so on"; and also "Minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can be considered as normal civic obligations incumbent upon the members of the community."

We propose to include provision for calling out labour for this type of work under the Native Authority Ordinance rather than under the Compulsory Labour Regulation Ordinance. This will be confined to work relative to the conservation of the natural resources of the Colony, and for meeting certain emergencies consequent upon the outbreak of flood, or the outbreak of disease. At present we have only made provision in the printed copy of the Bill for work in connection with the conservation of the natural resources of the Colony, but I propose, Sir, with your permission in the Committee stage to move an amendment which will in fact also apply these orders to works in connection with an emergency consequent upon fire, flood, earthquake, violent epidemic or epizootic diseases, or in general any circumstances which would endanger the existence of the whole or any part of the population as well as in connection with the conservation of the natural resources of the Colony.

There is one other further amendment, Sir, which I shall be proposing which is more formal, which is merely the renumbering of the present sections as they do not fit in as at present drafted with the original Bill.

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

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Mr. MATIU: Mr. Speaker, I am not very happy about the amendment proposed here under section 3. I have no quarrel with regard to the legalization of the position of the sub-Chief, so I pass on, Sir, to section 3 of the amendment Bill, where it is proposed to introduce into the Native Authority Ordinance the principle of compulsory labour.

I think the hon. the Member did read what perhaps I interpreted to be the definition of compulsory labour from the International Labour Convention, but I think, Sir, that it would be necessary to define compulsory labour in the amended Bill. It was indeed defined under the Compulsory Labour Regulation Ordinance, and we knew exactly where we stood. As it stands here, Sir, under clause 3, one would have to guess what compulsory labour means.

The second point I want to make, Sir, is that under the Compulsory Labour Regulation Ordinance it was provided that, with the exception of work of a public nature, it was important that the people or the representatives of the people should be consulted before any compulsory labour was imposed on that community. With your permission, Sir, I should just like to read the proviso to section 2 (d) of the Compulsory Labour Regulations, which says: "Provided that the members of the community or their direct representatives have the right to be consulted in regard to the need for such services".

Now, Sir, I think that that is a very important provision because it puts the burden on the community, on the representatives of the community, but now it is on the Chief as an individual, who has that authority, an authority which might be interpreted to be very autocratic, because there is no provision in the amendment Bill for consulting anybody. It is true that the Governor will make a proclamation after being satisfied with the things that have been satisfied with the proviso to 15 (1), but I do not think that is good enough. I feel, Sir, that if we see the provisions put under the African District Council Ordinance than under the Native Authority Ordinance, because in that way the representatives of the

people will be consulted, because they will then know that there is a need for services which the people will have to be compelled to perform.

Now there is a third point, Sir, and it is this. In the amending Bill it is provided that the Chief will require any able-bodied male African—any able-bodied male African. Now that, I think, is too wide a provision, because under the Compulsory Labour Regulation it is only the adult male Africans who are required to, compelled to work, and indeed, under the Compulsory Labour Regulation, Sir, there is a definition of such a person. It is any person not less than 18 years of age and not more than 45 years of age, and in the present amending Bill it is any able-bodied male African, whether an adult, or a juvenile, and I think, Sir, that when it comes to the committee stage, if this Bill goes through its Second Reading in the present form, I shall have to move an amendment, in fact, providing the definition of an adult able-bodied male African. I think that is very important indeed.

Now, the fourth point I should like to make, Sir, is that under the amending Bill you have no exemptions at all. Any able-bodied male African can be commanded by the Chief to perform the duties that would be required. Surely, that is too wide a power. Under the Compulsory Labour Regulation Ordinance of 1932, provision is made for exemptions. There are certain adults who will not be required to do compulsory work.

Under section 6 (2) of the Compulsory Regulations there is, if I may say so, provision for people who are not required to perform compulsory labour; the teacher in a school; a child attending a registered school; a person granted exemption under the African Exemption Ordinance; a person employed by Government or by a Local Native Council, or a person employed by the Native Authority Ordinance, shall be allowed to be appointed to compulsory labour. There is no breathing space. Everybody, including myself—the Chief can come and force me to work. I think that is too wide a power. We must restrict the powers of these people. It is natural that that should be done.

[Mr. Mathu]

There are also other people who are physically unfit, who should not be required to do this work. They were exempted under the Compulsory Labour Regulation. At the moment here they may be able-bodied, but if there are any defects at all—they cannot get away with it. Under the Compulsory Labour Regulations, medical examination was necessary to certify that these men were to perform compulsory labour. At the moment there is no provision in the present amending Bill.

I should like, Sir, to comment on the principle of the penalties which are provided here. Under section 18, Sir, of the principal Ordinance, the penalty is imposed on a person who would disobey the order of the Chief, and a fine of Sh. 30 is imposed. Now in the amending Bill, Sir, we are going to have a fine of Sh. 150, five times as much as under the present law. I do not know whether that implies that these able-bodied male Africans have been enriched to the extent of five times since the Native Authority Ordinance was enacted in 1937, or what; and not only that, they can have an imprisonment not exceeding two months, or to both such fines and imprisonment. I think that is too hard. My suggestion is we should not accept such an amendment and we should leave section 18 of the present Ordinance as it is.

Now, I take it, Sir, although here I stand to be corrected, that even under section 18, the person who disobeyed such an order of a Chief would have the right of appeal in cases where he is sentenced either to a fine of Sh. 30 or Sh. 150 or to a term of imprisonment, because I think if that is not the case, if the other laws do not allow for an appeal, there should be provision so that if a man is given a sentence or a fine or a term of imprisonment he can lodge an appeal with some higher authority. I think that is quite right and proper.

One general remark, and it is this: I do not think, Sir, that this amendment is at all necessary. If you study, Sir, as I have done, the Native Authority Ordinance, sections that we are not going to amend now, and the African District Council Ordinance, 1950, you will find that all that is necessary for the performance of paying Sh. 150. It means that

African District Councils pay resolutions every year for community work and I do not think that there has been very much trouble about that, I feel, Sir, that that is where the powers should lie. The powers should lie with the people as a whole, or their representatives, and that is why I do not think that it is necessary to make the amendment as we are doing here. I agree, Sir, that in case of emergency, in the cases of war or epidemics of a serious nature everybody should be called upon to help to do certain works. But in normal circumstances, when there are no epidemics or wars or anything of that kind, I think the communities are reasonable enough to be able to perform work in the preservation of the natural resources of the country, so that I do not think that it is really necessary to put in the Statute Book this amendment at all. But if it is, I would prefer having it in the African District Councils Ordinance and not in the Native Authority Ordinance.

I should like, Sir, finally to suggest that if the Government and the Local Authorities have attractive wages for labour when they want these things to be done, they will always get voluntary labour, but they do not usually provide attractive wages and conditions and so on—and therefore the men are not very attracted to do these things voluntarily. I do not think, Sir, that if we had a wage structure improvement, that we should be landed with any difficulty at all to perform these matters. I would like, Sir, to reserve the point whether to support the Second Reading or to vote against it awaiting the reply from my hon. friend the Member for African Affairs on the points that I have raised. (Applause.)

Mr. ODEDE: Mr. Speaker, Sir, I am particularly opposed to the amendment of section 18 of the Bill. One thing is because I think that the Africans do not comply with the orders of the Chiefs just because of a fine. They comply with the orders of the Chiefs because they feel that the Chiefs are their leaders and, as such, they comply with their orders. So this fine which has been raised from Sh. 30 to Sh. 150, in my opinion, is unfair and unjust, because it will not solve any problem. If a person cannot fear paying Sh. 30 he would just as well not fear paying Sh. 150. It means that

[Mr. Odeje]

we are trying to rule the Africans by the terms of fines, but I think this is wrong in cases where people can comply with the orders of their Chiefs. I am only opposing that particular section.

THE SPEAKER: I think this will be a convenient moment to take the interval. We will suspend business for 15 minutes.

Council adjourned at fifty-five minutes past Ten o'clock and resumed at fifteen minutes past Eleven o'clock.

PERSONAL EXPLANATION

MAJOR KEYSER: Mr. Speaker, have I your permission to make a personal explanation?

THE SPEAKER: When you spoke to me privately about this matter, I was told you had got to make a personal explanation under Standing Order No. 50, that is the one, with the indulgence of the Council. If the Council objects, of course, you cannot make it.

THE MEMBER FOR EDUCATION AND LAIBURI: So far as our side is concerned, we shall have no objection.

MR. HAVILOCK: As far as we are concerned there is no objection.

MAJOR KEYSER: Sir, in my speech yesterday evening on the Motion by the hon. Member for the Coast, I referred to a charge that had been made by the hon. Dr. Hassan against the Meat Commission for the inadequacy of the arrangements that had provided for the slaughtering of cattle under Mohammedan rites, and I asked the hon. Member for Agriculture whether it was not a fact that certain arrangements had been made, and the hon. Member said he thought they had been made, and he knew they had been made in Nairobi. The hon. Dr. Hassan, Sir, then rose and stated that there is no responsible Muslim supervising the slaughter in Mombasa. There is no responsible Muslim in the Nairobi Abattoir. I took it on myself, Sir, to inquire this morning what this position was, and I am told that the Commission has no responsibility for the slaughter house at present. It is still the responsibility of the Mombasa Municipality. Therefore the charge

would not lie against the Meat Commission but against the Mombasa Municipality.

With regard to Nairobi the slaughterhouse is the responsibility of the Meat Commission, and I am told that the arrangements there are that there are two slaughtering floors, one for slaughtering under ordinary conditions and the other one for slaughtering according to Mohammedan rites, and that the slaughterer under the Mohammedan rites is a man who is approved of by the Muslim religious authorities, and that slaughtering is, from time to time, inspected by the Muslim religious authorities and that recently, when cattle were exported to a Mohammedan country, a certificate was given to the Meat Commission that the cattle had been slaughtered under Mohammedan rites. I make this statement, Sir, because I feel that as unjust charge has been made against the Meat Commission and also I feel that the explanation should be known to the Mohammedan community of the Colon.

DR. HASSAN: Can I, Sir, under the same section, explain that misunderstanding, Sir?

THE SPEAKER: Well, the order is that matters may not be debated and the Member must confine himself strictly to an explanation of his own conduct, that is the point under personal explanation. As this seems to have extended beyond the explanation of the hon. Member for Trans-Nzoia's own conduct, I think that you do not let us in for a debate on the subject.

DR. HASSAN: Thank you, Sir.

Mr. Speaker, I stated yesterday and repeated, Sir, that there is no responsible Muslim appointed in the Nairobi Abattoir to supervise the slaughtering and distribution of such slaughtered meat to the Muslim butchers and this charge still stands, Sir.

THE MEMBER FOR COMMERCE AND INDUSTRY: Why?

DR. HASSAN: Because there is no Muslim supervisor there, Sir. There is no Muslim supervisor to see that the meat is slaughtered according to the Muslim rites. There is no Muslim to see that such slaughtered meat only goes to the Muslim butchers.

[25 The Native Authority—

[Dr. Hassan]

So far as the Mombasa abattoir is concerned, it is still in the hands of the Municipality but there is no responsible Muslim officer appointed to see to the distribution of that meat.

THE SPEAKER: The debate will be continued as before.

MR. COOKE: Is it not right on a personal explanation, that personal explanation should come at the beginning of the proceedings of the day? I happened to be absent when this explanation came up, I would like to have been present, but I did not think that a personal explanation could be given at any time except before the proceedings of the day.

THE SPEAKER: I will endeavour to look that up in the books in order to satisfy the hon. Member, but I thought that this was a convenient moment as we had interrupted the proceedings by all going out of the Chamber and returning, that this would be equally as convenient and was the first available opportunity also.

BILLS

SECOND READING

The Native Authority (Amendment) Bill—(Contd.)

MR. GIKOSYO (African Representative): Mr. Speaker, Sir, I do appreciate the part the Chiefs play in the administration of this country, but it is with the greatest respect for them that I rise to oppose any attempt on the part of the Government, or indeed on the part of this Council, to give these powers to Chiefs to compel people to go and do some compulsory labour. It is wrong, I feel, that powers of this nature should be given to individuals, and in this case, it is I do not quarrel with the compulsory labour if there is an abnormal period, if during the war people are compelled to go out and do some work for the interests of the country as a whole. I think it is a nice thing. But during peace time, I am entirely opposed to this system. It might have been necessary twenty years ago when people, in this particular case the African people, did not realize the necessity of perhaps work of that nature, but to-day people are going forward and I do not think there is need to-day to compel them to do compulsory labour. If the wages that

are offered for this type of work in the proper remuneration, there would be no difficulty at all for people to go forward and do this work. If this is to be done at all, I think the proper method of doing so is through the bodies that represent the people who are compelled to go and do the work. In this case the African District Councils are the people. It is a more democratic way of doing things, rather than imposing power on individual persons to go out under their own pleasure and pick anybody they want to do this work.

There are many points which have been raised by my friend the hon. Mr. Mathu, and I feel that this Bill should be referred to a Select Committee where these points can be thrashed out, they can be better thrashed out there rather than across the floor of this Council. (Hear, hear.) When I hear from my hon. friend the Member for African Affairs whether this is acceptable then I will be able to decide whether to oppose this Bill or not.

There are many points, and particularly there is no definition for the "natural resources of the Colony". The amending Bill as it stands now is very vague and it is necessary that it should be referred to a Select Committee and clear our minds about the safeguards which should be provided before we work on it.

I beg to move.

MR. AWORI: Mr. Speaker, Sir, I must oppose this Bill entirely. Now this Bill is dealing with five and a half million people and we cannot just take it lightly. It is going to affect these people and the power has been invested in a few people who are the Chiefs. Now, there is no reflection on the powers of the Chiefs or on their integrity, but on the other hand, from my experience, I find that the Chiefs in reality do not know very much about administration and about the law. So far, the Bill is a bit vague and wide. There is no definition for "able-bodied males" or anything to that effect. Now who is going to find out that so and so is an able-bodied fellow, he might be a young man of about fifteen, but he is fat and big. Well, the Chief will take him as an able-bodied man. He might be a fellow of about sixty and he will have to come under

[Mr. Awori] this section. For that reason, Sir, I feel and I agree with the previous speakers, that this Bill should go to a Select Committee which will be able to discuss and find out the advantages and disadvantages of this Bill.

Now, I do not agree with the section in which it has been increased from Sh. 30 to Sh. 150. Why? Does it mean that the Bill or the Ordinance as a whole has been abused and so as to make it effective, we are having to make it five times as much? I think that is very unfair.

At the same time, Sir, the African District Councils now have got powers to do quite a lot for the people. Now I think it is the policy of Government to see that the people, as a whole, have got a say in their Government, to see that local government as a whole goes forward.

Now, such a Bill, such an Ordinance should give the power to the African District Councils who know what are the communal services required and I am quite sure that Africans, as a whole, will not refuse to do anything national or anything for their own benefit. It will be realized that during the war Africans were not compelled to go and fight, they came because they found it was something pressing for the country, and in this case I feel that in the districts or in the country, Africans will always come forward and do something for their country.

Now, another point, Sir, is this question of the power which is vested in the hands of the Chiefs. Now, let us say some Africans working on the *shambas* or working in the towns go home. Perhaps the Chief has got a grievance against one of those particular persons. Well, this man is only on a week-end or a fortnight's leave and he may be compelled to go and work. That is the way I find this Bill to be vague, it is wide and not defined what sort of people should work and what sort of people are left out.

I must emphasize this Bill should go to a Select Committee before it is committed again.

I beg to oppose.

MR. HUNDELL: Mr. Speaker, I do not wish to intervene in this debate for long.

I only wanted to say that the request for a Select Committee on this Bill would meet with the support of my colleagues on this side of the Council.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, in view of the requests from all sides for this Bill to go to a Select Committee, Government will have no reason whatever to oppose that and I shall move, in due course, that the Bill goes to a Select Committee. (Applause.)

I would like just to answer one or two of the points that have been made by hon. Members.

With regard to the omission in the present amending Bill, the omission of any reference to people who should be exempted, I think we should certainly have some powers of exemption in the Bill. We should, of course, also define the people who are called out as adult males, although I notice in the present Compulsory Regulation there is also a reference to say children being exempted, notwithstanding the Regulation, applies specifically only to adults. I do not quite understand that.

I do not agree that the proposed powers should be handed to the African District Councils. The principle of the Bill is that while African District Councils already have powers to call out labour, specific unpaid labour, for six days for specifically defined works, this Bill deals with paid labour for a much longer period. I would not like to put that very much greater power into the hands just of the African District Councils. I think those powers should be in the hands of the Governor who will enable Chiefs to give orders to that effect. But I would not like to put those powers straight into the hands of the African District Councils. I think that would be wrong.

I think those were the main points which were raised. No doubt other ones will be debated when the Bill goes to a Select Committee.

The question was put and carried.

THE MEMBER FOR AFRICAN AFFAIRS: I beg to move that the Native Authority (Amendment) Bill be referred to a Select Committee.

The question was put and carried.

The African District Councils (Amendment) Bill

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I beg to move that the African District Councils (Amendment) Bill, 1952, be read a Second Time.

In the course of the operation of the African District Councils Ordinance, 1950, certain defects have come to light which we propose to remedy. These are mostly of minor significance, but they are rather important for the improvement of the machinery of the African District Councils.

Section 8 of the principal Ordinance provides that Provincial Commissioners, Administrative Officers and persons specially invited by the President of the District Councils shall be at liberty to attend District Council meetings and to speak there. No provision was made for them to attend committees of the District Councils and it is desired now to remedy that omission and to make it possible for them to attend and speak at committee meetings of the Council.

Section 22 of the Ordinance is the by-law-making section and it gives powers to District Councils to make by-laws, declaring what is communal service for the purpose of the Compulsory Labour Regulation Ordinance, 1952. Now, as it has already been explained, it is proposed later in this sitting to repeal that particular Ordinance, therefore in order to preserve this by-law-making power, reference had to be made to some other authority for the basis on which such decisions should be made.

The amending clause is No. 3 in the Bill, and that refers to the terms of the International Compulsory Labour Convention, subject to which by-laws may be made. Now, by inadvertence, when this Bill was being drafted, an amendment to that particular clause was omitted, in which instead of referring to the International Compulsory Labour Convention, the precise wording of that Convention is set out in full. It is, I think, inadvisable in drafting legislation to do it by reference to some other instrument which is not readily available, and it is much better to make the legislation self-contained so that the whole meaning is apparent. Therefore,

at the Committee stage, I propose to bring forward an amendment in order to set out in full the basis on which such by-laws may be passed.

Clause 4 of the Bill deals with the power of imposing taxation for local purposes. It gives power to impose taxes in respect of the export from a district of any animal or the product of any animal, or agricultural husbandry. That is included in the general powers of taxation of owning or producing agricultural products in the district.

Now there are Treasury objections to the introduction of this phrase "the export from the district", as it is held that all taxation upon the movement of produce as such should be the prerogative of the central government and not of the local authority. Consequently, it is proposed to delete this reference to the export from the district of such produce. I understand that it will not make any difference in practice because the District Councils who do levy such cesses upon local produce will carry on to operate their by-laws, just as before, as the by-laws in question do not refer to export from the district, but merely to production in the district, so that it will make no practical difference but will preserve the theory that the central government alone shall be empowered to tax the movement of produce.

Clause 5 of the Bill gives power to add to the revenues of African District Councils. In addition to revenue from the licensing of shops and premises, they will now be empowered, if this Bill passes, to receive the revenue from hawkers' licences within their area.

Clause 6 makes a minor amendment which is of some importance with regard to the laying on the Table of this Council full accounts of the revenues and expenditure of the Councils during the year. If the Ordinance, as it stands, were to be strictly carried out, a very large volume will have to be produced every year, and laid on the Table of this Council, and nobody would read it or even take the trouble to look at it. In order to avoid that waste of time, paper and expenditure of money, what is now proposed is that the Government shall be empowered to lay on the Table, merely, a synopsis of such accounts. And, of course, detailed information will

[The Member for Health, Lands and Local Government] be forthcoming for anyone who cares to ask for it.

Clause 7 gives power to African District Councils to remit the collection of taxes in cases of hardship or penury.

These small amendments are each one minor in itself but are of some consequence in the operation of the African District Councils' legislation, and I beg to move their Second Reading. (Applause.)

THE MEMBER FOR EDUCATION AND LABOUR seconded.

MR. HAYLOCK: Mr. Speaker, I would like to ask the hon. Mover—the member mentioned the International Compulsory Labour Convention when he was moving the Second Reading—I would like to ask the hon. Mover who represented this Colony at that Convention? And if anybody from this Colony did not represent the Colony at the Convention, who authorized anybody else at that Convention to speak on behalf of this Colony, and to enter into any sort of agreement to speak on behalf of this Colony? I await the answer of the hon. Member with interest and if the answer is not satisfactory I propose to move an amendment at the Committee Stage.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I have been asked to declare that I am the point raised by the Member for Kiambu. (Laughter.)

Now, Sir, I have not done research on this particular point so that I cannot be absolutely certain on the detail of what I am going to say, but I have read this Convention and I have read the files dealing with the matter.

The Convention was entered into in the year 1931. The procedure with regard to these Conventions is that Colonial Governments are asked by the Colonial Office whether the Government of the Colony is prepared to agree to the Convention being applied to it. That must have been done in this particular case, and if the Member studies the language of the Convention and the language of the 1932 Ordinance, it is quite clear that the Ordinance which was raised in 1932 was based on the Convention of 1931, because the language of the Ordinance follows very closely

the language of the Convention. I think it is quite reasonable to assume that is what happened. I have not been able to trace the papers. Probably they were destroyed. I was a long time ago.

We were asked to agree to this Convention in 1931 and in 1932 the Ordinance was introduced and passed by the Legislative Council of that time.

I think that was what happened.

MR. HAYLOCK: Would the hon. Member tell me, Sir, if he has any recollection or any record to the effect that this Council, in 1931 or 1932, or any other time, has ratified the Convention?

THE MEMBER FOR EDUCATION AND LABOUR: Sir, I do not think the question of this Council ratifying the Convention arises, it is the Imperial Government which does that. We are concerned about the application of the Convention to our own territory. I think it is virtually certain for the fact that the Ordinance agrees with the Convention and that the Ordinance was introduced specifically to deal with that matter; whether the person who introduced the Bill into Council referred to the Convention, I cannot say.

MR. MATIU: I think there are two points that arise from the remarks of my hon. friend the Member for Development. The first is that the International Conventions are one of these international affairs which are to help international co-operation. The second point is that the British Government are a party to these Conventions and that is why I understand the Colonial Office refers these Conventions to the Colonial Governments. In our Colony, and I think my hon. friend, the Member for Kiambu will bear me out, these come before the Labour Advisory Board, they are discussed and any comment that this Board wishes to make on any particular Convention is sent to this Government by the Colonial Office for reference.

I do not think the impression given by the hon. Member that we should have nothing to do with the Convention is a proper one.

It is one of these things which go to help the international co-operation of communities.

LADY SHAW: When the hon. Member was describing this Bill he alluded to the fact that the local authority would have

[Lady Shaw] the right to remit taxation in cases of poverty and need. Now, I imagine that must mean central taxation.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: No.

LADY SHAW: When you used the word "taxation," I thought you meant central taxation. In that case, I could not understand it. Thank you.

MR. AWORI: Mr. Speaker, I do not like the amending clause No. 4 of the Bill. I feel that the African District Councils should make some money out of this export between districts. Now, Sir, I feel that Government would like to be in charge of the money collected out of exports from the districts and I think that Government ought not to interfere with the district affairs. I would have liked that clause to have remained as it was.

One other point is that the revenue coming from this would help the local Government. But if the central Government is to take the money collected through these exports, I think it is most unfair. The collection is usually done by Marketing Officers who are paid salaries by the African District Councils. I wonder if Government is going to employ a large staff who will be in charge of this. If the African District Councils are going to do this, why not let them do it and keep the money. I do not like that clause and I would like it to remain as it is.

THE MEMBER FOR FINANCE: Mr. Speaker, I am not quite certain of the point the hon. Mr. Awori was making. I think he was trying to imply that it was the intention of Government to place an export tax on movement between districts. That is not the intention, of course, of this amendment and no such tax could be imposed without the decision and vote of this Legislative Council. The financial relations between central and local government revenue-raising powers has been clearly defined in the British system over a long period of years. The central authority delegates to the local authority certain powers of revenue raising. There are other powers, however, which must be maintained by the central authority, and the Government feels that anything which deals

with the movement from district to district, or anything which deals with the export from district to district, or from country to external countries, must remain the prerogative of the central authority which is this Legislative Council and it is for that purpose that the amendment has been moved.

MR. TAMENO: Mr. Speaker, I would like to bring to the attention of the hon. Member who has just spoken that in some native areas, at this time and for many years past, there have been local cesses on stock, on the district stock, to be taken to another district. Not only that, we have also got a local cess made on hides and skins, and other agricultural products, and that cess goes to the revenue of the local government. If, as it appears, the central government is going to be responsible for this tax, it means that the local government are going to lose part of their revenue. I think that it should not be encouraged to reduce the revenue of the local governments, because of the work they are doing at this time.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, there is not much left for me to reply to, but I would ask that those who criticize the reference to the International Compulsory Labour Convention should withhold their mental criticisms until we reach the Committee Stage, when the new clause will be introduced, which has no reference whatever to the International Convention, but sets out in explicit terms exactly what is intended. On the question of the Export Tax, I do wish to allay any suspicion or doubts and fears on the part of my hon. friends the African Members. There is no intention whatever of interfering with current practices. I have discussed this matter with the Provincial Commissioners, and they are all quite satisfied that it will make no difference to the revenues of the District Councils, and that the present forms of cess will continue as before, but they will be related to the produce that is there, and not related to the export of the produce, but I understand, although it is all very subtle and difficult to explain, I understand it will not make an atom of difference to the revenues of the District Councils, but is merely for the purpose of enabling the Treasury to safeguard the principle. (Hear, hear.)

[The Member for Health, Lands and Local Government]

So far as the hon. Member for Ukamba's comment is concerned, I must make it clear that this power of remission applies only to the local authorities' own taxation measures in the form of local cess.

The question was put and carried.

The Local Authorities (Recovery of Possession of Property) (Amendment) Bill

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move that the Local Authorities (Recovery of Possession of Property) (Amendment) Bill be read a second time.

In the principal Ordinance, powers are given for local authorities to regain possession of their property, particularly in the housing schemes where the houses have been let to tenants who prove unsatisfactory or refractory and in the schedule forms were laid down for the use by magistrates to require the legal occupier of such properties to state their case why they should be turned out. It has been found in practice that in many cases the legal occupier of the property has left it long ago and some illegal occupant is now in possession. The precise wording of the forms in the schedule make it very doubtful whether the magistrate could serve a summons upon the present occupier if he happens to be the illegal occupier and so we want to amend the schedules in order to make it quite clear that the magistrate may serve the order upon either the legal occupier or the illegal occupier, as the case may be.

I beg to move the Second Reading.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

The question was put and carried.

The Compulsory Labour Regulation (Recap) Bill
Second Reading Deferred

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, with your permission and the permission of the Council, I would like to put off the Second Reading of this Bill. It is very intimately connected with the Native Authority, which the Chief Native Commissioner has agreed should go to

a Select Committee, I would, therefore, rather take this when the Select Committee has fulfilled its work.

The Income Tax (Rates and Allowances) Bill

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Income Tax (Rates and Allowances) Bill be read a second time.

In the Order in Council of the East Africa High Commission Order in Council, 1947, this Council already agreed to the yielding to the East African Central Legislative Assembly and to the East Africa High Commission, the power to legislate for the East African territories in regard to Income Tax, administration and general provisions, but not including the rates of tax and allowances.

Accordingly, Sir, and within its competence, the Central Legislative Assembly, on the 25th April this year, passed the East African Income Tax (Management) Bill, 1952. This Bill, when, in due course it comes into operation, the East African Income Tax (Management) Act, 1952, will repeal the existing law relating to Income Tax, except those provisions which relate to the rates and allowances, the latter being contained and remaining within the jurisdiction of the territorial Legislative Councils.

The Act requires to be supplemented by territorial Ordinances providing for the rates and tax and allowances, and this Bill, which is now before Council for Second Reading, is accordingly designed, therefore, to make provision for the rates and allowances to be applied in Kenya.

The Bill re-enacts the existing rates and allowances almost as a whole. Where there is slight amendment, it is amended in favour of the taxpayer to bring into the schedule certain things which had already been agreed by this Council. I feel, therefore, Sir, it is unnecessary to enter into a long debate on this particular Bill. It is confined to rates and allowances as existing at the present moment, to rates and allowances of income tax on which our budget for 1952 was framed, and it is on this structure that, indeed, the whole of our expenditure and revenue estimates for 1952 have been based in so far as the part that Income tax plays in its contribution

[The Member for Finance]

to the revenue. Under the circumstances, Sir, I think this may be regarded as largely a formal matter and I do not propose to delay the Council any longer.

I beg to move the Bill be read a second time. (Applause.)

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

LT.-COL. GROGAN: (Applause.) Mr. Speaker, I was surprised to hear that the hon. Member suggested, that this is pure formality, as I understood him. As I read it, it is an ingenious plan, I would almost say an ingenious trick, to slip this sinister document across to the unsuspecting community.

This sinister document to which I refer has a most inoffensive title, and I suggest that the title is completely inappropriate and inadequate because instead of being an act to provide for the management and collection of Income tax and matters connected thereto, it should be elaborated "to collect Income tax, to arrange for a capital levy, and to provide the charter for a Gestapo". But I find myself rather in a quandary, because I find it very difficult to relate one document to the other. It seems to me that this Assembly here in the matter of raising finance—and the most important method of raising finance is, in fact, a eunuch deprived of all power; but I found—on further investigation, and with the assistance of friends, that there is a monkey gland element in respect of section 97, in what is called the principal Act, and section 2 (1) in the Bill that is under consideration. So that there is apparently some hope if we resist the iniquitous measure, of some measure of success in restoring some degree of masculinity in this Assembly. (Laughter.)

I think it is necessary because of the predominance of neophytes—in East African affairs who adorn the Left Wing of the Government side, to recapitulate to some extent the history of this rather malodorous procedure, which has resulted in this lamentable document that it is proposed to impose on us to-day.

It carries back as far as 1921, when as a result of the rupee fixation, the country found itself in a very parlous state, and an Income tax was rushed

upon the country, and a gentleman was duly imported from Somerset House to get it effected. That particular gentleman from Somerset House happened to be one of the less voracious variety and when we put the straight question to him in the Bowring Committee as to whether or not he thought, in principle, that Income tax was applicable to a country like this, he said quite definitely "No" and as a result of that he had to pack up his bags, retire home to the centre from which the gentleman was derived, and that was one of the most reputable happenings during the whole course of this Income tax business.

Well, in 1921, the country was then in complete collapse financially and, to all intents and purposes, contrary to ordinary ideas that prevail in this country, the Government were defeated and handed over the control of the territory to the Bowring Committee with an overwhelming Unofficial majority; they went very carefully into the matter and as a result of a very close investigation, assisted with the advice of this Income Tax Commissioner who had come from home, they reported that the thing was entirely useless, inapplicable to the conditions of the country and, with the consent of the Secretary of State, the country was allowed to wipe it off the picture, subject to finding the same theoretical sum of money from some other source. And this filthy disease was eliminated from the body politic. The result was the country was made comparatively clean, it started to develop confidence in investment in the country free of these investigations by the predators, and parasites, and informers, and so on, who form the central part of the Income tax system and the country recovered to a considerable extent from the pit of misery in which it found itself. So it went on to the summer of 1935. Again the Income tax found itself in trouble and whispers of trouble began to spread once more; a variety of gentlemen came out from home to investigate the position, as far as I remember the first of them was a gentleman of the name of Pim, Sir Alan Pim. He investigated not only this but a large number of issues in this country—and he investigated Zanzibar among other things, where he put it down quite plainly that Income tax was an impos-

[Lt.-Col. Grogan] sible form of taxation to apply to Zanzibar because of the number of Indians who were there whose methods of evading, dodging and circumventing Income tax have been so notorious as a result of their experience in India. Therefore, it was totally inapplicable to Zanzibar. He did make a report on this territory, but we had a great deal of difficulty in extracting it from Government. We knew the report had been made, but we could not get it put on the table. We asked again, and again; we did eventually get it. We asked again, and again categorically: "Will Government state whether, in fact, this was 'Pit No. 1'." (Laughter.) Well, there was another investigation going on at the same time down in the adjoining territory, Tanganyika. Tanganyika's authority had been assailed by the representatives of the League of Nations. I forget whether they came from Venezuela, Columbia, Hindustan or where they came from. But they attacked the local government on the grounds that they had not applied Income tax to Tanganyika. A very spirited defence of the administration on account of this omission was put up by a gentleman by the name of Calder, who you will all be surprised to hear, emanated from the Colonial Office; (laughter)—a strong defence of the local government for not having imposed this disease upon Tanganyika. At the same time the Treasurer of Uganda also reported that this form of tax was totally inapplicable to Uganda.

Well, notwithstanding all that—there was a determination on the part of some unknown persons to inflict this complaint upon us and we had a campaign all over the country because Sir Joseph Byrne—who was imported here after his experience with the Black and Tans—he was imported here for the express purpose of imposing this upon us. Well, we had a campaign all over the country, which was conducted by Mr. Wright and myself, by delegation from the rest of the Elected Members and at every single meeting we carried overhanging resolutions against the imposition of Income tax. It was left to me to deal with the last meeting of all, at Mombasa. Well, the Government was so startled at the overwhelming intention to resist the im-

position of this thing, that they adopted the unbelievable expedient of publishing in the Gazette a forecast of the budget to show that it was essential that Income tax should be levied to the amount of £40,000 to balance the budget. A very remarkable procedure. They did it in such a hurry that all their calculations were wrong, with the result I had the greatest opportunity of my life of exposing this disgraceful document—(laughter)—and the fallacious arithmetic which was behind it. I even went so far as to follow in the footsteps of my one-time respected leader, Mr. Arthur Ballfour, in respect of a speech that was made against me, incidentally, in Newcastle-under-Lyme, by the Minister for Scotland, Mr. Ure. Mr. Arthur Ballfour described his speech as a frigid and calculated lie. And it seemed to me it was a very appropriate term to apply to this effort of Government in the Gazette. It was suggested—

THE SPEAKER: While a resumé of past history may be a proper foundation for an argument against this Bill, I think we are going too far away from the principle of the Bill, which is the proper subject for discussion on the Second Reading. I must ask the hon. Member not to be quite so historical.

LT.-COL. GROGAN: I was attempting, Mr. Speaker, to lead up to the point—(laughter). The whole of this history has been a tissue of breach of faith, definite assurances from time to time that investigations will be made into the suitability of this form of taxation for these territories, and so on and so forth. I have laboured the matter; I will press my argument against the principles.

THE SPEAKER: Nonetheless, there is a time the hon. Member must retire, of course, that he is speaking literally against what is the law of the land, as passed by this Council. That this Bill now before us, though it proposes in terms to repeal it, also proposes to reenact the present law of the land and if you speak against the law of the land you should wind up with some sort of Motion to repeal that law. Otherwise, we must confine that debate to the principles of the measure.

LT.-COL. GROGAN: My difficulty is, Sir, to find where the principle is—(Laughter.) Well, Sir, pursuing, as I think I must, a little bit of the history,

[Lt.-Col. Grogan] that this form of taxation, although it has been strongly objected to, during the war time was increased, I think, it was certainly by two, and I think by three increments, up towards something like the figure that we approach to-day. But we had at that time the most definite assurance from the then Governor, that those taxation measures would disappear automatically, not at the end of the war, but on the termination of hostilities. And we also had an assurance from the then Governor that after the war, if there was any general desire, that the whole principle of Income tax, in its application to this country, would be reviewed. That promise, of course, has never been kept. If I remember rightly, a similar promise was given in Tanganyika, and therefore we have got to this position now that all the promises that have been made in respect of this form of taxation have not been fulfilled. For that reason we hope, on this side, to propose a Motion later on that there should be appointed a Commission or Committee to inquire quite fully into the whole principle, its application, its equity and so on and so forth.

Now, coming to the principles of the major Act, that is the Management thing, quite obviously what it provides for, and attempts to legalize, is the system of arbitrary assessment. Now, arbitrary assessment can only be described, in ordinary parlance, as blackmail, being an attempt to extort money by intimidation, and, as the only appeal against arbitrary assessment is to go to the court and try and prove the negative, it is not a very easy thing to do, and pay your own costs and, as the taxpayer, pay a portion of the other fellow's costs.

We are told that these powers—these exceptional powers—that I call, rudely, blackmail, or arbitrary assessment, comes to the most awful form in section 23 of the major Act, which gives the Commissioner powers that I should not think anybody has outside Russia. The only results of these sort of powers are going to be that the ordinary honest person, who submits his accounts to the Income Tax Department, covered by chartered accountants, and whatnot, is going to be harried and chased about, and the only reason that is given to us is that there are certain elements in the

community who deliberately evade legal obligations:

Now, there is all the difference in the world between avoiding and evading. I think, if I remember rightly, it was laid down quite clearly by a Lord Chancellor that everybody has a right to frame their business in such a way as not to pay any more taxation than they need to. Now, that is a very proper provision, but there is all the difference in the world between that, of course, and dodging, either by multiple books, by transacting all your affairs in cash, your legal obligations under an Income tax law—

THE MEMBER FOR FINANCE: On a point of order, Sir, I have sat for a long time without interrupting the hon. Member, but I would suggest that he is dealing indeed with the Income Tax Management Act, not with the Bill which is before Council, which is to deal with the rates and allowances. I feel, Sir, he is rather anticipating the debate on his Motion.

THE SPEAKER: I am, of course, at a loss as you have opened the matter so cursorily to know exactly where the dividing line comes—(hear, hear)—because the Bill is entitled an Ordinance to provide for the rates of Income tax and personal allowances and for other matters relating thereto, and connected therewith. It then, in section 2, or clause 2, proposes to read the Act of another body as a principal Act in conjunction with an Ordinance which is something which is quite novel in this Colony anyhow, and also I have had the advantage of looking at the Management Act, which purports, which is a surprise to me, to repeal Chapter 254, and also proposes in clause 97, section 97 now it is passed, powers for this Council by resolution to amend the Management Act. If that is the case, it seems to me to be so inextricably woven that, as at present advised, I am unable to say that the Member is not relevant in speaking about management. (Hear, hear, applause.)

LT.-COL. GROGAN: It seems to me that the two things are intimately tied together by section 2 (1). If we pass this without protest it seems to me it can easily be assumed that we have accepted this monstrous, major Act as the same time, and that was where the trick was

[Lt.-Col. Grogan]

so clever; he very nearly got away with it.

To return to the objections to the principles of this Act, it seems to me that it gives these arbitrary powers not only to tell you how to run your business, but to tell you how much you have got to pay, and so on, so that you will end up only in building up a gigantic bureaucracy, duly equipped with spies, informers and so on, without whose assistance it would be quite impossible to track down people who choose to conduct all their business in cash, with multiple sets of books, and so on.

THE SPEAKER: I really must ask the hon. Member not to treat the public service of this Colony with such terms as "spies" and "informers". It seems to me that that is departing from the usual procedure and habits of a Parliamentary body.

LT.-COL. GROGAN: Am I in order in talking to some of the major objections in this major Act?

THE SPEAKER: Provided the hon. Member will express himself in moderate terms, there is no objection, but when it comes to declaring that the Government of this country are building up a body of spies and informers, I think that is going too far. (Hear, hear.)

LT.-COL. GROGAN: With due deference, I really do not say that, or suggest it; what I did try to convey was that no body of responsible officials—I am not throwing any reflection on them whatsoever—they could not possibly assist by this principle without the assistance of a large number of people, outside the department—(laughter)—usually described as spying and informing. I do not know how they could possibly operate otherwise. I do not want it to be understood that I am throwing any aspersions.

THE SPEAKER: If I have misunderstood the hon. Member, I withdraw my remarks. (Laughter.)

LT.-COL. GROGAN: But the terms of the features of it seems to me quite extremely objectionable, one of them, a whole group of things here, 22 (3) let me see, as far as I read it, any person today can dispose of their wealth and distribute their wealth among a swarm

of strangers. If they have the ability to distribute their wealth among their children, or their own relatives, adding illegitimate children, apparently they are to be assessed as if they had not done anything of the kind.

I thought the whole tendency of the day everywhere was to try and limit the distribution of wealth. It seems to me a very proper procedure—(laughter)—and, therefore, I do not see the reason why it should be regarded as a crime. When it comes to citing illegitimate children, the only possible means by which they could pay this venomous rate of anybody who has got anything, is to have a special department of, probably, people from the medical side, with knowledge of the differentiation in genetic blood streams and so on, who go round and inspect all the children, see what the indications of the parentage are, and so on, and so on. I think it is a most objectionable form of legislation and can only lead to a vast multiplication of personnel and a lot of ill-will among the communities.

The most objectionable clause of it is, I think, section 23, which establishes the Commissioner of Income Tax in the capacity of chief of police to the Gestapo. The gentleman can come to anybody and say: "You will conduct your business not in your own way, but as we mean you shall do it, so that you shall pay the maximum amount of taxation we can possibly extort from you." That is not the proper way of collecting revenue. Any form of revenue that can only be collected by dictation on Gestapo lines and by blackmail can be a bad form of taxation. And as what we always predicted would happen in this country because of the mixture of races, and difference of methods of business, and different conceptions of what is appropriate in social behaviour, and so on, that this difficulty would always prevail here and one of the arguments we put years ago, against the stability of the tax to this country, and I think that this proposed law is a proof positive that we were right. We have always got to remember that if you legislate for the worst, you are going to commit an intolerable wrong on the lawful person. Not so very long ago the United States of America, finding a few people lying about drunk, thought it

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was a disgraceful state of affairs, and introduced prohibition. What was the result of that? The result was that a very large proportion of the young males, and females, became drug addicts. I say precisely the same thing is going to follow here if we proceed on these lines. (Laughter.) Instead of being drug addicts, which probably a lot will have to do to get over the worries brought by it, everybody will become tax dodgers, half will become tax dodgers, half will become hunting dogs, and there will be a few hyenas and jackals in the form of lawyers, accountants, and what-nots—(laughter)—hiding in the bush and seeing how much there was left to gobble up.

I would suggest, therefore, Sir, that it is always suggested that this is a thing that everybody is doing, therefore, we ought to do it. I say that is a fantastic argument. If you walk into a lepers' establishment, there is no obligation to wear leprosy. You try and take the leprosy from other people and try and avoid it. It is always said it is the fairest tax in the world. Quite obviously it is the most unfair tax in the world. It never takes into consideration people's conventional obligations, their family obligations—only to a very limited degree—especially racial differentiations, with the conventional forms of life quite proper to different races, and so on. It takes none of those things into consideration whatsoever, and really the fundamental principle of taxation should be that people should be taxed in accordance with how they use their money, not in accordance with how much they control. The two things have nothing whatever to do with one another. That seems to me the proper form of taxation. There is no question whatsoever about it on those lines. "Where are you going to get this remaining amount of money from", you will say. The first answer to that is "You ought not to have the money". Then, there are plenty of alternative methods of taxation to provide the requisite amount. It is very often forgotten that if you wipe Income tax out, a very large amount of that revenue would accrue through other channels. What they pay in Income tax is their marginal moneys; normally they spend their marginal moneys through

channels that are already very heavily taxed.

However, there is no point in going into that to-day, Sir, but I think I can say on our side that we are quite determined to pursue this issue at some time appropriate to the moment in the form of a Motion for the appointment of a Committee of Inquiry into the whole thing, which has been promised to us; the promise has not been kept. We propose to make sure that these promises are, in fact, kept and we have a proper consideration of the whole issue.

MR. ODEDE: Mr. Speaker, Sir, I rise to support the Income Tax Bill as presented to us. I was surprised to hear from the hon. Member for Nairobi West that Income tax is not the right form of taxation which should be practised in this country. I thought a person in his position should support such form of taxation.

Now then, Sir, he talked of territories, Tanganyika, Uganda, comparing them to this country. Now, are we not trying in this country to give a lead to some of these territories of East Africa? If we are doing so, why should we not actually give a lead on such a thing as Income tax? I am a supporter of Income tax for all races of this country, because I think that it is the right form of taxation. Probably some Members in this Council think that the other communities may not contribute to the revenue of this country if Income tax is the form of taxation. But I do not believe so, Sir. It may only be at the moment, but these other communities who are not probably contributing to the revenue of the country by paying Income tax are going to do so, provided we in this Council work towards the uplift of their economic development. Only, if we do not do so, and say, "That is all right, let us leave them as they are", then they are not going to contribute. Once they come to the stage of contributing, surely a good number of the population of this country will be contributing by the tax to the revenues of the country, so anyone saying that we should not adopt Income tax as a form of taxation in this country, I think, is wrong.

In every civilized country, and we are working towards civilization, Income tax is the only form of taxation, and in every

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country people are taxed according to the wealth they have. It is a fact that those people who command the wealth of the country should give more, because usually those people contribute the capital for producing that wealth, and the ordinary man who cannot pay much contributes the labour, and so it is wrong to say that probably those people who are capable of paying Income tax are the only people who contribute to the wealth of the country. That is not true. Those people only produce the capital, and the ordinary people who do not pay much, contribute labour, and that wealth is for everyone and those people who command it should contribute to the revenues of the country.

Mr. Speaker, I beg to support. (Applause.)

Mr. BLUNDELL: Mr. Speaker, I am unable at this juncture to declare whether I am in support of the Bill before us or not, until we have had certain assurances from the hon. Members on the other side of the Council. I think it is quite obvious that the Bill which is before us, as you yourself have said, is inextricably woven with the Management Act. There are in that Act certain matters to which we take the greatest exception. It was because of the exception which was taken by the community of this country that section 97 of this Act was inserted. I believe it is not possible at this stage of the development of our country to put in reverse the whole principle of Income tax. It may be one which we deplore. We may have put round us clanking pinners which it is difficult to part, but, nevertheless, it is not easy at this stage to put that in reverse, because much of our development of the Colony is built upon the form of revenue which is derived therefrom. Where I think the hon. Member for Nairobi West is so right in his contention is that, in our opinion, many of the rates have got out of gear and are, in a young and developing country, too heavy. We wish to have an examination of those rates. We are also extremely doubtful whether the rates as laid down in this Bill are suitable in a young and developing country, with its many problems which arise from so many and varied communities. Therefore, Sir, I

wish to make it quite clear that in so far as I am concerned I shall be unable to support the Bill before us unless we can have an assurance from the hon. Member opposite that in the widest possible terms he will support the Motion for a general inquiry into the advisability of the tax which has been suggested by the hon. Member for Nairobi West (Applause.)

Mr. HAVELOCK: Mr. Speaker, there are other hon. Members, Sir, on our side who wish to speak, but as they are maiden speeches we do not want them interrupted, therefore I am trying to fit a gap.

Mr. Speaker, the hon. Member Mr. Odede brought up the matter of community taxation, and although one does not want to bring this debate in any way into a racial conflict, I do suggest that if he thinks over the matter he will realize that under the present conditions, the present standard of living and so on, it is extremely difficult for a tax of this sort to be fairly applied to all sections of the community, and that, although it is not necessary to go into detail about it, shall we say, how is one going to have assessed the value of a Masai's herd of cattle of, say, up to 10,000 head. Is he going to keep his books, showing his increase and decrease during the year, and therefore the amount of income which he has earned during that year, which indeed, in fact might well be up to £1,500? But, of course, it cannot be expected that such a person would be able to have the accounts for the Income Tax Department's review. That I quote as only one example to show the difficulties of applying the Income tax as it is under the present Ordinance to all communities, and to all sections of each community.

Sir, of course, the thing that has astounded me to do with the principle is this fact of the inter-relation between the Management Act and the Bill we are now discussing. In the Management Act I think one of the last clauses repeals the whole of our Income Tax Ordinance. The whole of the Kenya Income Tax Ordinance. How on earth can that happen? We, Sir, under Paper 210, were given authority over Rates and Allowances. There has been a dispute as to what allowances mean. Do they mean

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personal allowances or they also include deductions for write-off and depreciation, and so on. There has been dispute about that, and we on our side of the Council, every one of the European Members, are quite certain that when Paper 210 was brought in it was quite clear to our representatives at that time that allowances did include deductions. However, deductions have been put into the Management Act, personal allowances only—

THE MEMBER FOR FINANCE: On a point of order, Sir, did the hon. Member say that allowances did include deductions? I think he meant allowances did not include deductions.

Mr. HAVELOCK: Our representatives considered at the time of the debate of Paper 210 that allowances included deductions. Under the Management Act, deductions and how they should be made are in that Management Act, and only personal allowances are in the Bill which is before us. That in itself is something that we do not necessarily agree with, and perhaps under clause 97 of the Management Act this may be rectified. However, Sir, there is something much more important to my mind on the constitutional aspect. The Management Act, Sir, purports to repeal the whole of our Kenya Income Tax Ordinance, and within that Kenya Income Tax Ordinance are at the moment, and when the Management Act was passed in the Central Assembly, in the Kenya Income Tax Ordinance were rates and allowances. How can a Central Assembly or High Commission Ordinance repeal the whole of our Income Tax Act? It is most definitely stated in the Management Act, and I feel sure it is a matter of extreme importance to this Council. It is one that we should take great note of, and see that it cannot happen again, and it is one of the first things that should be amended under clause 97. (Hear, hear.) Clause 99 says "subject to the provisions of the First Schedule" which I know if Members look up they will find have nothing to do with what I have just been saying. "The following enactments are hereby repealed, the Income Tax Ordinances, Cap. 254 of Kenya, and any amendments thereto." According to this, the Kenya Income

Tax Ordinance is already repealed by the Central Assembly. We have a Bill to amend, and in our Bill it is also repeated that our previous Income Tax Ordinance will thereby be repealed. The whole thing is a mess.

Mr. BLUNDELL: Hear, hear.

ADJOURNMENT

THE SPEAKER: It is just on a quarter to one! (Laughter.) The hon. Member ended on a strong note! Council will now stand adjourned until 9.30 a.m. tomorrow morning.

Council adjourned at forty-five minutes past Twelve o'clock.

Thursday, 10th July, 1952

(Morning sitting)

The Council met at thirty-five minutes past Nine o'clock.

[Mr. Speaker in the Chair]

ADMINISTRATION OF OATH

Mr. Speaker administered the Oath of Allegiance to the following Temporary Member of the Council—

Mr. W. G. D. H. NICOL.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Before we proceed with the Orders of the Day, I have a communication to make. Yesterday I was asked to rule on the question of the time in which personal statements or explanations should be made. I exhaustively examined the works of authority—(Laughter)—and the right time is at the commencement of public business. That will be really now, at the time I am making this personal statement myself. But I wanted to add something to it to make it quite clear that these statements—it is laid down—ought not to lead to debate and ought not to contain controversial matter. I hope that will be on the record for your future guidance. The learned author of this work puts it as follows: "Personal statements are also made by Unofficial Members on behalf of themselves, occasionally on behalf of other Members unable through illness or absence to speak for themselves and even though permission has been refused on behalf of persons not Members whose conduct has been reflected upon in the debate. The Speaker carefully meets such personal explanation to the circumstances which are the subject of the explanation and no other speech is, as a rule, permitted".

Now this brings us to another very difficult point to which I want to call the attention of hon. Members, that Members do make themselves responsible for the statements of facts in their speeches. (Hear, hear.) That is their privilege; the privilege should be treated with great respect and no one should be made about any statement of fact degree of accuracy is required by the circumstances of the case.

Now, I do not wish to elaborate any further, but there is another personal statement now to be made by the hon. Member for Agriculture and Natural Resources.

PERSONAL EXPLANATION

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, with your permission I wish first of all to make a statement as an Official Member and secondly, to make a personal explanation, both as an Official Member and as an ordinary Member of the Council.

Yesterday, Sir, there was some discussion on what is, I maintain, a very important matter, because it does affect the whole of the Muslim community in this country. One hon. Member made a certain statement and was contradicted by an hon. Member representing Muslim interests. I mentioned that, Sir, because the hon. Member representing Muslim interests, who is a personal friend of mine, I think had quite a different belief at the back of his mind. But he has, if I may say so, led to the possibility of a wrong impression being spread throughout the country.

Sir, the matter to which I refer, is, of course, the question of ritual slaughtering in abattoirs of this country. In Mombasa, the administration of the Municipal Abattoir is still the responsibility of the Mombasa Municipal Board. The only Kenya Meat Commission staff employed in this abattoir are graders and weighers. As far as I know, there has been no complaint, anyway brought to Government's notice, concerning ritual slaughter in that abattoir. All stock slaughtered in the Mombasa abattoir are always slaughtered in accordance with the Mohamadan custom irrespective of consumption. I am told that they employ there a Muslim slaughtering of repute and very long experience.

In Nairobi all cattle and small stock slaughtered for Muslim consumption are slaughtered according to Muslim ritual. The advice of the Muslim religious leaders has been sought on several occasions in this connexion. There have been no complaints, as far as Government is aware, concerning Muslim slaughter either before or since the Commission took over responsibility for the abattoir. The Muslim slaughtering—there

[The Member for Agriculture and Natural Resources]

are two killing floors—the Muslim slaughtering of the Nairobi abattoir is a gentleman called Ramadan Kabisi. He is a Muslim Kikuyu, who has held this post for eight years; six years under the Municipality and two years since it was taken over by the Meat Commission. This man was approved by Said Abdullah Shah, now, unfortunately, deceased, but until recently the Imam of the Mosque. All cattle and sheep and goats for Muslim consumption are slaughtered in a separate hall and even the slaughter stalls to and from this hall have been disconnected, so there is no possibility of any carcasses being moved to or from other parts of the abattoir.

I have here, Sir, in connexion with a specific consignment to show how careful we have tried to be, as far as Government is concerned, a certificate signed by a witness and countersigned by the Imam of the Mosque certifying the approved slaughter of cattle that were going down to Mombasa from here.

So much for my statement.

Now, Sir, to turn to my explanation, if I may, it is that in the course of the debate two nights ago, I referred to traders and I said: "Now, Sir, I submit that it is quite untrue to say we are not using traders, or we are putting these particular traders out of business." But it was later suggested by the hon. Member who has replied—and who is going to reply later—that on this side of the Council—I do not mind what he said about me, but on this side the Government side of Council—that half-truths which were ever the blackest of lies were constantly emerging in debates of this kind from the Government side. He added, Sir, that he was going to show how I was untrue. And this is what the hon. Member did quote:

"It may be perfectly true that there are opportunities for the Somali, or a Somali, or an Arab to trade in Uganda, but the fact of the matter is that there are a great many Somalis and Arabs who had a vested interest in the Northern Frontier and other Provinces, and they had for generations been trading in those Provinces, and they had been done out of their trade

by the Meat Commission, so it is quite true to say that those unfortunate people lost their livelihood by the intervention of the Meat Commission. That is one of those half true statements which emerged from the other side of the Council. I remember what Tennyson said about a lie—that half a truth is ever the blackest of lies."

Sir, again I am making a factual statement, I did, of course, give figures in the course of the debate. In Mombasa, bought by traders at Garissa—this is 1951, Garsen and in the Tana Delta and resold to the Commission only in Mombasa were 10,675 cattle, 7,719 sheep, 13,576 goats—all by Arab and Somali traders—the total being 31,970 head of mixed stock, exclusive of what they sell on their own. Archer's Post and Marsabit—sheep and goats 7,103. These traders buy from stock-owners and resell to the Commission at Archer's Post and Marsabit, the total being 39,073.

In addition, 26,144 sheep and goats were purchased by the Commission at auction sales at Garba Tulla, Marsabit and Laisamis, and many of these cattle were brought in by traders from outlying districts for sale, but no record is available of the proportion of this figure purchased from traders or from stock-owners.

Forty traders' licences were issued in Masai to stock traders enabling them to buy at Masai sales throughout 1951. I have not got the other numbers. As far as other provinces are concerned, I will take the return for April, 1952, which is the last month, month only, at Lamu, 572 cattle were sold and 13 goats and sheep. All of these to traders. At Aher, Central Nyanza, 816 cattle and 195 sheep and 580 goats. Central Nyanza Province, 1,207 cattle, 2,091 sheep, Kwale and Kilifi, 1,228 cattle, 146 sheep and 146 goats. Baringo South: 304 cattle; Garba Tulla, 332 cattle; Kajiado, 33 cattle; South Nyanza, 86 cattle; Kitui, 1,097 cattle and 3,232 sheep and goats. At Garissa, 133 cattle, 1,400 sheep and 1,613 goats. The Meat Commission got none of those, they all went to the traders.

So, Sir, I submit, that although I am accused of telling an untruth or a half-truth—and I will not say that I do not know what the hon. Member is getting at, that possibly we do not always do all

[The Member for Agriculture and Natural Resources].
We can encourage more and more traders, nevertheless, my statement emerging as it did from this side of the Council was obviously not untrue, Sir, it was perfectly true and substantiated by these figures.

MR. COOKE: Mr. Speaker, I shall deal with the hon. gentleman adequately when I make my speech.

DR. HASSAN: Can I clear up a point regarding ritual slaughter?

THE SPEAKER: Not at this stage. I ask the hon. Member to note what I said at the very opening, that these personal statements are not to lead to debate.

MR. COOKE: I would, with great respect, submit that the personal statement should not be a speech which has just been made by my hon. friend, and which went beyond the length of a personal statement.

THE SPEAKER: The hon. Members are departing from Standing Orders by rising and speaking about matters which are not before the Council by any of the known methods. There are ample opportunities to give notice of Motion and raise matters whatever you wish at an appropriate time as an Order of the Day, and the Order of the Day now says Questions.

I call upon Mr. Blundell. Members should not rise on their feet and speak until they are called from the Chair.

NOTICE OF MOTION

THE MEMBER FOR LAW AND ORDER: Mr. Speaker, I apologize for not catching your eye when you called the third Order of the Day.

I beg to give oral notice of a Motion as follows:

BE IT RESOLVED that the Standing Rules and Orders of the Legislative Council framed and proposed for adoption to the Legislative Council by His Excellency, the Acting Governor, by an Instrument dated the 10th day of July, 1952, and made under Article XXIV of the Royal Instructions be adopted.

I hope, Mr. Speaker, I shall be in the position to move that Motion to-morrow morning.

THE SPEAKER: I will call on Mr. Hartwell, he has a statement to make.

SESSIONAL COMMITTEE REPORT

THE MEMBER FOR EDUCATION AND LABOUR: Yes, Mr. Speaker. I have a report, Sir, that the Sessional Committee has appointed the following Select Committee to consider the Native Authority (Amendment) Bill: The Chief Native Commissioner, the Solicitor General, G. Marchant, Mr. Usher, Dr. Hassan, Mr. Mathu and Mr. Awori.

ORAL ANSWERS TO QUESTIONS

No. 3

MR. BLUNDELL:

Will Government state whether it is the intention to return the manufacture of veterinary biological products to the East Africa High Commission rather than to allow it to remain as at present under the control of the Kenya Department of Veterinary Services?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Yes, Sir. It is intended that the East Africa High Commission should resume responsibility for the manufacture of certain veterinary biological products. As at present proposed, these will be the vaccines against rinderpest, pleuro-pneumonia, anthrax and blackwater.

MR. BLUNDELL: Mr. Speaker, arising out of that answer, if the manufacture of vaccines is re-transferred to the High Commission, what reduction of staff can be anticipated in the Kenya Department, and what would be the amount of revenue lost to the Colony?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: What amount of staff would be saved and what amount of revenue would be lost; is that what you want to know?

MR. BLUNDELL: Yes.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, if the hon. Member wants an accurate statement of staff that will be saved, I am afraid I shall have to have notice of that question. There will be a saving of staff, but there will not be a very big saving in staff because we shall still have to carry on other work such as diagnostic work.

As regards the loss of revenue, probably about £45,000, and in addition we shall have to buy vaccines that at the moment are issued free. It will be a bit more than that.

MR. SLADE: Arising out of that supplementary question, if some vaccines are prepared by the Kenya Veterinary Department and some by the High Commission Service, will this not mean two factories and the uneconomic expenditure of capital and recurrent moneys?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Yes, there will be two. Of course, our work will be greatly reduced but we shall still have to manufacture at Kabete.

MR. HAVELOCK: Arising out of the original answer, is the Member satisfied that should there be a breakdown of the manufacture of vaccines of the High Commission, the lack of control by the Kenya Government will not be a factor in causing the delay in cases of emergency?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Not necessarily, because we should naturally do all we could to help. I do not think I can say there would necessarily be any delay.

MR. BLUNDELL: Is it not a fact we built at Kabete an institute of permanent materials for Makerere students to train in veterinary science? Will not this prevent the students from having the fullest possible training in their profession?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It is true there is a Veterinary School, Sir, but not built by Kenya. I do not think it will necessarily mean they will lose in their training by the movement from Kabete of the manufacture of biologicals. The manufacture only.

MR. BLUNDELL: With all due respect to the hon. Member, I do consider the answers most unsatisfactory. With your permission, Mr. Speaker, I shall move an adjournment to debate the matter.

THE SPEAKER: (called Mr. Crosskill)—I think it will be convenient not to put everybody's questions together like that. They are addressed to different Ministers.

No. 5

MR. BLUNDELL:

(a) Will Government state the amount of the general cut in the use of European currencies which has been made in an attempt to improve the Balance of Payments position within the sterling group?

(b) Will Government state—

(i) the principle upon which allocations of such currencies are made; and

(ii) details of the amounts of each particular currency which are involved?

THE MEMBER FOR COMMERCE AND INDUSTRY: (a) The aim is to cut non-sterling imports during the second half of 1952 by approximately half of 15 per cent of the value of such imports during 1951. The value of the proposed cut for European countries (O.E.E.C. and non-O.E.E.C. countries) is estimated at £1,500,000.

(b) (i) No allocations are made by currencies, as it is not the practice to discriminate against individual non-sterling countries. Restriction on imports is decided on a commodity basis; bearing in mind the following criteria:—

(1) Essentially.

(2) Availability from the Sterling Area.

(3) Extent of local stocks.

(ii) This does not therefore arise.

No. 13

MR. BLUNDELL:

Has Government's attention been drawn to a letter addressed by Mr. Fenner Brockway, M.P., to the Editor of *The Times* and printed in *The Times* on 24th June, and, if so, what steps has Government taken, or proposes to take, to controvert the serious misrepresentation contained in that letter, more especially in regard to representation in the Council, and the Chief Secretary's statement in regard to the application of the whip to the Nominated African Members on the Government benches?

THE MEMBER FOR EDUCATION AND LABOUR: Yes, Sir, the Government has seen Mr. Fenner Brockway's letter to *The Times*, and also an earlier letter to the same paper by Mr. Peter Mbiyu Koinange. The Government has already addressed the Colonial Office with a view to the publication of a correct statement of the facts.

MR. BLUNDELL: Mr. Speaker, arising out of that answer, am I correct therefore in assuming that Government

[Mr. Blundell] accepts that the letter of Mr. Fenner Brockway was misleading?

THE MEMBER FOR EDUCATION AND LABOUR: Yes, Sir, the Government accepted the implication in the question that Mr. Brockway's letter is misleading. He states that there are 36 Europeans, three Arabs, eight Asians and eight African Members of Legislative Council; he omits to add that only fourteen of the European Members are elected representatives of the European community, the remaining 22 being made up of the Speaker; eight *ex-officio* Government Members; seven Nominated Government Officials; and six Nominated Unofficials, who have accepted the statement of Government policy and who have been nominated to the Government side of [The Member for Education and Labour] of the Council. Mr. Brockway similarly omits to say that one of the three Arabs, two of the eight Asians, and two of the eight Africans sit on the Government benches.

Mr. Brockway also implies that the six African representative Members on the non-Government side of the Council are subject to the Government whip, which, of course, is incorrect. The Chief Secretary's statement, to which Mr. Brockway refers in paragraph 2 of his letter, applies only to Nominated Unofficial Members of the Government side of the Council.

Mr. Brockway states that only three of the African Members of Legislative Council are outside the Public Service. This is incorrect. Only the two Members on the Government side are Government Servants. The six Members on the non-Government side are not Members of the Public Service.

Mr. Brockway also refers to Mr. Koinange's advocacy of universal franchise and a common roll for all three racial groups; he omits to add that under the Griffiths' agreement of 1951 no major change is to be made in Kenya's constitutional arrangements until the consultative body is to be set up within the first year of the life of the present Council) has reported. (Applause.)

THE SPEAKER: Do rise quickly, if you are meaning to rise. Otherwise you will miss your turn.

MR. COOPER: My hon. friend is much more agile on his feet. Is Government

aware that I wrote a letter to *The Times* confuting the argument of Mr. Koinange's advocacy and that of Mr. Fenner Brockway and that the editor of *The Times* obviously did not think it was worth publication?

MR. BLUNDELL: Arising out of the hon. Member's supplementary, will he give me an assurance that he will use all the resources available to him to see that adequate publicity is given to his answer.

THE MEMBER FOR EDUCATION AND LABOUR: Yes, Sir, but I understand that the *London Times* has got a correspondent in Nairobi and it seems possible that his attention will be drawn to the reply. Whether *The Times* will consider it of sufficient interest to print, I cannot say.

MR. HAYLOCK: Is this not a matter for the Government Press Office?

THE MEMBER FOR EDUCATION AND LABOUR: No, Sir, we think the proper way to do it is through the Colonial Office.

No. 17

MR. USHER:

Will Government please state:—

- (1) The quantity of copra purchased by Government during the last six months and the prices paid.
- (2) What is the general practice and policy in regard to the bulk purchase of local products?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: (1) The following quantities of copra were purchased by Government at the prices stated during the six months ending 30th June, 1952:—

1,562 tons Kenya-produced copra at £71 per ton including container;

1,500 tons of Seychelles copra at £83 per ton, c.i.f. Mombasa including container;

125 tons of Zanzibar copra at £83 per ton c.i.f. Mombasa including container.

(2) The practice and policy of the Government in regard to the bulk purchase of local products is governed by Defence Regulations and Rules under the Increased Production of Crops Ordinance, of which I will let the hon. Member have a list if he so wishes.

MR. USHER: Arising from that reply, I am rather at a disadvantage because

[Mr. Usher] the quotation is in pounds per ton, whereas usual quotations are by the metric—36 lb. Could the hon. Member possibly convert? I am unable to do so quickly. (Laughter.) (Cries of "Shame!")

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I equally am no senior wrangler but I will willingly do so for the hon. Member, given time, if he so desires.

MR. USHER: Would the hon. Member consider issuing instructions that the remainder of the oil held by the control should be sold at existing prices so as to reduce the cost of soap, and so on.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The Member has raised a subject that is rather beyond my portfolio. I am told the answer is "No", but I will give the hon. Member the information to-morrow morning.

No. 18

MR. USHER:

Will Government please state whether it is the practice to require a two months' Bank Guarantee from purchasers from the Maize and Produce Control and that in such circumstances the banks normally require a cash deposit of 100 per cent to cover the guarantee, and whether in view of the resultant increase in the cost of the commodity Government will agree to do away with this requirement and revert to normal trading practice?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It is the current practice to require a two months' Bank guarantee from the purchasers from the Maize and Produce Control who do not pay cash for their supplies.

It is understood that the banks normally require a cash deposit of 100 per cent to cover such guarantee. This is, however, a private transaction between the banks and their clients, for no purchaser of supplies from the Maize and Produce Control is forced to resort to the banks for this purpose since he always has the option of paying cash.

The answer to the second part of the question is: No, Sir, the Government does not agree to do away with this requirement, since the Government considers in the light of experience that this security is necessary in the public inter-

est. There has been no increase in the prices of the commodities handled by the Control since the introduction of this system, which is in line with the normal practice of certain other commercial and public concerns, e.g. E.A.R. & H., oil companies, E.A. Power and Lighting Co., tea companies, etc.

MR. USHER: Would the hon. Member say how long it is since this practice has had effect?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I do not honestly know, but not for very long. It is the result of the position we found ourselves in. I will let the hon. Member know.

MR. USHER: Does the hon. Member not think, then, that it will be reflected in the price of the commodity?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: No, Sir, the other way round, I think.

No. 20

MR. CROSSKILL (Mau):

Will Government inform the Council what final destination has been decided upon for the concentration of the Wanderoba and their many thousand head of cattle removed from farms in the Usain Gishu, and now devastating the Tinderet Forest Reserve, and when they are to be moved to this destination?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The Government is well aware of the unsatisfactory position which has developed as a result of the infiltration of Wanderoba and their stock into the Tinderet Forest, consequent upon their removal from farms in the Usain Gishu area. The Government agrees that their removal from the forest and settlement elsewhere is a matter of urgency, although their presence in the forest cannot be said to have caused its devastation.

It will be appreciated that the settlement of these people and their stock, of whom there are some 200 families and 2,000 head of stock in the forest, is no easy matter, since these people are genuinely displaced persons for whom no land has specifically been set aside. Several schemes have been devised in an effort to solve the problem, but on closer investigation have been found to be impracticable. Further suggestions

[The Member for African Affairs] are now in process of being worked out and it is hoped that a suitable area for their settlement will be found within a few months. Meanwhile everything possible is being done closely to control the movements and activities of these displaced families.

MR. MATHU: Mr. Speaker, arising out of that answer, as the Wanderobes were the original inhabitants of these forests, why were they displaced, and no land set aside for them?

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, they were on the farms and not in the forest at the time.

MR. MATHU: Arising out of that answer, could you not settle them in the forest, Sir?

THE MEMBER FOR AFRICAN AFFAIRS: The answer is "No," Sir.

MR. COOKE: Will the hon. Member give a definite assurance that a square deal will be given to these people if, and when, they are moved from the forest.

THE MEMBER FOR AFRICAN AFFAIRS: Yes, of course, Sir.

MR. COOKE: Thank you.

MOTIONS

APPOINTMENT OF AN INDEPENDENT COMMITTEE—Contd.

MEAT COMMISSION

MR. COOKE: When the Council adjourned the other day I was dealing with some remarks made by my hon. and gallant friend, the Member for Trans Nzoia. His intervention in the debate came so late, Sir, that I do not think it really added very much to the subject. I will merely content myself with saying just now that, if he is satisfied with the fact that the abattoir, which takes these good old oxen, to go to the African as food, that I, at any rate, am not satisfied, I am not dealing with either, Sir, the hon. and gracious Lady for Utamba. At one time, if I may say so, I regarded myself as her, sort of, mentor in this Council, but she has latterly, I think, which is rather a pity, taken to making rather petulant little interruptions which certainly have not added to her great reputation as a speaker in this Council. (Cries of "Shame.")

Now, Sir, I must deal with the hon. Member for Uasin Gishu, whose fairness of utterance, and whose logical brain I think all this Council admire. (Hear, hear.) I probably would not have made those remarks had he been present here, but I would like to pay my tribute to the remarkable fairness that he always shows in debates in this Council.

Now, he has made two or three points which which I would like to deal briefly. He talked about the high prices paid by the Africans for meat. I suppose with the intention of showing that the prices were at any rate, in the Africans' eyes, low enough to admit them to purchase the stock. I think the reason for that is this, that the Africans, of late years, the reserves have been extremely well off, not only by their sale of hides, but their sale of maize and other cereals and cotton, and so on, so that there has been a great degree of inflation in the African areas. But that purchasing power does not exist in the towns, where to-day there are thousands of urban Africans finding it very difficult indeed, if not impossible, to purchase meat at present prices. In the old days those Africans, many of them, used to purchase, as indeed do other races, certain of the offals and, of course, they are not allowed to now, or the opportunity is not there now to purchase what they used to in the past.

Now, there was a reference by the hon. Member to the fact that the Nairobi abattoir did not send purchasers into the country areas. As a matter of fact, they did not because the purchasing was done. I am informed, by the Livestock Association on their behalf. Now, he had certain remarks to make about the butchers. Well, I am not here to defend the butchers at all. If anyone is dissatisfied with them it is up to him to bring a Motion in this Council. I would say that, in the general way, that while there is compulsion on the general public to purchase meat, I mean the natural compulsion of hungry people, there is no such compulsion on behalf of the farmers to sell their stock. In fact, so far as I can see, far from the farmers being the people in any way penalized by the low prices of meat paid last year, I, as a Member of the Land Board, know full well that at every one of our meetings, there were applications from stock farmers for ranching land and this does

[Mr. Cooke] since they wanted more stock land, they were dissatisfied with the prices they were getting for their stock.

Now, I come, with a certain amount of joy, I must say, to deal with my friend, the Member for Agriculture! My hon. friend, the Member for Agriculture and Natural Resources, made his usual discourse—I do not say dissuasive, nor, although I might quite easily have put that in—his usual discursive speech full of vagueness and generalities. Now, he was asked two definite questions by my hon. friend, the Member for Nairobi South, direct question. Sir, questions which were susceptible of direct answer. My hon. friend made no attempt, so far as I am a member, to deal with those two questions. If he likes, I shall ask them to him and give him an opportunity to make a third speech in this Council, because I am a very amenable person in the way of giving way to others. I am only too glad if he will interrupt me. (Hear, hear.) Now, two questions were put, and very logical questions, if I may say so. The hon. Member was asked the number of staff employed by the Commission to handle the 19,000,000 lb. of meat last year. That was a very apposite question because my hon. friend wanted to compare the cost with the old cost of the abattoir. It is surely a very relevant question, for the whole basis of our Motion here is that the Meat Commission has been run in a costly way.

The second matter he drew attention to was that, whereas—I hope my memory is right—in 1950, it cost about 2.3 cents to produce a pound of meat, last year it cost nearly 3 cents. That, Sir, was a definite question, which I think was susceptible of a definite answer. But silence reigned supreme on the other side.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think, if the hon. Member recollects, I dealt with both those points. (Hear, hear.) I pointed out that the two figures were quite incomparable but there was one thing I forgot to point out, which you have asked me now, is the abattoir itself. There are no more people employed to-day than there were then. And that is a true statement. (Hear, hear.)

MR. COOKE: I am very glad the hon. Member gave me a true statement. He put the accent on the word "truth" and I do myself.

An effort to deal with the point was made by my hon. friend, the Member for Rift Valley, who rushed to the aid of the victors—his friends on the other side. But he ended by putting his two feet in a Serbanian morass of illogicalities. The daily paper seems to have the same impression. He seemed to argue that, because the Kenya Co-operative Creamery was being run inefficiently, there was quite a logical reason why the Kenya Meat Commission should be run inefficiently! I always give way, but I warn my hon. friend he may put both feet in it again this time.

MR. BLUNDELL: Mr. Speaker, as both my feet are in, I might as well leave them in! I did say, Sir, efficient.

MR. COOKE: They were considered efficient. Well, that, of course, is a matter of opinion. Other people may consider them inefficient. Therefore, to draw an analogy with what might possibly be—they may be efficient or inefficient, that is beside the point—to draw an analogy with an organization which may be efficient or inefficient is, I think, rather laying the hon. gentleman open to my criticism. I have drawn attention to that discrepancy in handling costs, which was a point that had been made so well by my hon. friend, the Member for Nairobi South. The hon. Member for Rift Valley remarked that he was surprised that this, an organized campaign, should have taken place against the Meat Commission. He emphasized the word "organized". I do not know whether there was an organized campaign or not. I think the housewives were very justifiably upset by the fact that meat had gone up so much in price. If you describe a campaign which sends a petition to the Governor as fantastic, and that is my hon. friend's view, I think that is beyond legitimate criticism. But I will ask my hon. friend, and I will again ask him, if he will answer my question, down if he will answer the question to remove who organized the campaign to remove the petitions from the shops in Nakuru? If the hon. friend is well, of course, it was I know perfectly well, he would not be not my hon. friend, he would not be capable of such a thing, but apparently there was an organized campaign to remove these petitions from the Nakuru

[Mr. Cooke] shops; which I consider was a very naughty thing to do. (Laughter.)

Now, to deal again with my hon. friend, the Member for Agriculture, he talked about reducing the cattle population of this country, as though that were an excuse for the setting up of the Meat Commission. I may have misinterpreted, but in my opinion, Sir, the campaign to reduce the surplus of stock was first made, to my knowledge, about 15 years ago, when Liebig's were set up, and if Government and my hon. friend had any real faith in the reduction of the stock by that means, why did not they give his full backing to Liebig's. Instead of that we had threats uttered and speeches made, and nothing was done. Nothing of any importance was done, and obviously very little was done, if my hon. friend thinks now that he should tackle the matter by a different method.

Now, I will say this—and if I say this I know it will annoy one or two people on the other side of the Council—that I think what they are setting up now, the new purchasing organization, will be a failure. I think it is wrong in every way, politically, morally and in every other way, to bring in, as they are bringing in, so far as I understand it, the Provincial Administration into this campaign. I think that, if the Meat Commission wish to purchase the cattle, sheep and goats, they should do it through their own people and there is a very great objection to bringing even persuasion to bear, because persuasion very often is interpreted to be force, on African people to dispose with their cattle. I hope every step possible is taken to ensure that absentee Africans, who are doing their jobs outside the reserve, do not have their cattle and sheep, and goats hypothecated to this purpose. (Hear, hear.)

Now, Sir, there is a question about who sets prices. I think there is a misapprehension in this country about the fixing of prices. The voice may be the voice of my hon. friend, but the hands are the hands of Kano, and they are very retolent of the farmyard in this particular matter.

MAJOR KEYSER: How?

MR. COOKE: I am going to tell you exactly how, when the Meat Commission is short of cattle, as they have been for

the past few years, they go to the Member and say to him, "Well, unless something is done, a lot of stock owners will refuse to sell, as they did in the past". That is the hands of Kano. Pressure is then brought to bear on my hon. friend, to put up the prices. So yesterday, I should hesitate to use that word. What happens, my hon. friend having received this dismal news, goes to the Executive Council and he advocates in the strongest terms, if indeed he thinks it is justified to do so. My hon. friend, much as I disagree with him, does bring to bear a lot of patience and justice in these matters. (Hear, hear.) But the point is this, the hon. gentleman has, to my certain knowledge, a great deal of influence in certain places. And when my hon. friend says "turn", they all turn, and then there is not the slightest difficulty about obtaining the high price. (Laughter.) Now, therefore, Sir, I contend, *de facto*, the price, if not *de jure*, is fixed by the producers themselves, acting with the Meat Commission.

Now, we come to the question of hides and offals. There is a suggestion that we, on this side of the Council, made the suggestion that the consumer should be subsidized by the returns from the hides and offals. Well, Sir, I have never made any such suggestion. But my contention is this, that less should be paid to the producer for his steers, in view of the fact that there is going to be a big pay out at the end of the year. Now, the pay out in 1951 for 1951, is practically 10 per cent. That is, a dividend of 10 per cent is being paid to the producers on top of what they have already received. I would suggest, in view of the fact that the workings of the Meat Commission have so far disclosed the fact that offals and hides—I know hides have gone down in price recently—are a paying proposition and that a dividend will be distributed later on to—

THE MEMBER FOR COMMERCE AND INDUSTRY: When the hon. Member refers to a dividend, is he not slightly incorrect? Is it not in fact a deferred payment from the profit provided by the producers?

MR. COOKE: I do not argue with my hon. friend on the question of economics, but I would suggest to him

[Mr. Cooke]

that is making a distinction without a difference. (Laughter.) To the minds of ordinary people—not Donnish minds—in the opinion of ordinary people, 10 per cent extra is being paid to the producers.

Another point, Sir, was made, which also requires elucidation. The question of the fixing of prices, I have dealt with. At this stage I would like to deal with the second speech made by my hon. friend, and give him the facts as disclosed to me by my hon. friend, Dr. Hassan.

Now, Dr. Hassan says that ritual slaughter has never been questioned, it is only the absence of a Muslim to supervise slaughter or to distribute to the butcher.

MAJOR KEYSER: Question?

MR. COOKE: The Commission never appointed a Muslim. I think we all acknowledge that. A Muslim—although he is a Kikuyu—a Muslim was appointed by the Abattoir. At any rate, that is the view of my hon. friend, Dr. Hassan, which tends to show that there are still a few half-truths knocking around, and at any rate there are two sides to these stories.

THE MEMBER FOR EDUCATION AND LUDOX: Mr. Speaker, I am very reluctant to interrupt the hon. Member, but I do think it is wrong to say there are still a few half-truths—knocking around. My friend took great care to go into the matter, took great care and made what is a factual statement.

MR. COOKE: If the hon. Member had risen when the hon. Member for Agriculture accused me last December in this Council of disingenuousness, I would attach a good deal more importance to the appeal which the hon. Member has now made to me.

MR. BLUNDELL: It is a vendetta! (Laughter.)

MR. COOKE: Now, to wind-up, which I am now going to do, the hon. gentleman contended that the demand for this investigation is premature. We will not admit that. It is never premature when you see or think that things are going wrong to endeavour to put them right. At any rate, if this debate is premature, I think it was premature to open the Meat Commission until all the buildings, and the cold storage and that sort of thing had been properly established.

There have been requests—and indeed this discloses to me that there is a suspicion in the minds of the gentlemen that have opposed this Motion that all is not well, that the proposed inquiry should be deferred for a year or two. I share the view of my hon. friend, the Member for Aberdare, that at the Production Conference there was throughout the speeches a suspicion that everything was not right, although a Motion was passed. Therefore, I feel that by deferring this demand for a committee we will be only deferring the inevitable committee which would meet in a year or two's time by which time more harm would probably have been done. So that we must, from our point of view, press the appointment of this committee.

Now, I want to ask the hon. Member—who owns this Meat Commission? Is it owned by himself, and, if I might call them, his former friends?

THE SPEAKER: Is not the hon. Member going beyond the right of reply now, in introducing new matter? (Laughter—hear, hear.)

MR. COOKE: My demand was rhetorical, Sir. (Laughter.) Who owns this Meat Commission; I think the public of Kenya own the Meat Commission. Certainly they pay the taxes which establish the Meat Commission, and if the public demand a committee, as they have, I say they have every right to receive—

MAJOR KEYSER: Who do the cattle belong to?

MR. COOKE: I think a good many belong to my hon. friend himself! (Laughter.)

MAJOR KEYSER: Keep your hands off mine! (Laughter.)

MR. COOKE: I do not know whether that is meant to be a threat or not. If it is from the hon. gentleman, I would ask him to realize I am the wrong man to threaten.

What I was going to say when my hon. friend interrupted me—I wish when he interrupts again he would ask me to give way—I was going to say that for the benefit of all the Meat Commission should be taken over as a Producers' Co-operative. (Hear, hear.) I may be getting irrelevant, I am not going to pursue that point, but I know there are a lot of Members on this side of the Council who

[Mr. Cooke] would like to see it taken over on a co-operative, and not on a monopolistic basis.

Now, Sir, this, as I said when I moved my Motion two days ago, this demand has received tremendous backing from every race in this country. I will repeat it again, who backed us. There were two mass meetings, one in Nairobi and one in Mombasa. The Mombasa one was attended by all races. It has been advocated by the Electors' Union, who are more or less the representatives of the country and to a great extent reflect the feeling in the country districts. An inquiry has been advocated strongly by the Chambers of Commerce in a Resolution, and, Sir, I think it will be found that the demand will be backed by the majority of Members on this side of the Council. So that if Government—and I am asking my hon. friend, the Chief Secretary, for a free vote, because his Members and the members of those Members are the consuming public, and if Government turn down this Resolution to-day, if they turn down this Motion, they will take a risk that there will be an outcry in this country. We are not asking for very much, we are asking for the hon. Member to appoint this small, compact committee. He said he is frightened, or rather hinted that the Meat Commission would lose prestige if it were established. But what would be gained by allaying the suspicions of the public of this country would quite outweigh any possible reactions to the Meat Commission.

Sir, I beg to move. (Applause.)

THE SPEAKER: Will the hon. Member have any objection if I take out the words "he it resolved" and put in the words "This Council recommends", because otherwise we are in the position of the conflict of, if it was carried, it would have to be spent, and we would have to then go into Committee and money for the financial resolution everything of that kind. No provision is made for any advance for that.

MR. COOKE: Yes, Sir, I would agree to that: it does not weaken, of course, the demand that has been made.

THE SPEAKER: I will put the question—while accepting the principle of the

Meat Commission, recommends that an independent committee be appointed at both financial and operational, of the Meat Commission, and to make recommendations for its future administration.

Question put and on a division supported by 28 votes to 19 votes. A. (A): Messrs. Awori, Cooke, Lt.-Col. Ganga, Messrs. Gikonyo, Harris, Dr. Huma, Messrs. Havelock, Jeremiah, Dr. Kari, Sheikh Mahfood Mackawi, Lt.-Col. Marchant, Messrs. Mathu, Odidi, Sheriff Abdullah, Mrs. Shaw, Messrs. Slade, Tameno, Usher and Zafrud Dem. 19 Noes: Dr. Anderson, Mr. Blacket Group Capt. Briggs, Major Cavendish-Bentinck, Messrs. Cowie, Crowl, Messrs. Griffith-Jones, Lt.-Col. Groggs, Messrs. Hammond, Hartwell, Hogg, Jones, Hunter, Major Keyser, Messrs. Knelser, Nicol, Maitland-Edye, Messrs. Nesses, Mortimer, Chief Mukiza, Messrs. Neep, Padley, Roddan, Mohamed Ali Said, Lady Shaw, Messrs. Taylor Vasey, Wadley and Whyatt, 28. Absent: Messrs. A. B. Patel, J. S. Patel and Okwiry, 3. Total 50.)

INCREASING DISREGARD OF LAW AND ORDER

MR. BLUNDELL: Mr. Speaker, I beg to move the following Motion:

"This Council notes the increasing disregard of law and order within the Colony and Protectorate, and urges Government to take the measures necessary to improve the situation."

Before I speak to the Motion, Sir, I should like to draw the attention of Members of the Council—there is a slight alteration in the Motion as moved, to the Motion as printed, in that I have deleted from it the special reference to crimes of violence. In moving this Motion, it is not my intention to range widely over the field of law and order in a destructive manner. I want, if possible, to give a wide and constructive view of the whole of the reasons which I believe are causing this deterioration in the situation.

I firmly believe that crime in a State is a symptom of the morale of the State, and that when crime begins to get out of balance and law and order decreases, that we should look at the morale and mental state of the country rather than

[Mr. Blundell] think we can cure it by palliatives such as the Police Force. (Hear, hear.) We have, over the last three or four years, enormously increased the Police Vote, and we have done very little to improve the deterioration in law and order, and I therefore, am firmly convinced that in fact the will to accept law and order must grow out of the people and cannot be imposed upon them. (Hear, hear.)

I, Sir, intend mainly to take a long-term view of the problem, and my secondly, the hon. Member for Aberare, will, I hope, deal with the short-term view. I intend first to establish that there has indeed been deterioration. I do not need to take long over it, Sir. One has only got to examine the newspaper reports every day to see the constant streets of groups of people, 10, 20, 35, or 40, for illegal and subversive activities such as Mau Mau. One has only got to read the Commissioner of Police's report of 1950, where he expresses concern at the increasing amount of crime, and especially crimes of violence. Lastly, Sir, to return to the newspaper, one has only got to examine the appalling amount of crime which takes place in such a short space as one week in Nairobi to establish that crime is on the increase.

Sir, I do not think that hon. Members will want me to waste time in establishing it, though I have brought here the necessary documents to do so, because I am hopeful that in the method in which I am presenting the problem to him that he will be able to accept that there is an alarming increase in crime, and in the deterioration of law and order. I wish to examine the reasons for that. They are, in my view, political; social and economic; and administrative. I want to examine those three in turn, and make suggestions on each head which in my view might well help us to improve the position.

Political. Now, there is, Sir, in our culture to-day an element who, although nurtured and fostered and brought forward with the background and example of our Western views, nevertheless intend to use those Western views and Western freedom and the right of every man to use those ideas—which we call democracy—intends to use those ideas to disrupt the State. That is the presentation of a viewpoint, but when politics are

used deliberately and solely to disrupt the State, in my view we have got to be ruthless in dealing with the situation, because it is not only the State that is under fire, but the happiness of every individual within the State, and I submit, Sir, to-day, there is a group of people deliberately using the political freedom which the Western World gives in order to achieve the overturning of the Government. There is also, in my view, in assessing this problem a complacency in the Administration which I think must be removed.

Able as our Administration is, staffed with officers of the highest calibre, I regret, Sir, that I feel that some of them still consider that subversive movements are similar to those which took place about the time of Harry Thuku and the Kipsigis Laibons. Nothing, Sir, could be further from the truth. Times have changed to-day, the protagonists of subversive movements in this country have the advice, the backing and the support of persons from overseas who are primarily interested in the destruction of this Government. They have vocal support, silent support, encouragement from what one might call fellow travellers; from what I have called, elsewhere, crackpots in our civilization. There is also, Sir, amongst our people here an element who look across Africa towards the west, toward the setting sun and they are of the opinion that riots, bloodshed, tumult and disruption of the Government may carry them to power. Now, Sir, those elements have got at all costs to be ruthlessly dealt with and eliminated. It is useless, in my submission, filling the newspapers with reports of twentys, thirties and forties of small people arrested here, there and everywhere. The people to arrest, the people to attack, the people to go for with every weapon and device at our command, are the leaders of this movement. (Hear, hear—applause.)

Now, Sir, I want to suggest that there is amongst us to-day a subversive organization which is like a disease which is spreading through this Colony, and the leaders of that movement have a target, and that target is, as I have said, the over-turning of the Government, and my information leads me to believe that that target may well be within nine months of the time that I am speaking

[Mr. Blundell] at the moment. So that, Sir, we have not much time to deal with it and certainly one of the measures I would advocate—or two of the measures—are these. If it can be reasonably proved that this particular disease, this subversive movement, this organization, is largely applicable to one group of people, and, if necessary, one tribe, then I would advocate, Sir, the rigid insistence on a pass system for the movement of that tribe to prevent the spreading of the disease within the whole of our body politic.

Now that is not a new thing, Sir; there is a precedent for it. I remember in this country the troubles that arose from the Laibons and Kipsigis and the resultant moves which were taken. First, to place on one side the leaders, and the Laibons, and, secondly, to control the movement of those they had infected of whom they were using to infect those still free from the disease. Secondly, Sir, I believe that we cannot go on filling the prisons up with twenties and thirties here, there and everywhere of small people who have been led astray by these miscreants, and that we must consider whether it is established that it is a movement relating solely to one group of persons or isolated groups. In that event we must establish a system, much as it is distasteful to us, of collective fines.

So much, Sir, for the political aspect of this problem.

I should like now to take the social and economical one, and it is one in which I am particularly interested. I believe there has been in the last decade, and especially in the last five years, a serious decline in the moral fibre of our African people. Now, Sir, I do not blame the Africans for that. As guardians of the Africans, we must accept the responsibility for that destruction, if it is a destruction of their moral fibre. (Hear, hear.) And first of all, Sir, may I say this, I believe that the whole of the community in this country lacks a sense of discipline. You can see it every day. You can go out into this city and see motor-cars taking no notice of halt signs. The general attitude of the public, and, Sir, I think sometimes those who should be the responsible members of the public against the enactment of law. There often the answer, "Why should I?"

(Hear, hear.) There is, Sir, right through this community a lack of discipline. It is partly engendered by the early tradition of Colonial enterprise, partly engendered by the vast open spaces in which many of us live. It is realized that 65 per cent. or so. I am led to believe, of the crime takes place round Nairobi. I believe in that figure alone we can find possibly an indication of how we can retrieve the situation. Sir, we have congregated here in this great city a large number of Africans. We have divorced them from the soil. Now, Sir, of all races, the Africans, I should say, are most creatures of the soil. In their simple civilization they spring from the soil. They burrow into the soil and they fade away into the soil. Now, Sir, they are not the complicated creatures that we are in our civilization, where one may live with no connexion on the land at all—spending the whole of one's life in a city, be buried in a box in the middle of the city, and that is that. (Laughter.) The African is not used to that. In the process we have divorced the African from that which brought him to the towns, and we have destroyed African customs. One can go outside, Sir, and one can see outside the town the women working in the fields and young men coming to the town lured by the glamour of the town. They have nothing to do and they get led astray. Even to-day Africans will tell you they are seriously disturbed with the destruction of their African customs because the women themselves are being brought into the town by its glitter and its glamour. If you will read the African Press, one of the most disturbing things for the Africans, you will see, is the deterioration in the standards of their own women. That is not caused by the African, it is caused because we are inflicting upon the African a civilization, and we are not taking the trouble to attune him to the aspect of that civilization.

I should like to suggest certain measures. They may be expensive, but they will be cheap comparatively if we can arrest this decline in morale. Members may not know that in this city every night there are thousands of Africans inadequately housed, inadequately fed, clothed, with nowhere to go, herded together. There is the seedbed for the whole of the crime and lack of

[Mr. Blundell] law and order which is taking place in this city. I would like to advocate, Sir—and I welcome the remarks which were made from a speech from the Throne about housing and the necessary social measures which the Government intend to take in action of this sort—I would like to suggest if we are going to build more housing schemes for the poorer elements in our population, we should consider building them outside the city in areas sufficiently wide for small allotments, gardens, to be apportioned to each house so that the basic connexion which the African has for the soil can be maintained. I do submit at this stage in their development Africans who are uprooted from the land immediately lose a moral twisting in their nature, an element of frustration in their lives.

I think, Sir, we should examine the possibility of broadcasting on a much bigger scale. The African population—or I will not necessarily say the African population—but will refer to the poorer element of the population—in the evening has nothing whatsoever to do with a leisure. All it has to do is to get interested in subversive movements, interested in gangsterism and in crime.

Lastly, Sir, all those communities which have been luckier in life, I think, need to show a very considerably greater human interest in the African, and especially in the cities. (Hear, hear.) In Nairobi the African comes to work and in the evening and in the afternoon, as free he is thrown away. Nobody takes any interest in him. There is a very noble effort by the Nairobi Municipal Council to deal with it in the form of a Municipal Affairs Office, but what I am going to say is it is my belief that we can no longer regard the poorer elements of the population as people who do their work and when they are not working they are out of mind. We try not to start a concerted movement on the whole of the community to take an interest in what is happening in those districts when they are not at work. (Hear, hear.)

I would further advocate to my hon. friend the Member for African Affairs that he should take his African Advisory Council and the hon. Members for African Interests—I would seriously like to ask them to consider whether the time

has not come for us to analyse if we are not pressing too much of our education force upon the males and not enough upon the females. Let me say, Sir, at once, that all of us understand the desire of the African to be educated; all of us understand the desire for the African to advance, to come up level with us, but, Sir, that cannot be achieved if the womanhood of the nation is backward. The citizen of to-morrow is taught by the mother of to-day, and if we do not realize that, if the African cannot accept it, all that he can possibly hope to do is to advance each generation's manhood and the next generation has to toilfully climb up from the very place in which the last generation started. There is no successive wave of advancement from the one generation to the next. That is one of the first things we should do, an attempt to swing the whole of the impetus of our education more towards African womanhood than towards African manhood.

A small matter, undoubtedly, in this wave of crime, an evil matter, is spreading through this town. That is, betting. I welcome the Commission which the Government has set up to inquire into it, but for publicity's sake I should like to record there are in this town something like 60 bookmakers, where, in their offices, you can see Africans with their small wages going in every day and betting on a board.

MR. COOKE: What about the tote?

MR. BLUNDELL: I am coming to the tote in a moment.

They have no idea what they are betting on, and it is a significant fact, Sir, that out of every five persons who are picked up in this city for crime, two have got betting slips in their pockets. I advocate we should seriously consider limiting betting solely to the totalisators, which can be adequately controlled on our own local racetracks. Many people will say it is an infringement on the liberty of the individual, specially of the more advanced civilizations. There are only two courses before us. We can either willingly accept sacrifices in order that our African citizens may come on, or we can indulge in discrimination; discrimination in this case is not possible, because we have Africans in every stage of development in our midst. I would suggest that we, the representatives of the

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the stealing which goes on every day, copper wire—which is taken from our communications—all this could not be effected if it were not for the receiver.

I should like to mention two things. The first is, if a receiver is not a permanent resident, let us get rid of him. He should be deported—(hear, hear)—and the second thing, if he is of permanent residence, then I would like to see some provision made by which his opportunity to engage in business again is seriously curtailed. Because unless we can make the business of receiving so dangerous that it is not attractive, we are handicuffing ourselves in one aspect of dealing with this problem. (Hear, hear—applause.)

Now, Sir, I have spoken rather at length and I have given the hon. Member, or the hon. Members opposite quite an element upon which to bite.

May I say this, Sir? I do not move this Resolution as an European, I move this Resolution as a citizen of this country. (Hear, hear—applause.) Because whether one is a poor African who has hoarded a little box with twenty shillings' worth of clothes and has had it stolen; whether one is an Asian woman walking in Parklands in the evening who has her gold necklace snatched from her neck; or whether one is a European engaging one's house in the cost of living and one's linen and sheets stolen; all, regardless of race, are affected by this problem.

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

Mr. SLADE: Mr. Speaker, I second this Motion.

The immediate need, and I stress the word "immediate", the immediate need of this Colony is government with a firm hand, so that all individuals and communities may test assured that every law of this Colony will either be repeated or enforced, and that subversive elements can no longer frolic with impunity.

Taking a long view, there is no doubt that the healthy development of any society depends on education. And by education, I do not mean merely education in letters or in the art of making money. I mean education in self-respect, in ethics, in true values and in the art of

living. But, Sir, as most of us have grown up with our children, and I am sure all of us have learnt from our parents and schoolmasters, there can be no education without discipline, and the immediate need here is discipline. Therefore, I wish to speak now on discipline. It may be such a constructive or attractive subject as the broader view of how we go forward, but we must, first, have discipline, not only for our self-protection, but also to enable the education of the kind I have mentioned. And the particular kind of discipline of which I wish to speak, Sir, because there is not time for any of us to cover the whole field of discipline in the realm of political and order, because of the serious organizations which we all know to be both malignant and widespread in this Colony.

Now, I need not waste your time proving to you that there are such organizations, because Government's awareness of that fact has been shown quite clearly by the recent increased powers of administrative officers and the recent applications of collective fines.

Indeed, I cannot speak too highly of the work that is being done in reception of this danger by magistrates, administrative officers, Police and the Kenya Police Reserve. (Applause.) They are doing, I think, all that they possibly can with such powers as they have.

What I ask myself, and I ask the Council, is whether those powers are adequate? Or if they are adequate now, for how long?

It has always been recognized, even by most democratic societies, that extraordinary conditions may necessitate clothing the executive government with extraordinary powers. If I might give you only two examples: one in the days of ancient Rome, where the constitutional position of the Consuls was quickly replaced by dictators, complete dictators in times of emergency by the will of the people; or in modern times, the Dictator of the Realm Act, where our most constitutional people of the United Kingdom have accepted that in times of war the executive government must have power to enact regulations interfering with the ordinary freedoms which we cherish so dearly. That is recognized here by our own Emergency Powers Ordinance as

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enacted in 1950, which does provide that if ever His Excellency discerns a state of emergency or public danger, he can make a proclamation of emergency; and when he has made that proclamation, he can make regulations of a very sweeping kind: regulations for arrest and detention without trial, regulations for censorship and suppression of publication, regulations for curfew or suppression of arms and withholding of ammunition, and so on. That power is already there.

I am asking Government to consider how soon that power should be used. Relationship of ordinary laws which preserve the freedom of the individual, the Press, to emergency powers might be compared to the ordinary diet and medical treatment of a comparatively healthy individual with the surgical operation that becomes necessary when a malignant growth is diagnosed. And I only have to point out that once such a growth is diagnosed, the sooner the surgeon's knife is applied, the better. It may be then only one operation instead of nine.

Or, if I may be allowed to spend your time briefly with another analogy, because I want to make this point very clear, a snake can be killed with a stick. But if you know that you have a snake in your house, it is not enough to know that you have a stick somewhere in the lumber room. You have got to have that stick in your hand, and you have got to be ready to strike the snake before it bites you.

Therefore, I am asking the hon. Member for Law and Order—in consultation, of course, with the hon. Attorney General—(Laughter)—to consider whether regulations under the Emergency Powers Ordinance, providing for the arrest and detention of suspect leaders, and those other matters to which I have referred just now, should not be prepared immediately, ready for enactment as soon as the need arises, and I am asking Government for an assurance that these powers will be exercised in good time, in fact, as soon as the snake is seen to be within range.

Meanwhile, I can only advocate, as the hon. Member for Rift Valley has advocated, that every effort be made to

hunt out the leaders of these organizations, and I do suggest that for that purpose alone it may be necessary to exercise these emergency powers quite soon. But I would also ask you to consider what we are to do with all these satellites, the many who are in these organizations as subordinate creatures, people who joined them, either for what they can get out of them or because they have no wills of their own, or because they have actually been terrorized into them. Now those people, if we are to imprison everyone of them, our prisons will be crowded out. It is only costing the Government a great deal of money with little expense to them. I doubt, in any event, whether imprisonment is the appropriate punishment for such lesser crime. I do suggest that if you can hit their pocket, and if in hitting their pocket, you can also make them unpopular among their kith and kin, if in addition you can sometimes make them a laughing stock, that is the way to deal with them. For that reason, I do suggest consideration by the hon. Member for Law and Order, again with the help of his ecotoplastic adviser, for the resurrection of what I believe—and I have to confess some ignorance of these matters—what I believe to have been an old-established system among the Africans in this Colony, and that is clan responsibility. If one is to enact a law that for political offences a man may be fined and his clan will be responsible with him for that fine, one will only be adapting, as I understand it, what existed before Europeans came on the scene.

Mr. MATHU: It is dead now.

Mr. SLADE: I am suggesting we might revive it with advantage to all, not least to the clan itself, because once a clan realized that it is responsible for the political activities of any of its members, financially, if in no other way, it will take more interest in the activities of those members. I suggest this for political offences only, because they are of a different class altogether from other crimes. Other crimes flourish by the individual working in obscurity, political crimes cannot flourish in an individual himself. If the individual has not the encouragement of others around him in political crime, he will get nowhere. Therefore, it is fair to blame kith and kin for the political activities of their

[Mr. Slade] It is a little different from own families. It is a little different from collective fines because collective fines are placed on localities. What I am suggesting is that the political mischief-maker, instead of a communal hero, should become a communal nuisance.

There is another serious aspect, rather different from that which I have mentioned so far. That is the importance of controlling public meetings where things are said that are liable to disrupt society. Now, during the last few weeks, meetings have been held in the European farming areas, held by Africans who do not belong to those areas, and attended by Africans in their hundreds who do belong to those areas, and work there for the most part in contentment and goodwill with the employers. At those meetings, it has been said, among other things, that those very areas in which the speeches are being made, belong to those Africans, and will, one day come back to them. Now that, of course, is absolutely untrue. The men who say it know it is untrue. They need only to study the names of the places they are talking about, names that belong to another tribe altogether than the tribe who was speaking, and no doubt most of those who listened know that it is untrue. But yet they see these things being said with impunity, without restraint, and what is the result? The first result is that Africans who have been contented become discontented. The next is, that Europeans living there are driven to resentment, and if this goes on they may be driven very far, and there is a limit to the patience of even the most disciplined man. There is always the breaking point at which, if the law does not do what the subject thinks it should be done, he resorts to self-help. And that is to be avoided at all costs. And worst of all, it must appear to the many hundreds who attend these meetings that such things are said because Government is afraid to interfere. That is the worst aspect of all. I do ask for an assurance that if such meetings are to be allowed in future, and I think within reason they should be allowed, because public speech always is of great value in ventilating these things, until you get to the stage that I visualized earlier of having to use emergency powers. Under the existing law such meetings have to be licensed.

All I ask is that in future they should only be licensed subject to such written conditions of control as to what is said at such meetings.

Both in the long view and in the short view, we must do everything we can to encourage loyalty. And I should like to make it quite clear that in what I have said so far, I am not suggesting that every member of any community or tribe is disloyal. Far from it. I have said that there are very many loyal people, Africans and others, who would welcome a firm hand as much as I would, and who would help us whenever they are given a chance to do so. We have got to encourage those people by protecting them, by rewarding them not as so often in the past, advancing them not as so often makes trouble and forgetting the man who does not make trouble—(applause)—and building up in the end a real national spirit in this Colony, a spirit of Kenya nationalism as opposed to any other kind.

Again, looking to the future, we must be most careful as to what any of our children are taught in the schools, the schools which are not actually administered by Government, we already have laws which enable them to be inspected, and if the teaching that goes on in them is not of the right kind, it enables them to be closed down. Now I have reason to believe that there are some schools where the most wicked things are taught, without adequate interference on the part of Government. Sir, I again ask for another assurance, and that is that every school that is not administered by Government will be under strict supervision, and that as soon as any school is found to be teaching what it should not teach, it will be closed down immediately without giving it a second chance.

Lastly, Sir, I say to Government—"be not afraid". Be not afraid to exercise a firm hand. The fatter the hand now, the less need in the future. The more drastic your actions now, the less time they will have to continue.

I might remind you again of one of those famous Roman dictators I mentioned just now, *ocidit dum metuit*, which being interpreted for those who have forgotten their Latin means—"Let

[Mr. Slade] them hate so long as they fear". That was not a very popular motto then nor could it be in any democratic society, but I do say that it is the right motto when applied to seditious mischief-makers. Rather than being afraid of them, let other people say you must enforce the law with a firm hand. Let them be afraid. Terrorism can only be answered by terror. If you will take a firm hand you will have the backing of all the loyal people of this Colony, and I believe they still out-number the wicked. (Applause.)

THE MEMBER FOR LAW AND ORDER: Mr. Speaker, in rising to speak on this Motion, I must say at the outset—

MR. JEREMIAH: Mr. Speaker, on a point of order, the Motion is not proposed. (Laughter.)

THE SPEAKER: The hon. Member for African Interests is perfectly correct. I was, perhaps, overborne by the oratory of the last speaker.

THE MEMBER FOR LAW AND ORDER: Mr. Speaker, in rising to speak on the Motion which you have just proposed, I may say at the outset that I welcome the opportunity which it affords me of giving an account to this Council, and through this Council, to the larger public outside, of the state of law and order in the Colony at the present time, and also of the developments in that connexion, since I last had the opportunity of addressing this Council on this subject several months ago prior to the dissolution of the old Council.

Indeed, if my hon. friend the Member for the Rift Valley had not moved this Motion, I should have sought to make an opportunity for myself during the course of this meeting of the Council, by resorting to some parliamentary device, perhaps, with which under your usual tuition, Sir, we are now becoming very familiar—(hear, hear)—and in order to give an account to this Council of these matters of such a grave moment to us at the present time.

But that is unnecessary in view of the terms of the Motion and of the speech which has been made by the hon. Member for the Rift Valley. May I say, speaking for myself, that I welcome the Motion. I welcome, too, the speech that was made, full as it was, of constructive

and helpful suggestions to the Government, and I shall, in the course of this speech, deal with those specific matters which he has asked the Government to consider, and to give him assurances upon. But having said that Mr. Speaker, I would remind the Council of the terms of the Motion which, if he will permit me to say so, are somewhat jejune. He urges Government to take all measures necessary to improve the situation. We have heard him develop that theme but the wording of the Motion has a ring about it of preaching to the converted, and which perhaps is understandable, and indeed, excusable, in one who has the good fortune to be returned as an unopposed candidate at the last election. I was glad that we had, seconding the Motion, an hon. Member on the benches opposite, who has reached his seat the hard way. I hope in the course of this debate we shall have further contributions from those Members opposite who have reached their seats the hard way; the battle-scarred warrior from the Mau, the amazon from Nyanza, and last but by no means least, the hon. and gallant *enfant terrible* from Nairobi West. (Laughter.)

And I hope, too, Mr. Speaker, we shall have contributions from those Members sitting on the benches behind me, who have reached their seats with such "effortless ease," by climbing on to the Government band wagon. It is, of course, Mr. Speaker, a very good band course, the latest 1952 model with independent springs. Mr. Speaker, on all his wheels—(laughter)—and I guarantee, Mr. Speaker, to run smoothly under the worst Kenya conditions. (Applause.) But for the time being, Mr. Speaker, I must address myself to the speech proposed by the hon. Member who was returned as an unopposed candidate. There are, as I am sure he will agree with me, disadvantages in being returned as an unopposed candidate. One of those disadvantages, Mr. Speaker, is that one tends to lose the art, and it is an art, of listening to the other person's point of view, and that, perhaps, explains why, if he will permit me to say so, he appears to have paid rather less attention than it deserved to the speech that was delivered from the Chair by our late Governor, Sir Philip Mitchell, at the opening of this Session.

[The Member for Law and Order]

Let me remind hon. Members what the Governor said in that speech communicating the whole policy of this Government to this Council. He said:—

"The Government views with concern the recent threats to law and order occasioned by the activities of proscribed societies. Urgent and continuous attention will be given to the task of maintaining the fullest confidence in the peaceful administration of the Colony. Measures to this end must include more extensive policing of the African Land Units in particular, but also increased measures to preserve law and order everywhere, and a development of methods and policies which will encourage a spirit of harmony and co-operation among all races and sections of the community."

Mr. Speaker, I cannot but regret that the hon. Member for the Rift Valley failed to avail himself on this occasion of establishing a precedent, following the precedent, the custom or the usage—call it what you will—of the House of Commons, where, as everyone knows, at the beginning of every Session, it is customary for the Leaders of the various groups to make a Motion based upon the text of the speech from the Throne. If he had availed himself of that opportunity, then I have no doubt that the wording of this Motion would have read:—"That this Council welcomes the statement of the Government that urgent and continuous attention will be given to the task of maintaining the fullest confidence in the peaceful administration of the Colony, and that there should be a development of methods and policies which will encourage the spirit of harmony and co-operation among all races and sections of the community."

If he had moved a Motion in those terms, Mr. Speaker, then I do not doubt that it would have been received unanimously and with acclamation from all parts of the Council. But although he did not express himself in the stately and sonorous language used by the Governor in his speech, nevertheless Mr. Speaker, I think we may take it after hearing his speech that that is what he really meant.

Speaking for myself, I welcome the views and the statements that he has

expressed in his speech in moving this Motion. It is my duty, Mr. Speaker, giving it at this time, when there is a proper concern for the state of law and order, a survey of the crime position in this Colony, and in doing so it is expedient to consider crime under two separate categories; firstly, I may call crime committed by the professional criminals, or, to use a colloquial expression, ordinary crime, and secondly the subversive crime. The two categories be distinguished because they are essentially in their causes, in the methods required for their detection and, still more, they differ in the method required to prevent their recurrence and dissemination. It is true that some of the criminals overlap in the sense that there are both professional criminals and subversive ones. But for the most part, the diagnosis of the two forms of crime is quite different and the prescription in dealing with them is likewise entirely different.

First, therefore, let me turn to what I have described as ordinary crime in this Colony. Mr. Speaker, it is unfortunately true that during the first six months of this year, that is to say, until the end of May of this year, the statistics for ordinary crime throughout this Colony show an increase of 18 per cent, as compared with the corresponding six months for 1951. Now that increase, Sir, has not been uniform throughout all the Colony; in certain parts of the Colony, particularly in the Coast Province and Nyanza there has not been such an increase. The black spots for this crime are in the urban areas, in Nairobi city in particular; in Mombasa; and in the other urban districts in the Colony. Nor would it be right to assume that this increase of 18 per cent in crime has been uniform in every category of crime. On the contrary, certain classes of offences, very serious offences, commonly described as offences against the person such as murders, manslaughter, assault, serious assaults, serious sexual offences show no appreciable change during this period. For example, the number of murders and manslughters this year as compared with last year, is 30 as against 28; no very significant change. The number of serious sexual offences actually shows a decrease from 29 to 23,

[The Member for Law and Order]

and serious woundings and assaults show very little change—214 against 225. So that it could be wrong to say or to give the impression that because there has been an increase in crime statistics during this period, there has therefore been an increase in that very serious form of crime, namely, offences against the person. It is possible that because there have been one or two serious offences against the person which have been given unusual publicity that an impression may have got abroad that there has been an unusual wave of crime of this nature. But the figures refute it. Where, then, may be asked, is this increase in crime to be found? The answer can be given in one word—in property. It is the crime against property, Mr. Speaker, that has increased 24 per cent as compared with the corresponding period last year. That is a large increase. It is much too large. The offences against property are much too widespread at the present time. I mention in passing, though it is not strictly relevant to my argument that there has been a similar increase in the neighbouring territory, in Uganda last year where crimes against property have increased by 28 per cent compared with the figure of 24 per cent in Kenya which I have just mentioned. That increase in crimes against property is confined for the most part to Nairobi city, Mombasa and the other urban districts. The hon. Member for the Coast will be pleased and gratified to hear that in his Province there is actually a decrease of no less than 30 per cent in this kind of crime. The hon. lady for Nyanza will likewise be pleased to be able to tell her constituents that there has been a decrease in her Province of no less than 20 per cent.

So, therefore, to summarize the position (and, of course, I am dealing only with ordinary crime, and not with subversive crime) during the past five months, there has been a substantial increase in crimes against property, but only in that form of crime and that substantial increase has been concentrated here in Nairobi city and to a lesser extent in the other urban districts in the Colony.

My hon. friend, the Member for Rift Valley dealt very thoroughly and in a most illuminating and, if I may say so,

stimulating manner with the causes of crime, particularly in regard to the cause of crime of this nature in the city of Nairobi. He dealt for the most part, with what I may describe, and I think he will agree with me, as the underlying causes of crime; in particular with the economic and social causes of crime. I remember that when I introduced the Police Estimates in November of last year, I did refer to this question of the economic causes of the crime, and, apparently in doing so, I made history, because after saying in this Council that there are other causes beyond and outside the control of the police, which are very potent in maintaining the pressure on the police, and that if they did not exist, it would certainly have been possible for the police to show even better results during the past year, I went on to say, "I refer, as hon. Members may have guessed, to the economic causes of crime." I then continued later in my speech to say:—"When hon. Members are pondering, as I am sure they do, what should be done to reduce the incidence of crime in this Colony, then they might do well to consider how far the position could be improved if the low wage structure of this Colony was improved."

MR. COOKE: Hear, hear—cost of living.

THE MEMBER FOR LAW AND ORDER: My hon. friend Mr. Mathu, following me in the course of that debate, said, "Crime, Sir, I was very glad to hear my hon. and learned friend say that as far as the petty crimes are concerned the causes are economic. I have said this in this Council more than once, and I am glad to say it is the first time I have heard that point being stressed on the other side of this Council, and I entirely agree with him. Unless we improve our wages structure for the very poor, we must expect to find it very difficult indeed to control these petty, pilfering crimes." I mention that now, Mr. Speaker, because it must be some encouragement to Members of this Council to know that causes of crime and attention is being focused upon those underlying causes and not simply and solely on the repressive measures which lie in the hands of the police. (Hear, hear.) But if the position was bad in November of

[The Member for Law and Order] last year, when I referred to the economic causes of the crimes, it is worse to-day. Mr. Speaker. Costs of essentials have risen steadily since then, and I think it could be an unwarrantable assumption to say that the wages of the very poor, those on the poverty line, have risen in the same proportion. It is impossible to get anything like an accurate number of those who are on the poverty line, of those who are only doing casual work, or who are sometimes looking for the wherewithal for the next meal, but there are some statistics which are indicative at least of the position on the figures, relating to people who are seeking accommodation for the night. My hon. friend for the Rift Valley made a passing reference to them. The best information I have been able to obtain is that every night in this city of Nairobi there are 10,000 Africans who are bedless, who have nowhere to go to sleep for the night. That is a very large percentage of the population, and an almost equally large percentage of the population is, from time to time out of work, and without any money. When you have a substantial proportion of the population who are workless, penniless and sometimes bedless, then, as my hon. friend for the Rift Valley has said, you have a fertile ground in which the seeds of crime can germinate and thrive.

Quite apart from the economic causes of crime, there are the social causes which also my hon. friend referred to. Thousands of Africans have left the Reserve and are now living in this town in Nairobi. It is true to say that in leaving their Reserves and making their homes in Nairobi they have left behind those tribal sanctions and customs and restraints which hitherto have regulated their life. They have all gone, and we have now in this city of Nairobi whether we fully recognize it or not, a proletariat, thousands and thousands of them, who are again, if I may underline what the hon. Member of the Rift Valley has said, who are in contact with standards of living far higher than they have ever known before.

Many of them are surrounded by evidence of wealth or well-being, surrounded by temptations to commit crime. These people because they have left behind all the restraints and discipline of

the tribe are left now without anything to replace them, such as we Europeans have to have a sense of civic responsibility, for which we should take no undue credit, because it has been handed down to us by our forefathers, but centuries. But here you have a proletariat with little or no sense of civic responsibility, or for amusement, and consequently their unhealthy energies are directed towards illegal forms of excitement, namely, committing crimes and betting. My hon. friend gave you some figures for betting which I thought were my copyright. Then he said that two out of every five arrested by the Nairobi police had betting slips in their possession. It is so important a fact and I think it is so important that it is worth while repeating it here. Another fact closely related to it is that bookmakers, turf accountants, or whatever they may call themselves here, who stimulate this kind of activity, have increased by leaps and bounds within the last few months or so. Six months ago there were 35 turf accountants in the city of Nairobi. To-day there are 65. Certainly, it is high it is high time that measures were taken to control betting and I would not suggest one should attempt to do more than control betting because to attempt to stamp out betting would merely be to stamp it in, but I am glad Government has set up a Committee with terms of reference identical with those that were given to the Royal Commission on Gambling and Betting which reported about a year ago in the United Kingdom. So, there, Mr. Speaker, is a brief survey of the underlying causes of crime. Now I must deal with what I think can be more accurately described as the immediate and approximate causes of crime, which were not dealt with, and I understand why, by my hon. friend, the Member for Rift Valley, nor, I think, in any detail by the hon. Member for the Aberdeens. I would remind the Council that it is against this complex social and economic background that I have just described, that the police have to work in order to detect and to suppress crime with inadequate strength, Mr. Speaker, I repeat, with inadequate strength. In 1949 the total strength of the Kenya Police force was 5,989. I wonder how many Members of this Council could

[The Member for Law and Order] press what the strength is to-day, even approximately, correctly. To-day, the strength is 6,057, an increase, if my arithmetic is correct, of 68 in the past three years. And during that time, as the hon. Member for Nairobi South and the Member for Nairobi North will bear me out, this city has grown at a fabulous rate during that time. New suburbs have sprang up, and those that existed have been extended. Factories and warehouses, under the aegis and under the stimulus and drive and energy of my hon. friend, the Member for Commerce and Industry, have likewise increased at a tremendous rate. A figure which has been given to me—it is purely an estimate, is that the increase in that kind of property alone is something like 30 per cent.

Mr. Speaker, it is my submission that it is abundantly clear that the expansion in police strength has not kept pace with the expansion in the development of this Colony, particularly the development in the urban areas. The connection between manpower and crime is very close indeed so close as to appear almost untrue. For example, when a large number of the Nairobi police were moved urgently up to Fort Hall last November in order to deal with outbreaks of disorder there, statistics show that there was an almost immediate increase in crimes against property in Nairobi. The police in Nairobi were already thin on the ground, and when one considers the number of patrols that they have to send out over this fast expanding city, both by day and by night, and when those who were thinned out still more in order to provide heavy reinforcements for the Fort Hall disturbances, then not unnaturally, the statistics of crime showed an immediate and very marked increase.

One example like that might not be sufficient to prove that shortage of manpower and increases in crime are closely connected. But there are many others that I could cite. The occasion in February of this year when over 200 police were moved up to the South Nyeri location to deal with the outbreak of arson there. These were taken again, partly from Nairobi, partly from the Police Training School, and other places. Immediately there was the same statistical reflection of the position in Nairobi in the matter of increased crime. To give one other

illustration, which will, no doubt be of interest to the hon. lady, the Member for Nyanza, when a few months ago police had to be moved, in considerable force, to the Kimuluta area in order to ensure that the evacuation of that area by certain squatters was carried out without any disturbance. The result was that in Kericho, whence many of those additional police were taken, there was an increase of 30 per cent in crime during that period. The shortage of manpower, police manpower, means increases in crime, particularly when I am speaking of that planned type of crime, namely housebreaking and crimes against property.

Not only are the police understaffed in Nairobi, but they are overworked. It may surprise hon. Members of this Council to hear that, in the crime section of the Nairobi police station, each Inspector has, on an average, 30 cases under current investigation at the same time. In some areas, a little outside Nairobi but a very difficult area too, namely in Kiambu, the average is 50 cases under investigation at the same time for each Inspector. Compare that to Fort Hall last November in order to deal with outbreaks of disorder there, statistics show that there was an almost immediate increase in crimes against property in Nairobi. The police in Nairobi were already thin on the ground, and when one considers the number of patrols that they have to send out over this fast expanding city, both by day and by night, and when those who were thinned out still more in order to provide heavy reinforcements for the Fort Hall disturbances, then not unnaturally, the statistics of crime showed an immediate and very marked increase.

The plain fact, Mr. Speaker, about this increase in crime in Nairobi during the past 3 months is that the police force have been asked to carry an impossible burden—(hear, hear—applause)—and I hope that we shall be able to take measures which will relieve them to some extent of that burden.

The difficulty which the police force in this Colony faces, is the difficulty of obtaining co-operation from members of the public. No police force in the world, no matter how efficient it is, no matter how great its strength is, no matter how energetic it is, can function efficiently unless they get a large measure of co-operation from the members of the public. That is an elementary statement which I think will be recognized by everyone.

THE SPEAKER: Order, order. It is time to interrupt business. When will this debate be resumed?

THE MEMBER FOR EDUCATION AND LABOUR: Sir, we propose it shall be resumed to-morrow.

THE SPEAKER: Well, then, tomorrow.

ADJOURNMENT

DISSATISFACTION AT REPLY TO QUESTION No. 3

MR. BLUNDELL: Mr. Speaker, may I ask your guidance? Do I start on the matter I wish to raise?

Mr. Speaker, I beg to move the adjournment, because I wish to raise the dissatisfaction which I felt arising out of my question on biologicals at Kabete.

Mr. Speaker, in order to clear the mind of the hon. Member, may I say at once I am not raising this because it is proposed that biologicals should go over to the High Commission at all. Some two or three years ago, I think it was, there was a breakdown in the preparation of biologicals, especially in relation to the biologicals for the diseases which the hon. Member mentioned and, as is well known, the hon. Member stepped in and transferred them to their old habitat, Kabete, where they are prepared under the aegis of the Kenya Veterinary Department. I understand it is the intention to return them now back to the control of the High Commission, and I want to suggest, Sir, that that is a mistake. Rather like a business, the present Veterinary Laboratories have established a goodwill in the matter, and I believe we are very unwise possibly to impinge upon public confidence by making this move.

We have at Kabete the trained staff, we shall have, arising out of this answer, to duplicate certain facilities if we make the move and, on top of that, we shall impair slightly the training facilities for the African Veterinary students. The main factor, I believe, Sir, is that the public of Kenya, who are large users of these products, have great confidence in the present manufacturers of the preparations, and, although I can well understand that there may be pressure from Tanganyika and Uganda to move

to the High Commission, on the grounds that they feel that they might have greater confidence, nevertheless, I wish to suggest that the majority of users will be those of Kenya.

On the general question, Sir, I think it is most unfortunate that, in a matter of this sort, we should allow such subjects, whether it is a High Commission or an individual territory, to enter the discussion. What we want is efficient production. I believe there is hidden away somewhere in the Veterinary Department files a file, Sir, which is headed "Ownership of Ticks in Kenya". Now, the object of that file is an attempt to establish that the officers of the High Commission, in their investigations on diseases, have an entitlement to the ownership of ticks in Kenya. Now, I stress that point, Sir, because it rather bears out what I have in my mind. It is not a question of the High Commission, Kenya, Tanganyika, or Uganda, it is a matter of the best commercial business to produce these products for the confidence of the public.

I hope the hon. Member will put very great pressure upon everyone on the opposite side of the Council to agree that the biologicals should remain where they are.

MRS. SHAW: I have much pleasure in seconding the Motion moved by the hon. Member-for-Rift-Valley in the adjournment. I have been asked to do this rather suddenly so, if my facts are not completely correct, I beg your leave to be excused. I may say that I think it is my recollection, when I was a member of the stock owning community, that the High Commission did have a very unfortunate incident in the preparation of certain vaccines—I am not sure whether it was a vaccine, or a virus—which had very unfortunate repercussions in this Colony and I believe that it was through that that a great deal of the goodwill was lost and the confidence of the farmers was withdrawn. And I believe, also, though if I am wrong I hope the hon. Director of the Veterinary Service will correct me, that it was then biologicals were first prepared—the preparation of them was started on a larger basis in this Colony. I do know that, since that was done, the confidence of the stock owning community has been

(Mr. Shaw) entirely restored, and I believe the preparation of biologicals at Kabete has been most successful. And I am perfectly sure that I am correct in stating that it was that the general wish of the stock owning community of Kenya that the preparation of biologicals should continue to be done within this Colony when it has been so successful under our own Veterinary Department.

MR. KEYSER: Mr. Speaker, I should also like to support the hon. Member for the Rift Valley. In doing so, I would like to say that, unless one has seen the ravages that can be caused in herds of cattle by diseases which are not properly controlled, one does not realize the very great importance of this matter.

Now, Sir, our laboratory at Kabete has supplied us with vaccines by which we have been able to protect our cattle for very many years. I can see no advantage, for the moment, in transferring the manufacture of those vaccines to the High Commission. There was an obvious advantage, Sir, in such services as the Railways and Post Office coming under the High Commission, but I cannot see what advantage is going to be derived from handing over the manufacture of these vaccines, because our laboratory at Kabete has, for many years, supplied the other territories with their vaccines and they could well continue to do so; carrying the confidence of stock owners in all these territories at the same time. I do not believe that at this moment we can risk the transfer to the High Commission of the manufacture of these vaccines.

MR. HAVELOCK: Mr. Speaker, I merely want to emphasize one angle. The previous speakers, Sir, have seemingly put the emphasis on the confidence of the stock owner. I agree entirely with those remarks, but I want to emphasize the economic angle. I believe it is really uneconomic to hand over the manufacture of biologicals to the High Commission at the moment. We have got all the laboratory facilities we require at Kabete, and it will mean another lot at the laboratory at Maguga in order to cope with this manufacture of only part of the vaccines. Arising out of the answer of the hon. Member this morning, it is not all the vaccines; part will be done by Kabete, and part by Maguga,

according to the scheme that has been put for us. Surely it is uneconomic to have two vaccine factories. The Kabete one has got everything it requires. It will need more stuff, more appliances, etc., etc., for the few that are to be transferred to the High Commission to be manufactured at Maguga. I believe from the economic angle it is to the benefit of all territories, not only Kenya, that the manufacture of all vaccines should remain with the laboratory at Kabete.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: rose—

MR. BLUNDELL: Do not be frightened!

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I think possibly it is necessary to draw hon. Members' attention to the origin of the whole plan of the East African Veterinary Organization. Ever since 1939 we have had a central Veterinary Research Institute at Kabete, which was financed partly from Colonial Development and Welfare Act Funds. At a meeting in 1947 it was decided to enlarge the scope of this central Research Organization by forming an East African Veterinary Research Organization, which should work together with the Territorial Station and Territorial Departments. The original scheme envisaged a grant to the original scheme of £90,000, with a net recurrent expenditure of about £48,000 a year. And for the first five years, that is up to 1952, £16,000 was to be met by the East African Territories, and the balance out of the Colonial Development and Welfare Act.

On this basis, when application for assistance was submitted to the Colonial Office, the annual recurrent expenditure on the various Veterinary Services of the three territories was taken into account, and a proportion for meeting the central Research Institute, or half of it, as between the territories, was arrived at. The proportion was Kenya and Tanganyika three each and Uganda two, Kenya's share of recurrent expenditure was to be £6,000 a year.

Now, Sir, since then plans have been considerably enlarged, and they depend, to quite a considerable extent, on the assumption that the production of rinderpest and pleuro-pneumonia bioterrorists will be taken over by E.A.A.V.R.O. in 1953, and the revenues

[The Member for Agriculture and Natural Resources] that accrue therefrom will go to diminish this common liability which has to be accepted by all three Territories.

Of course, the expenditure which will have to be faced in the second five-year period, from 1953 to 1957, will be very large. I did give some figures this morning of the loss of revenue from the Kenya point of view alone, and I think there is a great deal of substance in some of the arguments that have been put forward by hon. Members on the other side. But, I must again draw the attention to the fact that the scheme, under which these biologicals will be manufactured on an interterritorial basis by the Interterritorial Institute, is one which has been approved by all the Governments and by the Secretary of State for some years past.

I did give an undertaking, Sir, I think, last year, that before the manufacture of biologicals was definitely handed over, in view of what has occurred, I would again let hon. Members opposite know the situation, and so that undertaking, which was given, will have to be adhered to. All I can do, Sir, I think, in this short debate, is to say that I will take the matter up with the High Commission and see what their reactions are. The position since the plan was originally made, had Kabele in order to put it into better shape for the manufacture of these biologicals. Of course, in the original plan Maguga was not visualized. The idea was going to be centred on Kabele, which it is not going to be now, and this is a possible reason for at least bringing the matter again for consideration before the High Commission.

But there is one thing, Sir, we must not forget. That is a lot depends on the opinions of other Territories. Hon. Members opposite talked about the cattle population, in which they are particularly interested, in this Colony. Of course, there is no doubt at all that the bulk of grade cattle and, indeed, of very high grade cattle and pure bred cattle are concentrated in Kenya, and there are here now many very valuable herds; but these form only a very, very small

percentage of the cattle population of the three territories. I could not give you what percentage it is, but it would be probably, nearer 3 per cent or 4 per cent or 5 per cent, although the value, of course, is immense.

Against that, there are great advantages in finding ourselves dependent no longer making the biologicals in which there is a very big sale, and left with those which are really only sellable to the higher grade herds, and which there can be no profit against. I cannot give any further assurances that I have.

MR. BLUNDELL: Is it not true in these preparations, which the hon. Member mentioned in the Supplementary Morning, are used in all the African herds in Kenya? I specially did not mention grades.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Before I mentioned, Sir, of course they are.

THE SPEAKER: The rules allow for half an hour, but if a quarter of an hour is taken up, there is nothing for me to do but to adjourn until 5 o'clock this evening.

The Question having been proposed at half-past Twelve o'clock and the debate having continued for a quarter of an hour, Mr. Speaker adjourned the Council without Question put, pursuant to Standing Order.

Council adjourned at forty-five minutes past Twelve o'clock.

Thursday, 10th July, 1952
(Evening sitting)

The Council met at eight minutes past five o'clock p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMITTEE OF SUPPLY

Order for Supply read—Mr. Speaker in the Chair.

IN COMMITTEE

[Mr. E. J. C. Neep, Q.C., in the Chair]

Head 7-3 (50)—(Contd.)

THE CHAIRMAN: May I remind the Committee that we got to page 3 of the Supplementary Estimates No. 3—an item about half way down the page, dealing with the proposed mace for Nakuru, and that it had been proposed that that item should be deleted.

MR. MATLAND EDYE: I listened with considerable sympathy the day before yesterday to the pleas put forward by many Members in support of the mace, and encouraging gesture be taken by this provision. Had the sum been more in keeping with a gesture, I should have been quite happy. (Hear, hear.)

The sum involved is, however, some £50 and in these days of constant pressure upon the Treasury many deserving cases have got to be resisted. Such as, for instance, the provision of badly needed equipment for a hospital and for which purpose I venture to suggest this money could be much better spent. Moreover, Sir, I was a Member of this Council at the time referred to by the hon. Member of the amendment when we turned down the provision of a mace for precisely the same reasons and at the same figure which we are now discussing. I cannot help feeling the position has not altered to any great extent or made those reasons invalid.

The hon. Member for Health and Local Government referred to that sordid story of the woman and the ointment. I would like to suggest the cases we not really parallel, as in her case the money spent was her own.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Touché!

MR. MATLAND EDYE: Arising from that, I feel the position would be better served if the money was raised in a more personal and pocket-touching manner and judging from the generous expressions of opinion which were voiced in this Council—I am sure if the deeds matched those expressions, I am sure the money would be very soon raised.

MR. HAVELOCK: Mr. Chairman, it is very seldom I say this, but the hon. Member opposite has voiced my opinions absolutely as I feel them myself. I therefore say nothing but to support them myself.

MR. NICOL (Uasin Gishu): Mr. Chairman, might I ask as there seems to be a divergence of opinion on the Government side, there should be a free vote on this matter because, after all, the hon. Members opposite are also custodians of the taxpayer's money. I suggest that a free vote, in this particular instance, will be a very good thing.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, there is no intention of allowing a free vote, but the Nominated Official Members on the Government side who are not Government servants will be allowed to express their own views and to vote as they will. The Government Members will support the Government Motion. (Hear, hear.) Mr. Chairman, there is very little to be said, all the arguments pro or con that can reasonably be advanced, have already been advanced. It is for hon. Members to make up their minds whether they would like to support this friendly gesture to our first child to reach maturity amongst our Local Government Authorities or not, and I do submit that there is a very good case for this generous and gracious gesture to the Nakuru Municipal Council. (Hear, hear.) I leave it to the good feeling of hon. Members to decide how they shall vote.

Question put and on a division agreed by 27 votes to 15 votes.

Ayes: Mr. Awori, Group Capt. Briggs, Messrs. Cooke, Cowie, Crosskill, Lt.-Col. Gherrie, Messrs. Gikonyo, Havelock, Nicol, Eady, Odede, Sheriff Abdullah, Mr. Shaw, Messrs. Slade,

Tameno, 15. Noss: Dr. Anderson, Messrs. Blundell, Davies, Griffin-Jones, Lt.-Col. Grogan, Messrs. Hammond, Harris, Hartwell, Dr. Hassan, Messrs. Hope-Jones, Hunter, Jeremiah, Dr. Karve, Major Keyser, Messrs. Kneller, Sheikh Mahfood Mackaay, Lt.-Col. Marchant, Mr. Mathu, Sir Charles Mortimer, Chief Mukima, Messrs. Padley, Reddan, Mohamed Ali Said, Taylor, Usher, Wadley and Zafrud Dren, 27. Absent: Major Cavendish-Beninek, Messrs. A. B. Patel, J. S. Patel, Vasey, Whaytt and Okwiry, 6. Did not Vote: Mr. Neep, Lady Shaw, 2. Total: 50.

Head 7—4, Item 6

THE MEMBER FOR EDUCATION AND LABOR: Mr. Chairman, I beg to move that Head 7—4, Education Department: Administration and General—Other Charges—£600 be approved.

Sir, this extra provision is required to make it possible to pay revised rates to people who set, mark or invigilate examinations for the Education Department. The present rates were fixed in 1944 and they are now completely out of line with the rates paid elsewhere, particularly in the United Kingdom and South Africa. The Department has had difficulty in getting people, who are largely recruited from outside the Department, to do this work. It has therefore become necessary, for practical reasons, to increase the rates which are paid. The new rates have been discussed by the Financial Department and agreed by them as being reasonable. This sum is required to make it possible to implement the increase.

MR. MATHU: Mr. Chairman, I rise to move that this item of £600 be deleted. I do that, Sir, because I want to give the Member for Education an opportunity to tell us of the proposal of eliminating the Kenya African Preliminary examinations. If they are going to eliminate that, then why have increased money to pay papers? These invigilators and those who set the papers? This matter has come up before the African Advisory Council on Education, and I think practically all, except one, African members voted against it and our impression is that it might be pushed through against the

will of the African people. I would like to say if that is removed, there will be very little satisfactory way of sitting candidates by examinations for the secondary schools. It has been urged that it might be useful to remove these examinations because they do not suit the African to be examination material. Who is not, in the whole world, who is not; exist practically everywhere in the world I do not see why we should be for only people whom they affect adversely. Unless I hear something satisfactory from the hon. Member, I shall press this to be deleted.

THE DIRECTOR OF EDUCATION: Mr. Chairman, I should like to explain to you this item has nothing whatever to do with the proposal to eliminate the Kenya African Preliminary Examination, which is still only a proposal and still needs consideration. In fact, almost the whole of this £600 is required to mark some 25,000 papers for that examination this year.

MR. MATHU: Mr. Chairman, I know, when these things are under consideration, they usually come to stay. We do not know very much until they are decided. I want to say, Sir, that I would like to withdraw my Motion, but I would like to say that unless this proposal is supported by the African community, I, for one, at an appropriate time will move a Motion in this Council protesting against this.

The question was put and carried.

Head 7—7, Item 4 (19)

THE DIRECTOR OF MEDICAL SERVICES: Mr. Chairman, I beg to move that Sub-Head 7—7, Item 4 (19)—Upgrading of Senior Entomological Field Officer to Senior Entomological Field Officer (£715-£5,840)—£25, be approved. Hon. Member may be somewhat puzzled by the fact that this item is introduced as a Supplementary Estimate and was not included in the 1952 Estimates. The reason for this, Sir, is that it was in fact put forward for the consideration of the Member for Finance for inclusion in those Estimates. But unfortunately, owing to an oversight, it did not appear in the printed Estimates.

(The Director of Medical Services)

The proposal is to upgrade one Entomological Field Officer to Senior Entomological Field Officer, which this year will cost £25. There are eleven posts of Entomological Field Officers of various ranks in the Insect-Borne Diseases Division of the Medical Department, two of which, at the moment, is a Senior post. Now, these people carry out very important work in connexion with insect-borne diseases. They carry out work of great scientific importance, and they frequently work on their own. As they do not possess University degrees, they are therefore not eligible for promotion to the grade of Entomologists, but the senior ones do, in fact, carry out the responsible work of entomologists, and after a man has been many years in the service, he finds himself in a position of doing his responsible work on a maximum salary of £750 a year. That, Sir, I am satisfied, is not an adequate emolument for a person doing this type of work, and, in fact, it compares very unfavourably with technical people doing similar work in other branches of the Government Service.

MR. HARRIS: Mr. Chairman, can the hon. Member assure me that it was a genuine oversight in the Annual Estimates, and not returned to the Medical Department as not being justified?

THE DIRECTOR OF MEDICAL SERVICES: Yes, Sir, it was a genuine oversight for which I must take the full responsibility.

The question was put and carried.

Head 7—7 (50)

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move Item 7—7 (50) Non-Recurrent: Capital grant to Nairobi European General Teaching Hospital—£62,000 and Capital grant to Nakuru War Memorial Hospital—£41,000, be approved.

I come before the Committee with full confidence, not in dealing with such bushes as maces, but dealing with necessities for human life by way of expansions to our hospitals. (Hear, hear.) The Legislative Council, Sir, has adopted by unanimous approval, certain principles in dealing with applications for capital grants for hospitals for various

communities. These are first of all, proof of need, secondly, proof of ability to maintain by the community in question, and thirdly, both must be related to the financial position of the Colony and the ability of the Colony to find the funds required for the expansion desirable.

Now, Sir, in Nairobi it has long been recognized that we need a new European General Hospital, and that that hospital must be of such size and of such an establishment that it can be regarded and accepted as a teaching hospital; that is doubly important, first of all from the point of view of training our own young people in hospital service, and giving them a diploma which will, at any rate, serve for East Africa, if not for the whole world; secondly, in providing a cheaper method of recruiting our nursing staff than having to bring them all from overseas. We hope, by the establishment of this new 100-bed hospital, to achieve those results.

Tremendous credit is due to Mr. Rudolph Anderson—(hear, hear)—and that very energetic band of helpers who have worked with him, and who have set this grand scheme going. It is all part of a big five-stage scheme. This will be the beginning of the fourth stage. There will be room later for expansion of the hospital to about 600 beds, but, in the meantime, a 100-bed hospital bed only is envisaged.

The Government is committed, subject to the fulfilment of those three criteria which I have mentioned, to making £ for £ grants, provided the scheme in general is approved, and that there are no undue extravagances in its constitution.

Now, in the plans for this particular hospital in Nairobi, there is no undue extravagance; everything has been very closely examined; a very close tender has been obtained, and the whole scheme, including the Mala Carberry, the Princess Elizabeth Hospital, the McMillan Nursing Institute, and this new general Hospital, will all be under one general control of the European Hospital Association.

The capital cost of the whole scheme has been very carefully worked out and the Government contribution has, in part, already been made, but there still

[The Member for Health, Lands and Local Government] remains to make up on the £ for £ principle, a matter of £62,000, which is now included in the present proposal.

The other item is for the expansion of the Nakuru War Memorial Hospital, a splendid example of self help on the part of the local community. There is obvious need for that when we consider the overcrowded state of the Nakuru War Memorial Hospital at most times, and there is a long established, proven ability to maintain by the local community. The scheme provides for complete revision of the existing layout. Buildings are going to be used for different purposes, and expansions including a new operating theatre are going to be built, which will provide an increase of the bed establishment from 40 to 67. The amount required on the £ for £ principle, which, as I have said, has already been accepted by this Council, is £41,000. With confidence, therefore, I submit this proposal to this Committee that this sum of £103,000 shall now be provided in order to make these grants actual. (Applause.)

LADY SHAW: May I ask a question, Sir? I am not proposing a deletion or reduction. I would like to know whether the Children's Hospital comes anywhere into this plan—the existing Children's Hospital—with regard to any expansion or anything of that kind—does it come into the £ for £ plan?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, the existing Gertrude's Garden Children's Hospital has had the capital cost already covered by the generous benefaction of one of our own Members—(applause)—Colonel Grogan, to whom the community owes a great debt of gratitude. (Hear, hear.) No application has been made for a £ for £ grant, but support is given through the Hospital Insurance Scheme to the patients who use the hospital, and that is the extent, at present, of the Central Fund's support, not the Government's support, I must draw attention to the fact that the Insurance Fund is not a Government fund, but is administered quite independently.

MR. ZAIBUD DEEN (Muslim West): Mr. Chairman, it is very gratifying to

know that the European public has collected such a handsome sum for the cause of this hospital. May I know from the hon. Member, if a similar sum was raised by the Muslim community, whether the Government would support it in a similar manner?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: The Government. Mr. Chairman, will apply the same criteria to any application that come forward from any of the Asian communities or the European community. In fact, it will be within the recollection of the Members who were in the Legislative Council that one of the first things we did before the dissolution, was to pass a vote on precisely similar lines to the Pandya Memorial Clinic under the charge of Dr. Karve.

I have been in communication with the organizers of the big Ismailia Community scheme, and I have told them that they must not rely on the £ for £ grant, until their plans have been closely scrutinized and we are satisfied that the criteria laid down by this Council have been fulfilled. But I am quite sure that in due time, they will qualify for a grant depending to a large extent upon the standards which they are going to put into the hospital. I should put it as a caveat here. In the interests of the taxpayer, we must scrutinize the plan very carefully, and ensure that there are no extravagances, either in design or equipment, in the hospitals that are helped in this way, and we cannot afford to deal with hospitals that insist on private nursing home standards when we are dealing with public money, and therefore, as I have said, the plans must be carefully scrutinized.

The question was put and carried.

Head 15—11 (3)

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I beg to move that Head 15—11 (3), Development and Reconstruction Buildings, Educational Buildings—European, New Item, 4 classrooms, Parklands School, £864, be approved.

Sir, this money is required to provide more accommodation at the Parklands Primary School, where the pressure of pupils makes that necessary. This is going to be done if this money is voted

[The Member for Education and Labour] by moving that temporary buildings from the Nairobi Primary School, which are not being used, and putting them up again at Parklands. As Members will see from the paper, this is covered by savings under another Government taboony item.

The question was put and carried.

THE CHAIRMAN: The question is that the Supplementary Estimates of Expenditure No. 3 of 1952, as amended, in a total sum of £125,680 be approved.

The question was put and carried.

The question was put and carried that the Committee report consideration.

Council resumed.

[Mr. Speaker in the Chair]

REPORT OF COMMITTEE OF SUPPLY

SUPPLEMENTARY ESTIMATES OF EXPENDITURE, 1952

NO. 3 OF 1952

Supplementary Estimates of Expenditure, 1952 (No. 3 of 1952)—Resolution reported:

That the sum of £125,680 be granted to the Governor on account, for or towards defraying the charges for Supplementary Estimates of Expenditure, 1952 (No. 3 of 1952).

Resolution agreed to.

COMMITTEE OF SUPPLY

Supply—Order for Committee read. Mr. Speaker left the Chair.

IN COMMITTEE

[Mr. E. J. C. Neep, Q.C., in the Chair]

THE CHAIRMAN: The Committee will now consider Supplementary Estimates of Expenditure No. 4 of 1952.

Head 1—3 (50)

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I beg to move that Head 1—3 Legislative Council, new item, purchase of 2 electric typewriters, £210, be approved.

Sir, I am sure that the Member for Kiambu will be pleased to see that we are purchasing another mechanical toy to keep the Members of the Government

side amused. These two typewriters, Sir, are required for the reporting staff. The advantage which they have over the ordinary machine is firstly, that they are considerably faster, secondly, that they are much less tiring to the typist, and thirdly, it is a small point, but it is important, they use considerably less paper than the ordinary typewriter because they type smaller and more closely. I am sure all Members very much appreciate the efficient service which we receive from the reporting staff, and will be glad to give anything which will make their task easier. (Hear, hear.)

The question was put and carried.

Head 2—6, A—4

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that Head 2—6, A—4, new Land Office Buildings—extensions, £780, be approved, but the title is somewhat misleading. This is not for Land Office buildings, but for the internal fittings of a building that is in the course of erection. I must begin, Sir, with an apology to hon. Members for having to bring this item at all. On the 3rd of April, Legislative Council approved a Motion of mine that a sum of £4,350 be voted for an extension of the Land Office buildings, very urgently necessary for the housing of the staff, and for the housing of files. Unfortunately, by an error which occurred between my office and the Treasury, the figure was wrong. The figure that was actually proposed, £4,350, was the actual cost of the building itself, and did not allow for the internal fittings, for which a separate estimate is £780 for the file racks, inside the file store extension, for certain office fittings, for electric fittings, and for some necessary book cases. I apologize for having to bring this forward a second time, but it will cost very much more if it has to be done later on, much more important that the job should be done during the process of the building.

MR. HAVELOCK: Was it a typing error?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Well, no, it was not.

The question was put and carried.

[Mr. Nicol]

But surely these scientific reports, Sir, will have a sale value. They are not going to be sent all round the world as free gifts, and will not some revenue be coming back from the sale of these publications?

LT-COL. GROOMAN: Mr. Chairman, I am entirely in favour of the publication of these reports, because I do not suppose they will be available in the next world, and I should very much like to see them before I pass on, because I understand that they tend to prove that our Western progenitors were in occupation of the lands of Africa before the progenitors of the African population!

MR. COWIE: I do want to put one small point forward, and that is that we have to recognize that nearly half the world lives differently. When I was in America some time ago I learned to my dismay that out of the 33,000,000 visitors that travel to their national parks in one year, 13,000,000 have been proved to be attracted only to archaeological sites. Whether we like it or not, these Miocene fossils and their scientific aspect have a value in other countries; if this information could be recorded and converted into brochures that are more attractive to tourists, I believe it would pay dividends.

MR. MATHU: Mr. Chairman, I am in favour of deleting this, not because eventually I would not like the scientific brochures published, but I thought the main purpose of a supplementary estimate is that it is a matter of urgency. As some hon. Members have said, in any case, these have been buried for millions of years. We could wait for a couple of years at any rate, until the Estimates for 1953 are brought before Council. What is the urgency about it? Surely they could come in the main budget?

MR. USHER rose.

MR. BRINDLE: I did not wish to prevent the hon. Member for Mombasa speaking, but I thought in view of the argument it has provoked, I would withdraw my Motion.

MR. USHER: I have seen these things, I regret to say, spread out on the bar of Chef Dave. They are locusts and mantises and things like that.

MR. HARRIS: Before this committee Mr. Chairman, in view of what the hon. Nominated Member for the National Parks—(laughter)—said just now and in view, Sir, of the fact that the hon. Member—I think it was the hon. Member for Agriculture—said that he did not understand these treatises, and the hon. Member for Commerce and Industry asked what a miocene fossil was, I wonder, Sir, whether the money would be better spent in getting something like the hon. Member for the National Parks might understand better, Sir, the things that two hon. Members on the bench opposite do not understand.

THE MEMBER FOR COMMERCE AND INDUSTRY: Did the hon. Member understand himself before this debate? (Laughter.)

The question was put and carried.

Head 7—7, Items 5, 6, 7, 10 and (3)

THE DIRECTOR OF MEDICAL SERVICES: I beg to move Head 7—Medical Department, Other Charges item 5, Travelling Expenses, £2,850, be approved.

Sir, the additional provision which is asked for now is additional to the sum of £39,650 which was voted at the beginning of the year. Since this was voted costs have risen steadily and the cost of maintaining a fleet of Medical Department vehicles has increased. Petrol has increased in cost, spares have increased in price and labour costs have gone up. In addition to that the bulk of the Medical Department vehicles are getting older and therefore more costly. Also there are constantly increasing demands for medical officers to use their cars to go to, for instance, the Supreme Court and also, of course, to visit their districts.

Now, Sir, in spite of these additional charges and these additional demands the amount which I am now asking for up to the end of the year, when added to what we have already got, will, in fact, be less than was approved by this Council during 1951, because a supplementary estimate of £5,000 was approved towards the end of last year, and the total which was approved last year is, as I say, greater than the total which is being asked for now.

The next item, Sir, is item 6, Uniforms. The amount originally voted was

[The Director of Medical Services]

(£10,000, and the amount now asked for is £4,185. Now, Sir, since these estimates were submitted—and, of course, they were compiled in the earlier part of last year—there has been a very great rise in costs, and I would like to give the Council one or two examples. For instance, khaki jackets have increased in price from Sh. 18/25 to Sh. 28/25. Khaki trousers have increased from Sh. 14/25 to Sh. 21/25. The position is now that we have spent all the money which was voted for uniforms this year, and we still have a large proportion of the staff of the Medical Department unprovided with uniforms. They are forced to wear their old, ragged and threadbare uniforms, and this, of course, has a very bad effect indeed on morale.

The next item, Sir, is item No. 7, Personal Services; Telephones, £480. Here again, this provision is asked for going to rising costs. The increased costs of local telephone calls have increased from 12½ cents to 20 cents per local call. This represents a 60 per cent increase, and I am now asking for additional funds which represent 60 per cent of the £100 which was the original estimate for local calls.

The next item, Sir, is item No. 10, Medical and Surgical Stores and Equipment, £34,000. Well, Sir, I regret very much that this item is a large one, but the position is that we were voted at the beginning of the year £200,000 for medical stores. As Members are aware, these estimates were put in at the early part of last year and our requirements were based on the prices which were then ruling. Since that time there has been a great rise in the prices of medical stores, and a very careful calculation has shown that the average rise of the cost of medical stores has been 17 per cent. I am accordingly asking for £34,000, which represents 17 per cent of £200,000. I would point out that although the very greatest economy is exercised in the use of stores, in fact no hospital has sufficient stores to meet the increasing demands that are made. In spite of that, I am only asking for sufficient money to maintain the service at the 1951 level.

The next item, Sir, is sub-Head (50), Non-Recurrent, New Purchase of Iron Lung, £200.

Hon. Members will no doubt know that recently there have been a number of very severe cases of poliomyelitis, which have been treated in this country, and as a result of our experience then it has become apparent that although the box type of respirator is quite adequate for the treatment of patients who are really ill, there is a very great need, when they become convalescent, to put them into something which is not quite so restricting as the box type of respirator, and which allows very much more freedom for the patient, and makes it very much easier for the nursing staff to carry out their duties. Consequently, we want to purchase a type of respirator which fits on to the chest, and that costs £200.

The last item, Sir, is again a new item, Plague—Special Measures—£2,250.

Now, Sir, an outbreak of plague is a thing that nobody could possibly foresee. There have been no cases of plague in this country for several years, but unfortunately during the present year a small outbreak has appeared in the Nakuru district and, as always, when plague breaks out it becomes very necessary to take very energetic action to control it. That action was taken, and considerable sums have had to be expended already on transport, additional labour and particularly on a large quantity of insecticides, and some are required to insecticide, though which is still cell smouldering, through to a large measure it is now under control.

Finally, Sir, I would like to emphasize that in regard to these first four items I am not asking for additional funds to increase the services which are given, all I am asking for is additional funds to meet the increased costs in order to maintain the services at the 1951 level. (Applause.)

Mrs. SHAW: Mr. Chairman, I rise to support what I am afraid is the largest sum in these items, No. 10, of £34,000. I do so on the grounds, because I hope that the granting of these extra medical stores and surgical equipment will put right at least one case of what I consider a most shocking case of what I consider was brought into my notice by the School Committee in Kericho. The Kericho European

[Mr. Shaw]

School, where they employ a matron and an assistant-matron, did not have any medical equipment whatsoever, not even one aspirin or a thermometer or a hot-water bottle for a school of over 134 small children.

Well, I think that is a most shocking state of affairs, and the committee were assured when they wrote to the Provincial Medical Officer that there was no money for these things and no grant could be made immediately for such items, but he considers a thermometer was not altogether necessary and hot-water bottles were luxuries. When I tell you we live in an area where, last year, we had over 100 inches of rain and the clothes-drying room for that school was inadequate, and because of the weather children were perpetually getting colds from getting drenched. The assistant headmaster went down with pneumonia. The matron went down with pneumonia, and two of the children nearly got pneumonia. If prevention is not better than cure, I do not know what is. The hon. Director of Medical Services said this morning that he would like to right that situation at once, but he had such a drain on the medical equipment and stores that he did not have the stores to comply with all the demands that were made upon his department. Now I feel that that is a very shocking state of affairs, and I think it is one which this Council should take very seriously and do their best to rectify.

I beg to report.

MAJOR KEYSER: Mr. Chairman, may I ask for some information on item No. 6, Uniforms, 4,185? I understand, Sir, that there has been a great fall in the price of textiles recently and I do think, Sir, that this item needs a little explanation in view of what the hon. Director of Medical Services has said about the increased cost of uniforms.

Of course, in the explanation might be given, Sir, by the hon. Secretary for the Treasury—it might be due to the fact found to be much more expensive than that that can be bought on the market to-day—(laughter)—and, therefore, the price has increased. (Applause.)

MR. HAYLOCK: Mr. Chairman, on all these items I am a little worried. I feel

if we pass these gaily, in view of all the very good arguments, on the face of them, that have been brought forward by the hon. Member, every other department will come forward on exactly the same lines. Travelling expenses, certainly, is a matter which affects every department. Uniforms do, too, so do postal services. And although, admittedly, with travelling expenses there may well be occasions so far as the Medical Department is concerned where travelling is absolutely necessary. The same applies to other departments, it does to the police, etc. I feel that if there has been a rise in costs and the money voted at the beginning of the year is not sufficient, that most of that margin must be made up by savings, just as everybody else has got to make it up in their own case of living. If there are rises in the cost of produce and prices, then they have got to cut their coat according to the cloth, and I do not favour bringing forward Supplementary Estimates of this sort based entirely on the rise of cost unless it is a matter of emergency, in which case I believe there must be money available for it. In that case, Sir, I would remind the Committee that we have already agreed to a Contingency Fund which could cover matters of emergency of this sort.

LT.-COL. GROGAN: May I ask the Member, Sir, whether any part of medical stores are recoverable?

LADY SHAW: Sir, arising out of the last question that was asked, I have a great deal of information to the effect that large numbers of doctors who run hospitals in this country believe that the cost of quite an amount of drugs and dressings should be recoverable and that they believe that it is probably the only way in which the services can be maintained, possibly increased, and I would very much like to press for an answer upon the hon. Member on my right's question. I think it is a very important one and should be taken into consideration when we are asked for extra money for drugs and dressings.

MR. HAYLOCK: Mr. Chairman, if I may speak again I would like, if we are dealing with medical stores, to ask the hon. Director another question. How many medical stores, or what worth of medical stores, have been stolen during this year?

THE SECRETARY TO THE TREASURY: Mr. Chairman, I would merely like to refer to one point which concerns me. The hon. Member for Kiambu referred to the Civil Contingencies Fund. The Civil Contingencies Fund will not be used when it is possible to bring supplementary expenditure by way of Supplementary Estimates to this Council.

THE DIRECTOR OF MEDICAL SERVICES: Mr. Chairman, the hon. Member for the Trans Nzoia asked about the cost of uniforms. Well, our trouble is that we order these uniforms at the beginning of the year and when we get them we are told the price has gone up very considerably as compared with the previous year, and as far as I know it takes a very considerable time, possibly nearly a year, before the new price, due to the fall of the cost of textiles, is reflected in the cost of uniforms we actually have to buy.

The hon. Member for Kiambu queried the general, the whole question of the propriety of introducing Supplementary Estimates of this nature at this time. Well, Sir, it seems to me to be a perfectly clear issue. Either I am given the money to maintain the services at the level of last year or else I cannot maintain those services, and there will have to be a very considerable reduction in those services.

The hon. Member for Nairobi West asked whether the cost of stores was recoverable. The answer to that is that a proportion of the stores are sold to African District Councils, and to missions, and the cost of such stores is recoverable.

As regards the question of charges for services, which I understood is what the hon. Member for Ukamba raised, that, of course, raises a very big question of principle, and I do not think I can possibly be expected to answer questions of that nature at this time. I would suggest that if she feels strongly about this, she might table a Motion and the whole matter could be debated.

The hon. Member for Kiambu again asked what was the cost of drugs which were stolen. Well, Sir, I cannot, of course, give any—even a guess—at the cost of drugs that are stolen. I am not quite sure whether he was referring to

petty pilfering in hospitals or larger quantities of drugs which are stolen for instance on the Railway. There has been an incident of that kind during this year. If he really wants to know, I will try and get an estimate for him, but I would say that as a generalization the amount of petty pilfering that goes on in hospitals is very small in comparison with the total amount of drugs which are used.

The hon. Member for Nyanza, I think, answered on my behalf the question that she asked.

MAJOR KEYSER: Mr. Chairman, would the hon. Member for Law and Order reply to the question about why uniforms are costing more, because I believe we were told that the Prisons supplied the uniforms to all departments. In view of the fact that textiles have dropped, Sir, I do think that the price of uniforms should also have dropped unless, of course, the price of convicts has risen. But I thought they were fairly plentiful, too.

THE MEMBER FOR LAW AND ORDER: The Prison charges remain exactly the same for making up the uniforms; over the cost of the raw material, but over which the Prisons have no control whatsoever, has risen, hence the total price is higher.

MAJOR KEYSER: Mr. Chairman, I should like to move the defilement of item 6, 4,185, because I am dissatisfied with the replies given. In fact, it is well known that textiles have dropped in price yet, Sir, the hon. Member for Law and Order tells us that the cost is exactly the same in making uniforms. Therefore, the uniforms should be less. I understand the departments get their uniforms from the Prisons.

THE SECRETARY TO THE TREASURY: Mr. Chairman, this particular point is one which interests me considerably, as hon. Members opposite know, and textiles that the price of khaki-drill and other material supplied when the prices were higher. (Cries of "Ahs.") There is nothing to hide for in this particular respect, in so far as uniforms supplied for the Medical Department are supplied by the Prisons Department, there will be—I shall make it my business to see—there

[The Secretary to the Treasury] will be a reimbursement to revenue to the amount of this supplementary estimate. I would say in future (we are rather new as far as Supplementary Estimates procedure is concerned) I will endeavour to see that any revenue arising from expenditure, and any savings which might arise as a result of expenditure asked for, are shown in a separate column of Supplementary Estimates. Those will be an indication of the position for the information of Members. The mere fact that revenue arises, or savings accrue, however, does not make the need for supplementary estimates any less necessary.

MAJOR KEYSER: I am still not satisfied, because at the time, Sir, these estimates were passed, the Estimates were calculated on the then price of textiles, which I presume was the price at which the stocks referred to by the hon. Member were purchased. Unless, of course, the purchase of that khaki drill we heard so much about was bought at a very bad price indeed for stockpiling, Nov. Sir, I made a very quick calculation, believe it takes six yards to make a coat and trousers. The Member, I think, told us that the trousers had risen by Sh. 7 and the coat by Sh. 5, which is Sh. 12 in other words, Sir, the hon. Member is telling us he paid Sh. 2 a yard more for khaki than could have been purchased in the market at that time.

THE MEMBER FOR COMMERCE AND INDUSTRY: I think if the hon. Member for Trans Nzoia had consulted the housewives, the housewives would tell him the price of textiles slightly increased during the first two to three months of this year. The hon. Member is quite correct when he says that the prices have fallen during the last few months. Those are the facts. What the interpretation is, in this case, I do not know.

MAJOR KEYSER: But the khaki drill was bought towards the end of last year.

THE MEMBER FOR COMMERCE AND INDUSTRY: Those are the facts on the price.

LT.-COL. GROGAN: Does this appear as a credit on the Prisons Department?

THE SECRETARY TO THE TREASURY: Yes, Sir.

MAJOR KEYSER: You never see it!

The question was put and on a Division negatived by 15 votes to 8 (Ayes: Mr. Blundell, Group Captain Briggs, Mr. Crosskill, Lt.-Col. Grogan, Messrs. Harris, Havelock, Major Keyser, Mrs. Shaw, & Noes: Dr. Anderson, Mr. Awori, Major Cavendish, Benedit, Messrs. Cooke, Cowie, Davies, Gilroy, Griffith-Jones, Lt.-Col. Grogan, Messrs. Hammond, Hartwell, Dr. Huxley, Messrs. Hope-Jones, Hunter, Jeremiah Dr. Karve, Messrs. Kneller, Nchi Sheikh Mahfoud Mackawa, Mr. Ebi, Lt.-Col. Marchant, Mr. Mathu, & Charles Mortimer, Chief Minister, Messrs. Odiele, Padley, Rodda, Mohamed Ali Said, Sheriff Abdulla, Lady Shaw, Messrs. Tameno, Taylor, Wadley, Whyatt, Zafra Deen, 11 Absent: Messrs. A. B. Patel, J. S. Pasi, Vasey and Okwiyi, 4 Did not Vote, Messrs. Neep, Slade, Usher, J. Toit, 50.)

THE CHAIRMAN: Now we had got to the last item of Part D.

Head 15—11 (2)

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, I beg to move Head 15—11 (2), item 1, of the Development and Reconstruction Estimates, Egerton Agricultural College, Extensions, £515, be approved.

I should explain, Sir, that the word "extensions" is hardly appropriate to the purpose for which the amount of money, £515, is to be used. There has been built at Egerton College an assembly hall, and I very much regret to say that when the estimates for that hall were prepared no provision was made for the furnishing of the hall—chairs, tables, and so on.

MR. BLUNDELL: Nearly as bad as the Commissioner for Lands.

THE DIRECTOR OF AGRICULTURE: This sum, Sir, £515, is asked for in order to provide the necessary furniture for that hall. I may say, the hall is there already and it is built. It is obviously useless without the necessary furniture. (Hear, hear.)

The question was put and carried.

Head 15—11 (3)

THE DIRECTOR OF EDUCATION: Mr. Chairman, I beg to move that Head 15—11, new item, Educational Buildings, European, European Primary School, Nakuru, £2,172, be approved.

Sir, there exists at the European Primary School at Nakuru a group of buildings generally known as the W.A.A.F. Camp, which are used for the accommodation of some 60-odd boarders. These buildings consist of wooden army huts, with Kavirodo mat ceilings and wooden floors. They are, therefore, of a highly inflammable nature. It is most important that they should be put into a satisfactory condition and rendered as fireproof as possible, as quickly as possible, and with this end in view estimates have been prepared for the necessary work. It is important, too, from the financial point of view that this work should be done now as there is already a Public Works Department building team on the spot.

It will be seen that there are corresponding savings under Head 15—11 (1) item 3. (Applause.)

The question was put and carried.

The question that the Supplementary Estimate of Expenditure No. 4 of 1952 be approved was put and carried.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I beg to move that the Committee report progress.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

REPORT OF COMMITTEE OF SUPPLY

SUPPLEMENTARY ESTIMATES OF EXPENDITURE, 1952—

(No. 4 of 1952)

Supplementary Estimates of Expenditure, 1952 (No. 4 of 1952), resolution reported:—

That the sum of £50,342 be granted to the Governor on account, for or towards defraying the charges for Supplementary Estimates of Expenditure, 1952 (No. 4 of 1952).

Resolution agreed to.

BILLS

SECOND READING

The Mombasa Shop Hours (Amendment) Bill

Second Reading

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move that the Mombasa Shop Hours (Amendment) Bill be read a second time.

When the principal Ordinance was enacted in 1949 the Member made responsible in the Bill was the Member for Local Government. It has been found in practice that the matters arising are commerce much more concerned with commerce and industry than with local government, and it is now proposed to make the Member responsible, the Member for Commerce and Industry, and this very simple little Bill will effect that result. (Applause.)

THE MEMBER FOR LAW AND ORDER: Seconded.

MR. USHER: Mr. Speaker, Sir, I beg to oppose the Second Reading of this Bill. (Applause, laughter.)

Sir, it is very interesting to me to observe that on different occasions different principles are applied. When a few days ago, I was interested in securing that the Price Control should come under the umbrella of the hon. Member for Commerce and Industry, it was suggested to me that this would not be a good plan. I all, I rather fancy the idea was that you do not put the cat in charge of the cream—(laughter)—in other words, there was an unworthy suggestion, there was an unworthy, that the hon. Member for Commerce and Industry would be in favour of those who purvey rather than those who consume.

Now we have rather the reversal of that principle. However, I am prepared to accept that. But I have a very strong reason for opposing this Bill, and I must apologise to hon. Members opposite for bringing it forward now. The fact is that, as I understand it, this matter was decided in the Board of Commerce and Industry and recommendation went forward accordingly. I think I was absent, either in mind or in body, at the time this happened, but, in any case, information has come to me since then that shows this Bill is utterly unworkable.

(Mr. Usher)

It is not a good thing to have the Shop Hours Act, a closure of shops, shall we say, in a port town. But apart from that, the law is so honoured in the breach that it is becoming almost a scandal.

At the beginning, of course, we came into trouble and we had to have a device whereby one-man businesses were allowed to remain open. Well, hon. Members will, no doubt, be able to imagine how many one-man businesses there are now in Mombasa since that concession was made. It is, in fact, quite ridiculous, the way in which the law is being flouted.

Sir, there was a very sage remark upon legislation made by Anglo in "Measure for Measure". (Laughter.)

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Michael Angelo or Private Angelo. (Laughter.)

MR. USHER: Private!

"We must not make a scarecrow of the law, setting it up to fear the birds of prey. And keeping it in one shape till it become. Their perch and not their terror."

Very shortly, Sir, I shall be moving for a repeal of the existing Ordinance. It may be that we shall have to give some protection to the employees, but it should not be by means of such an Ordinance as this. It were better removed from the Statute Book and I cannot, myself, countenance any measure which would appear to condone its continued existence.

Sir, I beg to oppose.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I do not know whether the hon. Member for Mombasa, like a certain mythical god, when sitting at the Board of Commerce and Industry nodded or whether he did not. (Laughter.) But, nevertheless, I do believe the hon. Member has got a point when he refers to the difficulties of operating such an Ordinance in a seaport, such as Mombasa, and my suggestion is this, that one of the first things I propose to do, if this Bill is passed into law, is to refer the matter, as to whether it is necessary or not, or if it is necessary, in what way it is necessary, to the Coast Committee of the Board of Commerce and

Industry, of which I believe my hon. friend is a member. I believe what I hon. friend said, if the Bill is passed into law, may satisfy him. I hope it does.

MR. BLUNDELL: Could not the hon. Member refer the Bill before it becomes law; that could be simply done by withdrawing it.

THE MEMBER FOR COMMERCE AND INDUSTRY JOSE.

Are you speaking twice?

THE MEMBER FOR COMMERCE AND INDUSTRY: On a point of explanation. (Laughter.)

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I share the views of the hon. Member for Mombasa in one respect; he did not believe that the Bill would work, and I never did. I felt, from the beginning, that the Bill, particularly in the way in which it was being applied, was an unworkable measure and that its operation would break down. I do believe there is need for protection of the employees in Mombasa and we have got to find the right line. This particular Ordinance we are now amending is the third attempt and I think there will have to be a fourth. But, as I have already explained, it is very much more a matter for Commerce and Industry than for Local Government, although the Local Government Authority in Mombasa is the local machine for ensuring the carrying out of the provisions of the Ordinance, and that is why it is appropriate that the responsibility should be passed to the Member for Commerce and Industry, and he will be able to take the action which has already been mentioned.

The question that the Bill entitled "A Bill to Amend the Shop Hours Ordinance" be now read a Second Time was put and carried.

The question was put and carried.

The Income Tax (Rates and Allowances) Bill

Debate Continued

MR. HAVELOCK: Mr. Speaker, when the debate was adjourned I had stated, and state again, that the Central Assembly had exceeded their powers in their Management Act repealing the Kenya Income Tax Ordinance, and I

Mr. Havelock] that even hon. Members opposite will agree with this view. I feel, Sir, it is a matter of very great moment, it is a matter of principle, and it is one that, any way, hon. members on my side of the Council should always keep a watch on, and oppose if anything of that sort comes up.

I hope that Government will take this matter up with the authorities of the High Commission and the Central Assembly and put them in their place, and tell them where they have gone wrong.

Now, Sir, there are two other points I wish to touch on, the first one is the matter of, if hon. Members on this side of the Council accept the Bill which is in front of us, we do not thereby accept the principle of the Management Ordinance.

You have ruled, Sir, and rightly so, and it is, of course, incorporated in the Bill that we are discussing, that the Management Ordinance is part and parcel of the whole problem. Hon. Members on this side of the Council do not accept all the provisions of the Management Ordinance, and it was for that reason that there has been tabled a Motion from my side of the Council to the effect that a Committee or Commission should inquire into the Management Ordinance with a view to recommending what amendments might be made to it under Clause 97, as applied to Kenya. And I would like to get, Sir, an assurance from the other side of the Council, and some hon. Member, that, if this Bill, which is in front of us now, is accepted by this Council, it does not mean that this Council also accepts entirely the Management Ordinance of the High Commission. If, Sir, that assurance is not forthcoming, there is only one other move that is possible for hon. Members on my side of the Council, and that is, from time to time, to move motions under Clause 97 on the Management Ordinance, the Management Act, for amendments to that Act. And we do not want to waste the time of this Council in that manner. But if we can get an assurance to the effect that by passing this Bill we do not commit ourselves to all the details of the Management Act, then we will not have, I hope, to resort to such

measures. By resolution of the Legislative Council of Kenya—I have said that, Sir, because I am afraid I listened in to some whispering going on on the other side.

There is one other point I would like to raise. It is a matter of rates, and now we are coming directly to the Bill in front of us. I am very concerned at the rates of Income tax as applied at the rate moment, and very specially to the rate of Surtax. Now, Sir, since these rates were imposed, the value of money has dropped very considerably. The rates are imposed, and Surtax rates are imposed after a level of £2,000 income. The £2,000 income, when the rates were imposed, was a very considerable income. Now, Sir, there is very much less. To-day, in fact, it is only that, Sir, personally, feel that that ceiling should be raised, and not only that, Sir, in the original Ordinance, as is before us to-day, I think there is one very unfair provision, and that is that Surtax rates are imposed on a total income and not on a chargeable income. I can see no reason for it, and I feel it is extremely unfair.

In connexion with that, I can assure this Council, Sir, that a lot of production is being lost to this country owing to this high rate of Income tax, or Surtax which is imposed upon individuals in this country.

I can assure them that a very great amount of coffee, anyway, is not going to be reaped because it is not worth while reaping it. It is better to cut it off the trees as they are to-day and let the trees rest—

MR. NEER: Hear, hear.

MR. HAVELOCK: —than it is to pick them and go through all the trouble to get it picked and get all that money paid, and then pay it out in Income tax. That is a very serious matter indeed.

I would ask the hon. Member for Finance that he considers this very seriously on that particular aspect.

Now, Sir, I will have very great interest in listening to the hon. Member for Finance in this debate on the Second Reading. But, on this particular point I have just raised, I intend to move an amendment in the Committee Stage on this Bill. (Applause.)

GROUP-CAPT. BRIGGS (Mount Kenya): Mr. Speaker—(applause)—I rise to strongly support the hon. Member for Kiambu in what he has said on this subject. I also would like to support the hon. and gallant Member for Nairobi West for what he said previously on this subject, and I would now like to go on to refer to certain matters which I believe should receive the attention of this Commission, if it should be set up, or if it is not set up that these matters should receive consideration under section 97 of the Management Act.

The first of these matters is the question of permitted deductions against income in the case of farmers who carry out long-term improvements on their farms. Now, in my constituency, Sir, we have a large number, in fact, I might say the majority of farmers in my constituency are stock farmers, and contrary to the opinion that appears to be held so widely by the urban dwellers, I am afraid very few of these farmers are making profits which compare in any way with the profits which would be acceptable in any commercial undertaking, and therefore the question of improvement on farms is a matter of very great importance to them.

Now, I would like to make it clear that the type of improvement that I am referring to is the type of improvement such as fencing, water supplies, terracing, and so forth, for which no immediate return can be expected. If you buy a tractor, or any other piece of machinery, or if an industrialist buys a piece of machinery, you buy it knowing very well that within measurable time some benefit will be derived from that purchase, but in the case of fencing, and other things I have referred to you may have to wait very many years before you get any return whatsoever. Indeed, the position may arise where a farmer may plough in so much of his profits that he has to draw on his perhaps not very large capital in order to find the sum necessary to meet the income tax demand which comes in at the end of his financial year.

I do therefore feel that either the farmer should be allowed to charge the full cost of these specified improvements in the first year, or in the year in which they are actually carried out, or failing

that, if that is not possible, that the present allowance amounting to 40 per cent in the first year, should be increased to 40 per cent in the first year.

I would now like to turn to section 41 of the Management Act, that gives the right to the Commissioner to call on a banker to give facilities for the examination of customers' accounts in certain circumstances. Well, now, no Member of this Council, I am sure, has any sympathy with those who are deliberately trying to evade their responsibilities in regard to Income tax in an illegal way, but at the same time I do feel that this is a personal attack on liberty, and a violation of the traditional confidential relationship between the banker and his client. (Hear, hear.) Furthermore, I do not think it is necessary that this clause should be included in this Act at all, because after all the Commissioner has powers already to call on a taxpayer to produce any documents which he requires in regard to his income, and I cannot see that the difficulty could not be overcome by the Commissioner calling on a taxpayer who is suspected of evasion to produce any certificates which may be required from his banker.

The next matter, Sir, which I would like to speak on is the question of the United Kingdom tax on the pensions of retired regular officers permanently residing in this Colony. Now, I should first mention that I have no direct interest, for the reason that I retired from the Royal Air Force before I was eligible for a pension, but I believe this matter will nevertheless gain the sympathy of the hon. Members on the benches opposite, as much as those on this side of the Council, and, I hope, their support. The present position is that these retired officers who are living in most cases on pensions which were fixed very many years ago, they have no cost of living allowances, they have no increases to their pensions, their pensions are subject to United Kingdom tax, and living as they do permanently in this country, they receive none of the benefits under the various welfare schemes, and moreover I understand that something like 40 per cent of the standard rate of United Kingdom Income tax is represented by food subsidies, which of course is of no benefit to the

Group-Capt. Briggs) unfortunate officer who is residing in this country.

Well, now, I do appreciate that representations have been made before Her Majesty's Government on this subject, and I do hope that a further approach might be made, perhaps, on new lines. Would it not be possible to approach Her Majesty's Government with a proposal to transfer the liability for these officers' pensions to the Government of Kenya, subject, of course, to a satisfactory financial adjustment? (Hear, hear.) I believe if that could be done there would do much to alleviate a great deal of hardship amongst retired officers, and I do trust it may receive the sympathy and support of the Council. (Applause.)

THE SECRETARY TO THE TREASURY: Mr. Speaker, in rising to support this Motion, I should like first of all to congratulate the hon. and gallant Member for Mount Kenya on what is his maiden speech in this Council. (Hear, hear, applause.)

Sir, I listened yesterday with admiration and with the greatest interest to the hon. and gallant Member for Nairobi West. As far as I am concerned, Sir, this is an occasion for, when I first met Colonel Grogan, I never thought that I should have the privilege of sitting with him in this Council and of hearing him address it.

Mr. HAVELOCK: Opposite.

THE SECRETARY TO THE TREASURY: With him, Sir. If I might say so, Sir, with all his old fire (because as Secretary to the late Sir Wilfrid Woods it was my duty to inform myself on fiscal matters, and Hansard is the best possible platform from which to get some such information), I never thought that I should ever take the privilege of opposing such a formidable debater, for it is a privilege, and I do so now, Sir, with a certain consciousness of my own shortcomings and of the magnitude of the task.

As I understood, Sir, the hon. and gallant Member's speech, its tenor was that Income tax, if not in general, then certainly in its application to East Africa, was an iniquitous tax, and that indirect taxation was the most painless method of extraction, although I rather

got the impression that he doubted whether any extraction of any kind was really necessary at all.

Sir, I have spoken of extraction which has unpleasant associations, and which reminds me of a hymn, which dentists probably sing with fervour, and in which the hon. Member, I am sure, is with them. I speak as a Left-wing Neophyte; "Change and decay in all around I see" (Laughter.) Change there is certainly, Sir, but I deny the decay. This matter of Income tax is one in which the hon. Member has been keenly interested for many years. On the 31st December, 1936, I note that Major Grogan, as he then was, moved the following Motion in Legislative Council—"That Income Tax as a method of taxation is not equitably applicable to the present conditions of Kenya". The debate which follows, Sir, covers nearly 70 pages of Hansard. (Laughter.) I have recently, Sir, re-read it, and it is clear that basically the views of the hon. and gallant Member have not changed substantially with the passing of the years. The Motion was, Sir, I am afraid, defeated.

The main point of his speech yesterday, Sir, seems to be that in what have been described as economically "young" countries, of which Kenya has often been regarded as the outstanding example, taxation is restrictive, stifles growth and militates against the building up of the national income. The argument, Sir, is that in these circumstances that taxation should be mainly indirect, that it should be based on consumption and not production. There is no doubt, Sir, of course, that all taxation, and direct taxation in particular, must have some adverse effect on the have some adverse effect—(hear, hear)—accumulation of capital—(hear, hear)—but to assume that of the state are any country the needs of an "old" one, does less than those of an "old" one, does not seem to me to be supported by the facts. (Hear, hear.)

If I may, Sir, with your permission, quote the words of my late master, Sir Wilfrid Woods, "the activities of the state in East Africa can be expected to differ materially in character and intensity from such activities elsewhere. But in many spheres the need for action by the state is as cogent in East Africa

[The Secretary to the Treasury] of as anywhere even from the point of view of the national income—alone. The necessity for the preservation of the fertility of the soil is an obvious and striking example, it is much more urgent in parts of East Africa than it is in, say, the United Kingdom and less susceptible of solution if it is left to the unfettered discretion of the individual".

I cannot, in fact, Sir, believe that it is practicable to-day to hold the view that the burden of taxation should not be distributed, as far as it is possible to do so, according to ability to pay, measured by income. Apart from this, Sir, the estimated yield of Income Tax for 1952 in Kenya is £3,400,000 and if this revenue was not available to the State, it will have to be found from somewhere else.

Now the only other source of revenue of any magnitude is that arising from customs and excise duties, the large bulk of which, Sir, is produced on those so-called luxuries, beer, wines and spirits and tobacco, and from such essentials as cotton piece-goods and other textiles, and from petrol.

I do not for one moment, Sir, as a good Treasury officer, wish to give the impression that the present duties on these products could not stand some increase, were it necessary that they should be increased. But I do believe, Sir, that they could not carry the burden which would fall upon them if they were required to produce the revenue which would be lost if Income Tax were to be withdrawn.

Sir—the hon. and gallant Member referred in his speech to increases in Income Tax which have taken place during the war, and said that after the war a review had been promised, but that promise had not been kept. I do not think I can agree, Sir, that this is so. We have had in Kenya, and in recent years, that is, two inquiries into the fiscal structure of the Colony. The first, to which I have already made reference, was undertaken by Sir Wilfrid Woods in 1946. His report was criticized in this Council on the grounds that an inquiry of this nature should have associated with it Unofficial Members of the community in view of their special knowledge of the needs of the Colony, a

knowledge which a special Commissioner from overseas could not be expected to have. In deference to the opinion, Sir, the Government agreed to the setting up of a second Committee. It sat under the Chairmanship of Mr. R. P. Plewman from South Africa; it had on it one Official Member and five Unofficial Members. Neither Sir Wilfrid Woods nor the Plewman Committee with its Unofficial majority recommended that Income Tax was an unsuitable tax in Kenya. The Plewman Committee, it is true, recommended that the rates of it might suitably be reduced—(hear, hear)—and so they were. (Laughter.)

MR. HAVELOCK: And put up again.

THE SECRETARY TO THE TREASURY: No, Sir. But they also recommended immediate strengthening of the Income Tax Department, and strengthening of it was. This matter of the strength of the Department was one to which the hon. and gallant Member referred and I cannot help feeling that he was not a little inconsistent. He was very severe, Sir, in his criticism of the provisions of section 23 of the Management Act, and used rather strong words to describe the powers given to the Commissioner; I think: "gestapo", "blackmail", "spies" and "informers" were among them. But, Sir, I do not really think he can have it both ways. He cannot, or indeed should not, criticize the tax because it is sometimes evaded, and evasion, Sir, I would say at once is something which we all agree should be rooted out; at the same time, he cannot object surely to provisions designed to prevent evasion. (Applause.)

Sir, I am sorry to have to speak in opposition to the hon. and gallant Member, for I would have wished that it had been otherwise. But this Bill does nothing more than preserve the status quo. It reaffirms, Sir, in fact, the wishes only comparatively recently expressed by this Legislature. It must, Sir, I submit, be supported. (Applause.)

MR. ZAFRUD DEEN: Mr. Speaker, certain views have been expressed which advocate the abolition of Income Tax in this country, and a historical background has been given to show the unsuitability of this form of taxation. In earlier days, whenever Income Tax was mentioned in this Council, 2297

Mr. Zafrud Deen] were raised against it, and arguments which would seem fantastic to-day in the support of the majority of the members of this Council. Sir, I see that the same old arguments are repeated at the same old changing times, but with a new and less convincing measure. It is a measure which is not only supported by all civil and democratic elements in this world that Income Tax is a most equitable form of taxation, but which Kenya has accepted it as such. And it is not possible for us to go back to that.

I see that mention was made about the evasion of Income Tax by a certain community. This is a time-worn prejudice and this prejudice still rankles in the minds of some people. I think it is a very narrow, particularly in this kind of atmosphere in which this session has been held. I think that there are separate laws in this country to deal with those people who try to defraud the revenues of this country. The only matter of regret is that introduction of Income Tax was delayed over a number of years and its operation came much later than it should have been.

I think, Sir, it is useless to rekindle old-fashioned notions in this youthful country and we must follow the broad principles of democracy, and if somebody wishes to learn and practice and deal local affairs by trial and error, there are other affairs, other ways in which they can do that.

The hon. Member for Nairobi West has expressed fears that the conditions of the methods prevalent to-day in Kenya are finding an echo in Income Tax, but this is exactly what Income Tax is trying to avert. The broad principle of Income Tax is that those who are placed in the fortunate position to earn large incomes have to pay proportionately to the revenue of the country by the benefit of the inhabitants generally. I know that some people believe that it is solely due to ability and that some people are more deserving than others that they can accumulate wealth. But that argument is proved to be completely fallacious. I feel that those who earn more than others, they should naturally pay higher taxes as it has been set out in the Bill.

We have had many facts and figures produced, but I believe that these facts and figures can always be arranged to show a very pleasant floral design just as they can resemble a memorial card. I would commend to the hon. Member for Nairobi West that he would earn the thanks of the Members of this side of the Council if he would divert his vast fiscal knowledge to improve the operation of Income Tax instead of trying to replace it by some other inequitable form of taxation.

In this Bill, Sir, there are two important points to which I would like to draw the attention of the hon. Member for Finance. One point is that the idea in making personal allowances and deductions is that a certain sum of money is considered necessary for the barest needs of a person and for his family if he happens to be married, and this sum of money is not taxed. My contention is that the allowances and deductions stipulated in this Bill are not commensurate with the increase in the cost of living since 1947, when £350 was allowed for a married man. This allowance remains the same to-day. It is the same for the lower income group of all people in the lower income group of all races who find it hard to make both ends meet and reasonable allowances will be most welcome and will help to relieve them.

The second point is that, even by implication, this Bill which is to be read as one with the East African Management Act of 1952 provides that the Income Tax Department is going to direct what expenses—whether it is an industrial business, commercial or farming. Then I believe the Income Tax Department is going to deal a fatal blow to the goose that lays the golden egg, because nobody is competent to conduct the direction of an enterprise other than its promoters.

Lastly, Sir, I think I must pay a tribute to the Income Tax Department for the very good work that they have done under stress and pressure, and I only hope that they will apply their wide powers that are being given to them with restraint and discretion.

I beg to support, Sir, (Applause.)

(Mr. Fisher)

unmarried man has dependants, and I think that the allowance should be made which will give him a little more scope.

If those few matters can be borne in mind, Sir, I shall be happy not to move any amendment in the Committee stage.

Mr. AWORI: Mr. Speaker, I must support this Motion about Income tax, particularly when in Kenya we have got quite a number of people who, as Government will agree, are responsible and who can run their own affairs.

Now, any Government—any people—who can run their own affairs must give some form of Income tax, and I think that Income tax in this country—that Government should devise a tax that rich people can pay. I do not say that because I am an African. It is something I do. With regard to Income tax I shall have to see what money I have and assess how much I have and I could pay.

There is one thing in the Income tax which I find is not proper. An all-racial tax does not take into account Africans in particular. The hon. Member for Mombasa mentioned the allowance of a married person—having one wife. We have many wives, and this should be taken into consideration. (Laughter.) That is one aspect of this subject that I wish should be looked into.

And sometimes, Sir, when you look at this country and compare it with other countries, you find that the rate of development has been very fast. Look at Nairobi, look at the buildings which are coming up. They could not come up if we did not have the money. They can afford it. They should help by paying Income tax. Anybody who would like to see this country progress would agree there is no better method of getting money in the country than by Income tax.

For that matter I shall not take too much time, but support the Motion.

THE SPEAKER: If no hon. Member is rising to speak I would ask the hon. Member to reply.

THE MEMBER FOR FINANCE: Mr. Speaker, I have seen rather a lot of ground covered in this debate. Far more

than I hoped it was necessary to traverse, and a lot, Sir, which I feel was more directed to other thoughts than those of this Bill.

Firstly, may I make it quite clear, and I think it must be obvious to all hon. Members of this Council—that the Government must oppose any attempt to interfere with the rates and allowances as expressed in this particular Bill. The Budget—the Estimates for 1952, as framed upon the rates and allowances which were set out in accordance with the law of the Colony, and it would be totally impracticable to alter those rates and allowances or deductions in any respect with regard to this year. (Hear, hear.) The Income Tax Department has already sent out some 7,000 assessments with regard to 1952, and were their alterations made at this stage, the whole of the work of the Department would have to be done again. So that, Sir, I should like to cut short an awful lot of answering in detail representations which have been put forward by hon. Members, by saying that the Government will take them into consideration in the future. It will weigh up the arguments for and against—as indeed it has done every year.

The hon. Member for Mombasa, Sir, was a little puzzled about the Schedule at the end of this particular Bill, and referred to them as a "Ready Reckoner". They are, of course, a ready reckoner for the taxpayer. To that extent they are of assistance to him.

Mr. COOKE: He does not always have the Gazette, Sir.

THE MEMBER FOR FINANCE: I would say that the Gazette is not reserved; it is on sale at all times. We have already been advised that this is the best method in which the actual rates of tax leviable on certain income groups can be presented to the country. It may seem a waste of paper, but I would say it is a useful piece of information which it is desirable the taxpayer should have.

The acting hon. Member for Uasin Gishu, Sir, spoke about alterations in deduction allowances as if they had regard to the devaluation of the £. Of course, they had nothing at all to do with it. They were accepted as a suggestion from, I believe, the other side of the

The Income Tax—

(The Member for Finance)

concern, for the purpose of easing the burden of the taxpayer.

Mr. HAVELOCK: Why?

THE MEMBER FOR FINANCE: An easing of the parents' burden. I should have thought that any allowance that might enable a parent to pay for the education of his child was an easement.

Mr. HAVELOCK: Why burden?

THE MEMBER FOR FINANCE: I may have been mistaken. The hon. Member for Kiambu may be suggesting that it should be withdrawn. If that is the idea of the Member, I will take that into consideration with all the other suggestions which have come from Members.

Mr. HAVELOCK: Why the burden?

THE MEMBER FOR FINANCE: The burden of the parent, Sir, is obvious. He has performed a certain duty towards the country in the furtherance of the population and he has accepted a burden which, I take it, the single man has not accepted, and is therefore not contributing to the development of this country. I have heard many times that a great increase in the European population of this country was a wise and desirable thing.

The hon. the acting Member for Uasin Gishu also dealt with the question of management. I wonder if a lot of the hon. Members opposite remember that there is in being an East African Revenue Advisory Board on which two very capable Members of this Council, vigilant in the interests of this Colony, are serving and at work. I refer, of course, to the hon. Member for Rift Valley and the hon. Member, the Secretary to the Treasury, and I would like to point out to an awful lot of the hon. Members that a lot of the Income Tax Management Act that has been criticized was drafted by them with a lot of recommendations in favour of the taxpayer of this Colony.

Mr. BLUNDELL: I think you will agree with me that not all the recommendations of the Board were accepted.

THE MEMBER FOR FINANCE: I am coming to that when replying to the hon. Member for Mombasa. The Central Assembly, Sir, has also agreed (and I have here a copy of the debate) on

recommendations by one of the representatives in the Central Assembly that any matters which are raised with regard to the management of Income tax shall be referred to the East African Revenue Advisory Board, and if they feel it is necessary, a Select Committee of the Central Assembly will be set up to review the provisions of the East African Income Tax Management Act. It is on record in the Hansard of the East African Central Assembly, Volume V, No. 2. Indeed, Sir, the hon. Member for Mount Kenya, whom I should like to congratulate in making his maiden speech which was both brief and to the point, spoke in regard to clause 61, which deals with the paper clause in regard to bankers. It might interest the hon. Member and it might indeed be useful to put it in the record of this Council, that certain submissions made in the debate on the Income Tax Management Bill on the 23rd April, a Kenya representative, a Member of the Kenya Legislative Council, said:

"Now, Sir, I come to the principle on which I feel personally rather deeply, and I would emphasize that I am now speaking personally. That is the principle contained in clause 61. This point was raised in some measure by my honourable friend, Sir Alfred Vincent, and replied to in some measure by the honourable the Legal Secretary. I think that the honourable Legal Secretary got rather involved in the question of evidence in legal proceedings, whereas this particular clause has a different basis or foundation altogether. Perhaps, Sir, I might read just the first sentence: 'For the purpose of obtaining full information in respect of any part of the income of any person'. It then goes on to say what the Commissioner has the power to do. The proviso says that: 'The Commissioner shall not exercise his powers under this section in relation to any clerk, servant, agent, banker or other person, etc., unless he has first applied to the Local Committee.'

"Now, Sir, this is not a question of evidence in legal proceedings. This is a question of granting to the Commissioner power to protect of a certain cases to the protection of a Local Committee, the provisions of appointment of which are made in the

[The Member for Finance] collected. Our officers in the Income Tax Department enjoy a record of being amongst the most efficient and most helpful of any Income Tax Department throughout the British Colonial Empire. I could, therefore, never support for one moment the accusation that was made and implied in that particular phrase, and it was because I resented it on behalf of the officers of that Department that I referred to it at all. I would have preferred to have glossed it over and left it unmentioned.

The Plewman Committee, set up at the request of hon. Members, made a specific recommendation in regard to estimated assessments, and the hon. Member for Nairobi North was a member of that Committee which made the recommendation. The hon. Member, Sir, quoted the case of the Lord Chancellor and the right of the individual to avoid tax and, in fact, let me summarize it, to the best of his ability. I think, Sir, I would like to put on record another opinion which is the judgment of Lord Simon and the case of *Isailla versus the Commissioner of Inland Revenue*, where he said: "My Lords, of recent years much energy has been expended in certain quarters in attempting to devise methods of disposition of income by which those who are prepared to adopt them might enjoy the benefits of residents in this country while receiving the equivalent of such income, without sharing the appropriate burden of British taxation. Judicial dicta may be cited which point out that, however elaborate and artificial such methods may be, those who adopt them are 'entitled' to do so. There is, of course, no doubt that they are within their legal rights, but that is no reason why their efforts, or those of the professional gentlemen who assist them in the matter should be regarded as commendable exercise of ingenuity or as a discharge of the duties of good citizenship. On the contrary, one result of such methods, if they succeed is, of course, to increase *pro tanto* the load of tax on the shoulders of the great body of good citizens who do not desire, or do not know how, to adopt these manoeuvres. Another consequence is that the Legislature has made amendments to our Income tax code which aim at nullifying the effectiveness of such schemes."

I feel, Sir, that that contrary opinion should indeed be placed on record.

Now, Sir, the hon. and gallant Member referred to promises of the past. Sir, was not in this Council, and I do not say in the circumstances, under which those promises were made. I only know that that is a matter which has been brought up across the floor of this Council in previous Councils, and I thought had been buried but put away but, perhaps, it might be wise, Sir, to draw attention of the Members of the Council to the accompanying words which appear in the *East African Standard* on the 19th May, 1952, accompanying the statement of policy, which Nominated Members outside the public service had agreed to, and accepted. This said: "It is a generally accepted political principle that a government cannot commit its successors in office by pledges or promises or deductions of policy. Statements of policy are therefore no more than statements of the day proposes to follow if it is able to do so. Its ability to do so in contemporary conditions in Kenya depends upon its securing the greatest possible measure of agreement and support in the Legislative Council, and even though, in the technical sense, it is not responsible to the Legislative Council; that is to say, that it is not obliged to resign—it is, in fact, unable to resign—because of an adverse vote in the Legislature.

It is with these general observations in mind that the Government issues the following statement of its policy".

Now, Sir, it is fairly obvious with the constitutional development that has taken place, with the membership system a Member may bring a different aspect to policy than the man who went before him, and it is really for the Government to decide whether changing circumstances, and for this Legislature to decide whether changing circumstances have altered the position under which perhaps a policy was decided in the past.

Sir, I do not intend to keep the Council very much longer. I must say, Sir, I was amused by the hon. and gallant Member's description of the Gestapo state which would come from the imposition of Income tax. We have had Income tax in this country now since

Adjournment

[The Member for Finance] Friday, 11th July, 1952. The Council met at thirty-five minutes past Nine o'clock. [Mr. Speaker in the Chair].

Friday, 11th July, 1952

The Council met at thirty-five minutes past Nine o'clock.

[Mr. Speaker in the Chair]

—PRAYERS
PAPERS LAID

The following papers were laid on the Table:—

The Inland Revenue Department Annual Report, 1951.
(THE MEMBER FOR FINANCE)

The African Affairs Department Annual Report, 1951.
The African Courts (Fees and Fines) Rules, 1952.

The African Courts (Lapsed Deposits) Rules, 1952.

The African Courts (Interrogation of Judgment Debtors) Rules, 1952.
(THE MEMBER FOR AFRICAN AFFAIRS)

ORAL ANSWERS TO QUESTIONS
No. 6

MR. BLUNDELL: (a) Will Government state the allocation of dollars made from the Commonwealth pool to the Colony and Protectorate of Kenya for 1951 and 1952?

(b) Will Government further state the use or allocation to which these dollars were put under general headings, such as "Commerce and Industry" and "Agriculture"?

THE MEMBER FOR COMMERCE AND INDUSTRY: (a) The question has been referred to the Secretary of State for the Colonies, who has advised that it would be in the public interest to reveal not the dollar allocations made to individual parts of the sterling area.

(b) The following figures may, however, be of interest in respect of actual revenue to Kenya during 1951. Of a total value of \$3,836,974, a breakdown can be given under the following heads:—

| | |
|----------------------------|-----------|
| Agricultural Machinery | 5 |
| and Spares | 2,173,823 |
| Other Machinery and Spares | 481,574 |
| Motor Vehicles | 475,008 |
| Motor Vehicle Spares | 411,513 |
| Tobacco | 138,214 |
| Miscellaneous | 156,842 |

MR. BLUNDELL: He probably was.

THE MEMBER FOR FINANCE:—And say: "What have you done". I have not really noticed the hon. and gallant Member himself doing other than walk direct from the place on the corner of Delamere Avenue to the Legislative Council Chamber without any fear of the conditions which have been created by some 15 years of this iniquitous and Gestapo reign, and terror-throwing tax.

The hon. and gallant Member referred to Russia, Sir. I would like to conclude by quoting one of my favourite comedy philosophers, a very well-beloved American named Will Rogers, who said, Sir, in one of those flashes of insight for which he was so famous, "There is no income tax in Russia, because there is no income there".

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

The question was put and carried.

MR. BLUNDELL: Are you surprised? (Laughter.)

THE SPEAKER: What day for Committee.

THE MEMBER FOR EDUCATION AND LABOUR: Well no, Sir, we will do the Committee stage to-morrow.

ADJOURNMENT

THE SPEAKER: Council will now stand adjourned till 9.30 a.m. to-morrow morning.

Council rose at twenty minutes past Eight o'clock p.m.

(The Member for Commerce and Industry)
Corresponding figures for 1952 will not be available until the beginning of 1953. The level of imports will, however, tend to be higher than for 1951.

No. 10

MR. MATHU:

Will Government state what is being done to give the Somalis at Isiolo opportunities for earning a decent livelihood, as the only way of doing this (i.e. the livestock trade) has been removed from them by the Kenya Meat Commission?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The present policy of the Kenya Meat Commission by no means excludes stock traders from the buying and selling of stock in the Northern Province.

Of the 65,000 head of mixed stock bought by the Commission in the Northern Province in 1951, no less than 39,073 were purchased through the medium of stock traders. In addition, stock traders' licences are granted by the local Administration to trade in the African constituting areas of the Central Provinces, such as the Meru and Fort Hall districts.

Practically all the cattle, sheep and goats supplied by African stockowners for consumption in Mombasa are bought by licensed traders at Garissa, Garsen and other places in the Tana Delta, and sold by traders to the Commission in Mombasa. In 1951, 10,675 head of cattle, 7,719 head of sheep and 13,376 goats, making a total of 31,970 head of mixed stock, were sold by traders to the Commission in Mombasa. Traders also buy from stockowners in the Northern Province and re-sell to the Commission at Archer's Post and Marsabit, and 7,103 head of sheep and goats were so bought and sold by traders in 1951.

In addition to the number of stock purchased by stock traders referred to above, 26,144 head of sheep and goats were purchased by the Commission at auction sales at Garbatulla, Marsabit and Laikipia, and many of these cattle were bought from traders who had purchased them in the outlying districts and

brought them in to these auction sales. No record is available, however, of the exact proportion of this figure purchased by the Commission from traders or from stockowners.

It is therefore apparent that the Kenya Meat Commission in the Northern Province is making use of traders in the Northern Province as part of its buying organization.

MR. MATHU: Mr. Speaker, arising out of that reply, could the hon. Member inform us whether there have been regular auctions at Isiolo? Sir, Isiolo was the major part of my question.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I believe there have been, but I would like to inform the Member to-morrow exactly whether there have been or not lately.

MR. COOKE: In view of the great discrepancy between the statements as to whether or not the Somali traders have lost their trade owing to the intervention of the Meat Commission or not, will my hon. friend appoint a small Committee to inquire into the truth of that? We are referring to Somali traders, not to Kikuyu traders and others.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am not prepared here to agree to a small Committee, but I am perfectly prepared to agree to go into the figures with my hon. friend.

MAJOR KEYSER: Arising out of the answer to this question, would a Member on the other side please tell us whether the Government considers that the only way in which these Somalis can earn a decent livelihood is through trading in cattle? (Cries of "Answer") (Laughter.)

MR. COOKE: Could there be an answer, because it is a grave allegation?

THE SPEAKER: If people do not rise and press for an answer I must call the next question.

MR. BLUNDELL: The hon. Member for African Affairs escaped your eye and was on his feet.

THE SPEAKER: I called Col. Gherik.

MR. BLUNDELL: Yes, Sir.

THE SPEAKER: They are very slow, but I'll do all I can say.

THE MEMBER FOR AFRICAN AFFAIRS: The answer is in the negative.

No. 14

LT.-COL. GHERIK:

Having regard to the public meeting held on 4th April, 1952, under the auspices of the Women's Section of the Nairobi Branch of the Electors' Union, on the subject of the rising cost of living, when a resolution was passed urging Government to form immediately another Citizens' Cost of Living Committee with the widest terms of reference, will Government please state whether it has refused this request, and, if so, state why?

THE MEMBER FOR FINANCE: The resolution passed at the public meeting held by the Women's Section of the Nairobi Branch of the Electors' Union on 4th April, 1952, was forwarded to the Government which replied as follows:—

"The establishment of the former Vigilance Committee had its origin in a suggestion made in the Report of the Cost of Living Commission dated 11th November, 1950. Paragraph 89 of this Report reads as follows:—

"There remains a field in which the consumer may be able to help matters. If there was co-operation between the various voluntary societies of the Colony, such as the East Africa Women's League, the British Ismailian Council, the British Legion, the Social Service League, and other similar bodies, a Joint Consumers' Committee might be set up to perform valuable functions. These functions would be of no value if they resulted merely in statements that prices were too high and ought to be lowered. The body should carry out investigations, produce facts and figures, and base any suggestions it might make on the results of discussions with all concerned."

The fixing of the prices of primary produce is a responsibility of the Governor in Council, and in these circumstances the Government could not agree to any action which might

amount to the acceptance of a measure of restriction on the powers vested in the Governor in Council by the Legislature. As far as the consumer goods, which are subject to price control are concerned, the Price Controller is assisted by an Advisory Committee which has on it a number of unofficial members representing all sections of the community. In these circumstances, the Government is not prepared to set up another Citizens' Cost of Living Vigilance Committee. It would, however, be prepared to give consideration to any suggestions which may be put forward by any unofficial body which may be established on the lines suggested in the Report of the Cost of Living Commission."

LT.-COL. GHERIK: Arising out of that reply is this another instance of completely ignoring the requests of a public meeting or a public request?

THE MEMBER FOR FINANCE: I deny Government has ignored a public meeting or public request. The Government has given full consideration to the resolution that was passed at this meeting and has, Sir, come to the conclusion which I have just outlined. Government will give full consideration to any public request or letter which is addressed to it by the organization that passes the resolution.

MR. NICOL: Arising out of that, are we to assume that Government is to be governed by public meetings?

THE MEMBER FOR FINANCE: The answer is "No", Sir.

MR. COOKE: Does the hon. Member intend also to suppress the Vigilance Committee in Mombasa?

THE MEMBER FOR FINANCE: The hon. Member has not taken steps to suppress any Committee. The previous one in Nairobi resigned and there seemed to be no reason for reinstating it.

MR. COOKE: Sir, it was suppressed by Government ignoring their suggestions.

THE MEMBER FOR FINANCE: Sir, I deny the allegation. I would suggest the hon. Member read the history of the case before he makes allegations of that sort in Council. (Hears, hear.)

MR. HARRIS: Did they give any reasons for resigning?

THE MEMBER FOR FINANCE: They gave the reasons in full and they were stated in an answer to a question in this Council—with Government's replies!

LT.-COL. GHERSIE: He had only just taken over from his predecessor, he admitted he did not know the real facts.

THE MEMBER FOR FINANCE: With all due respect, I had studied the file for many hours before I answered in this Council.

MR. COOKE: When the hon. Member sat for Nairobi he was one of the people who tried to keep the cost of living down. Has he changed his views now? (Laughter.)

THE MEMBER FOR FINANCE: Mr. Speaker, may I just point out to the hon. Member that, far from having changed my views, I am even more keen to keep the cost of living down now.

No. 15

LT.-COL. GHERSIE:

As it is understood that oxygen cylinders in the European Hospital are not made available for the use of non-official patients, will Government please explain the reason for withholding this facility from such patients?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Sufficient oxygen cylinders are available in the European Hospital for all in-patients, irrespective of their status. There is, therefore, no question of withholding this facility from non-official patients.

LT.-COL. GHERSIE: Arising out of that reply, how then can the hon. Member account for this letter from one of the Medical Officers at the hospital concerned? It says: "The supply of oxygen cylinders in this hospital is small and I regret that the number of cylinders issued to us by medical stores does not enable us to supply or lend it for non-official patients". That was dated the 1st July, Sir. (Cries of "Shame".)

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I suggest that hon. Members withhold their cries of "Shame" until they hear the facts. (Hear, hear.)

MR. COOKE: Government facts!

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: The similar letter in question has no reference whatsoever to the treatment of in-patients in the European Hospital, but refers to the supplying or lending to private practitioners for use to unofficial patients outside the hospital for whom the Government has no contractual obligations.

Now, Sir, there are three oxygen stands in the European Hospital. No request, so far, has been refused for the lending of oxygen cylinders and stands for use outside the hospital to non-official patients, but the situation had arisen where there was a risk of grave danger to the patients in the hospital. One of those stands was borrowed, complete with oxygen cylinder and lay. There was great difficulty in getting it returned from the general practitioner. At last the stand and the cylinder were returned, but the key was missing. In order to avoid the risk of grave danger to the in-patients for whom these stands and cylinders are provided, it was decided that no more should be lent outside for patients for whom the Government have no contractual obligations. A private firm in Nairobi has agreed to preserve a day and night service for oxygen cylinders and can be called upon by telephone at any time when required, and there is a motor vehicle standing by to take the cylinder and the stand to any place where it is required. (Applause.)

No. 16

LT.-COL. GHERSIE:

1. Having regard to the United Kingdom Government's urgent need for steel scrap, will Government please state whether it is prepared to encourage the collection of steel scrap in this Colony and to render all possible assistance in connexion with the shipping of this commodity to the United Kingdom?

2. On the assumption that Government's answer to No. 1 is in the affirmative, and in view of the fact that the Conference Lines are not prepared to carry steel scrap, will Government please make the necessary representation to the Port Phasing Committee to phase ships chartered for this purpose?

LT.-COL. GHERSIE]

In anticipation of Government's reply that the Phasing Committee are only concerned with cargo imported into the Colony and, therefore, are not concerned with the export of steel scrap, will Government please impress upon the Phasing Committee that it is uneconomical to bring empty chartered vessels from Europe for the disposal of steel scrap and that chartered vessels must, therefore, be phased for the purpose of discharging their cargo thereby permitting the loading of scrap?

THE MEMBER FOR COMMERCE AND INDUSTRY: The reply to the first part of the question is in the affirmative. On the second part, the Government has raised the matter in the strongest terms with the Phasing Committee and one ship has already loaded and sailed on the 3rd July. The Government is advised that there is in fact little difficulty in regard to the loading of ships which arrive empty; it is also informed that diffusive ones when ships wish to get preferential berthing treatment for discharging cargo because of the priority awarded to the loading of scrap metal. The backlog of registered and sponsored cargo awaiting shipment to Mombasa is so great that the Government is informed that if special arrangements were made to include charters of the type mentioned by the hon. Member in the phasing programme which has been accepted by the shipping lines, the system would break down.

MRS. SHAW: Arising out of that reply to part 1 of that question, Mr. Speaker, I should like to ask the hon. Member for Commerce and Industry to give an assurance that when forwarding scrap to the United Kingdom, he will keep in mind the requirements for scrap in this Colony, because it has been brought to my notice that there is an imminent shortage of scrap to run our local foundries?

THE MEMBER FOR COMMERCE AND INDUSTRY: I am glad the hon. Member has raised that point, and, needless to say, in so far as it is in my power and the Government's power to ensure that supplies of scrap are available when they

are required, we will do our utmost to make them available. I would, however, point out to the hon. Lady that there is a very large requirement for steel in this country and unless the scrap is sent to the United Kingdom, we may be short of steel. In saying this, I am quite aware I am playing into the hands of my hon. friend, the Member for Nairobi North, but I thought it should be said.

LT.-COL. GHERSIE: Arising out of that reply, is it not a fact that a ship which was loaded with scrap was an empty back-loader?

THE MEMBER FOR COMMERCE AND INDUSTRY: Yes, Sir.

LT.-COL. GHERSIE: Arising out of that reply, Sir, is it not a fact that the Conference Lines refused to load scrap and the Phasing Committee have now become a law unto themselves in the interests of the Conference Lines?

THE MEMBER FOR COMMERCE AND INDUSTRY: I could not accept the implication in the hon. Member's question that the Conference Lines are a law unto themselves. I would agree with the hon. Member that the Conference Lines are a very influential body. (Laughter.)

LT.-COL. GHERSIE: Arising out of that, Sir, the hon. Member has stated that the Government of Kenya are prepared to sponsor and encourage the collection of scrap. Would they please bring some pressure to bear on the Phasing Committee in order that it will be exported out of the country; because there is no other way of doing it other than by chartered ships?

THE MEMBER FOR COMMERCE AND INDUSTRY: I would refer my hon. friend to the second part of my original reply. Government has raised this matter in the strongest terms, we will continue to do that, but I cannot guarantee the result.

LT.-COL. GHERSIE: As these strongest terms have been quite ineffective, and as the hon. Member has done his utmost, as the hon. Member will not object to my having this matter raised still further by our representative in the Central Assembly.

THE MEMBER FOR COMMERCE AND INDUSTRY: I should think that would be a most wise course.

No. 21

MR. USHER:

Will the Government please state what are the causes which led to the sudden withholding by the Kenya Farmers' Association, acting on behalf of the Kenya Poultry Producers' Association, of the supply of eggs to the Coast?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: When the price of eggs was last raised, prices to producers were fixed on a free on rail receiver's station basis in an attempt to attain uniformity of retail prices in all centres in the Colony. This arrangement has led to the Kenya Poultry Produce Co-operative Society, Ltd., disposing of their members' eggs at centres where the lower railage costs were incurred, with the result that Mombasa suffered a cut of supplies from this source. The Government is taking immediate steps to fix the prices on an f.o.r. sender's basis and to arrange for resumption of supplies to Mombasa.

MR. USHER: Would my hon. friend take steps to ensure that this irresponsible cutting of supplies does not recur?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think, as the hon. Member is aware, I took quite violent steps.

MR. USHER: While thanking the hon. Member for the steps which he so promptly—steps as I know—

THE SPEAKER: You are starting a speech, not a question.

MR. USHER: With respect, Sir, I said, "While" (Cries of "Speech").

THE SPEAKER: "While" thanking the hon. Member, that is not a question.

MR. USHER: Can I assume, Sir, that the eggs which will now be supplied to Mombasa are not those which should have been supplied ten days ago? (Laughter.)

MR. COOKE: In case anybody misunderstood the answer, is the answer the eggs will be free on rail to Mombasa, in fact, that the old arrangement stands?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The new arrangement is that the price will be a free on rail sender station, instead of a free on rail receiver station.

MAJOR KEYSER: Sir, does the hon. Member agree with the hon. Member for Mombasa that for a trading concern to get the best terms it can is an irresponsible action?

MR. COOKE: Is it not an irresponsible action to stop sending eggs to Mombasa and the Coast without first trying to reach negotiations? It was done by a sudden telegram to consumers at Mombasa.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think it was irresponsible not to let me know at the time this difficulty occurred.

No. 22

MR. ODEDE:

Is Government aware that in the last two years thousands of cattle have died, and some still die, in Sakva Location of Central Nyanza District from a disease unknown to stock-owners of the area?

Would Government state what steps have and are being taken to deal with this disease?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The Government is aware that a large part of Sakva Location is affected with trypanosomiasis and the whole location is subject to liver fluke disease. A considerable rise in the incidence of trypanosomiasis occurred towards the end of 1951 and has continued during 1952. The Veterinary Department carries out inoculations at cost price against both these diseases, of which the symptoms in cattle are very similar. During 1951 in Central Nyanza 12,146, and in 1952, January to May, 5,995 such inoculations were carried out. The Veterinary Department has suggested to the Central Nyanza African District Council that the cost to local stockowners might be reduced by a subsidy from the Council, and steps are being taken to reduce tsetse infestation in Central Nyanza generally.

No. 23

MR. ODEDE:

Would Government state why elementary training in motor mechanics has been stopped at the Kabete Trade and Technical School

[Mr. Odele]

and why such training has not been extended to Sigalagala Technical School of Nyanza Province?

THE MEMBER FOR EDUCATION AND LABOUR: The training in motor mechanics at the Kabete Technical and Trade School has not been stopped. The course has, however, been reorganized, and in place of the original one-year course a three-year course has been introduced which includes training in the care and maintenance of agricultural machinery. Boys completing the revised course will have better opportunities for employment, and the number of trainees admitted in 1952 was greater than the number admitted to the previous course.

The training of motor vehicle mechanics has not been extended to the Nyanza Trade and Technical School at Sigalagala because that school is still in the development stage. The construction of the school buildings is being undertaken by the trainees, and this fact restricts the field of instruction to the training of masons, carpenters and general smiths. When this initial phase has been passed, consideration will be given to the expansion of the trades so as to provide training in other trades in which there is evidence of a sufficient demand for trained artisans. At present, the indications are that the demand for the training of motor vehicle mechanics can be met at the Kabete School, which is open to boys from all parts of Kenya.

The cost of equipping training centres for the training of motor vehicle and agricultural mechanics is high compared with the cost of establishing other courses and can only be contemplated when a definite demand for trained men exists.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the Whole Council—Order for Committee read. Mr. Speaker left the Chair.

IN COMMITTEE

[Mr. E. J. C. Neep, Q.C., in the Chair.]

African District Councils (Amendment) Bill

Clause 3

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, as I gave notice during the Second Reading debate, I have the following amendment to propose, that clause 3 be amended in the following manner:—

"2. Clause 3

Amendment of section 22 of the principal Ordinance.

3. Section 22 of the principal Ordinance is amended by substituting for paragraph (19) of sub-section (1) of that section and the marginal notes to such paragraph the following paragraph and marginal note—

Communal Services

(19) requiring able-bodied adult male Africans to work for not more than six days in any quarter, either without payment or for such payment as may be determined by the Council, on minor communal services of a kind which, being performed by the members of the community in the direct interest of such community, can therefore be considered as normal civic obligations incumbent on the members of the community; and declaring that such shall be minor communal services within the meaning of this paragraph."

The reason, Sir, for this amendment is to remove all reference to the International Convention and to make it quite clear what is intended in the section without having to refer to some other instrument or document.

I beg to move.

MR. MATIU: Mr. Chairman, I do not want to say very much on this one, but I would like to say, Sir, that I do not like these minor communal labours to be done without payment because I think that is the principle which I do not want. I would like to move that the words "either without payment or be done" that we go on "for such payment as shall be determined by the Council".

MR. GIKONYO: I would like to support this, and say this. The (inaudible) would be for the people who

[Mr. Gikonyo]

are without pay. There is provision for payment, but usually, in actual practice, the tendency would be for people to be made to work without pay, and therefore I would not support that.

THE MEMBER FOR AFRICAN AFFAIRS: The power of the African District Councils, by which they can employ people without pay, is no new matter and has been going on for many years. It is a very reasonable thing for them to do. It is not done on many occasions but there are occasions on which people are needed to do work, which in the definition of the minor communal services is of direct interest, and I consider it is the duty of the community to turn out and do it.

MR. MATHIU: Mr. Chairman, I agree with the hon. speaker and that is nothing new, but that is no reason why we should continue with that as before. It will be these services—it will be for the direct interest of the community concerned. The whole Civil Service is for the direct interest of the community, but they are paid. I do not think that is an argument which will convince me on that one. Payment is important because, unless we do that, we give an opportunity to those who want to distort the purpose of Government and of the Local Authorities, that these people are being forced to work without pay, and I am giving an opportunity to Government to remove the possibility of misrepresentation in this country and abroad.

I press, Sir, that this amendment be accepted.

MR. COOKE: Is it not a case of six of one and half a dozen of the other? If payment is made, will not the rates have to go up to enable the payment to be made? I do not know if that is what Mr. Mathiu is referring to. The money has got to come from somewhere.

MR. MATHIU: That does not affect the issue. The rates have to go up if it is work for nothing.

THE MEMBER FOR AFRICAN AFFAIRS: This matter, I said the hon. Mr. Mathiu has in mind, I think, a highly developed community, particularly in, perhaps, his own district, where a large number of people are at work and where you have

highly developed organizations. I think if the hon. Mr. Mathiu went around the country, perhaps as much as even I do, he will see there are large numbers of communities in this country where this kind of communal unpaid work is by far the most applicable and by far the easiest form in which to get it done. The collection of rates in those sort of district is not easy, and I think that we have got in a country of so much diversity as there is in this country, to see that these sort of measures are available, but that they should not be abused, and I still think they are necessary.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, I would point out what is already well known to the hon. Member, that the responsibility is placed on the local authority. That is, the representatives of the people themselves, and it is there that influence can be used to determine whether a particular service shall be with or without pay. And I see no reason at all why any particular African District Council should not, of its own initiative, pass a resolution saying that in this district, at any rate, all communal services shall be with pay. Other districts may prefer to adopt other methods, but this is an enabling clause and is purely optional in its application.

Question "that the words proposed to be left out stand part of the clause"—the Committee divided: Ayes, 11. Noes, 35.

(Ayes: Messrs. Awori, Gikonyo, Dr. Hassan, Mr. Jeremiah, Major Keyzer, Sheikh, Mahfood Mackawi, Messrs. Mathiu, Odede, Sheriff Abdullah, Messrs. Tameno and Zafrud Deen, 11. Noes: Dr. Anderson, Mr. Blundell, Group Capt. Briggs, Major Cavendish Bentick, Messrs. Cooke, Cowie, Crosskill, Deen, Lt.-Col. Gheran, Mr. Griffith-Jones, Lt.-Col. Grosan, Messrs. Hammond, Harris, Hartwell, Havelock, Hope-Jones, Hunter, Dr. Karve, Messrs. Kneller, Nicol, Edye, Lt.-Col. Marchant, Sir Charles Mortimer, Chief Mukima, Messrs. Padley, Rodda, Mohamed Ali Said, Lady Shaw, Mrs. Shaw, Messrs. Slade, Taylor, Usher, Vasey, Watley, 34. Absent: Messrs. A. B. Patel, J. S. Patel, Whyatt and Okwiry, 4. Did not vote: Mr. Neep, 1. Total: 50.)

The question of the clause was put and carried.

The Income Tax (Rates and Allowances) Bill

Sections 2 and 3
New clauses read a first time.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that the following new clauses be inserted. They will come in appropriately as clauses 2 and 3 with the proposed re-numbering of the principal Ordinance.—

1 Amendment of section 2 of the principal Ordinance.

Section 2 of the principal Ordinance is amended by inserting next to the definition of "President" the following new definition—

"Provincial Commissioner" includes an officer in charge of an extra-Provincial district.

1 Amendment of section 5 of the principal Ordinance.

There shall be substituted for the proviso to sub-section (1) of section 5 of the principal Ordinance the following—

Provided that—

(i) subject to the provisions of subparagraph (ii) of this proviso, in the case of an African District Council having jurisdiction in the Masai Extra-Provincial District, the officer in charge of such District shall be a member;

(ii) if the Governor so directs, a Council shall consist of such African members only.

These amendments, Sir, are necessary in order to provide for the unique situation arising in Masai land. There are two districts in the Masai area, Narok and Kajiado, but for the purpose of the African District Council, these are amalgamated and there is only one Council, which is presided over by the Officer in Charge, Masai, and it is therefore necessary to make provision for him in the African District Council Organization as he will be the President until such time as a change is made.

I beg to move.

The question was put and carried.

The question that the new clauses stand part of the Bill was put and carried.

Clause 1.
MR. HAVELOCK: Mr. Chairman, I would like to make it quite clear, Sir, that the acceptance of this clause does not mean that hon. Members on this side of the Committee accept the principal Act, that is the East African Management Act, as it is to-day, and I would be glad if hon. Members opposite would state that they quite understand the state that they quote, too, agree. As a situation that they, too, agree. As I understand it, the hon. Member for Finance is not particularly happy with Finance is not particularly happy with the East African Management Act as it stands. It seems to me, if we accept this clause, we are accepting it as it stands. I must make it perfectly clear, otherwise I must make a deletion.

THE CHAIRMAN: I must ask the hon. Member to do one of two things. Either Member to move an amendment or to get up and move an amendment or to say nothing. He cannot make a second Reading speech in the Committee.

MR. HAVELOCK: With respect, Sir, I submit I am not speaking on principle, but commenting on one section of the Bill in detail. However, if you wish, Sir, I will move the deletion of sub-clause (i) of clause 2.

THE MEMBER FOR FINANCE: Mr. Chairman, the Government has, of course, noted the remarks made by the hon. Member for Klambo, the soft implication of my opinion of the Act. It is, of course, covered the entire Act. It covered certain clauses. There is the saying clause of clause 97, and I think we can give him an assurance, as indeed my hon. friend, the Member for Law and Order, did last night, that we shall have recognized sympathy with them in recommending they will put forward in this respect.

MR. HAVELOCK: In view of the remarks of the hon. Member, Sir, I beg leave to withdraw my amendment.

Second Schedule.

MR. HAVELOCK: Bowing to your ruling, Sir, I beg to move an amendment to the Second Schedule. I beg to move the following amendment. Head A, sub-section (3). The word "total" be omitted and the word "chargeable" be inserted.

I have another amendment to the same paragraph, Sir; will you take both at the same time?

[The Member for Law and Order] that at last this lengthy task has been completed. I am told that it began as long as three years ago, and although I have only been concerned in it during the last year, it has, nevertheless, seemed to me a long row to hoe. Throughout that time I have been sustained and helped very considerably by the drive, the initiative and pertinacity of my hon. friend for Kiambu who has put in a tremendous amount of work—in order to bring these Standing Orders to a completed state. In mentioning him, I should also like to couple his name with that of the hon. Member for Finance, who has always been a good counsel and good guide in the work we have undertaken in this connexion. Lastly, if I may, I would like to mention the assistance that I have received from my hon. friend Mr. Neep, the Deputy Speaker and Chairman of the Committees, whose long experience in the committee rooms of the House of Commons and the House of Lords has been of great value to us in finalizing these Standing Orders. Last and most important, Mr. Speaker, I should like to express our appreciation for the encouragement and guidance which you yourself have given us throughout our long deliberations.

My satisfaction, Mr. Speaker, in the completion of this task is equalled only by my satisfaction that these standing orders as they are now printed have received the unanimous approval of all Members in this Council, of all groups and all parties; and lastly, they have also received your benediction, Mr. Speaker. I feel sure that the Council, conducting its business in future within the framework of these Standing Orders and under your wise guidance, will move from strength to strength and advance in prestige and in dignity, until in the fullness of time it is able to take its place worthily with the oldest and most honoured Parliaments in the British Commonwealth.

Mr. HAVELOCK: Mr. Speaker, I beg to second this Motion.

In doing so, firstly I should like to thank the hon. Member for his kind remarks about myself. I should also like to say, from everybody's point of view that if it had not been for the drive and initiative taken by the hon. Member for Law and Order during the last few

months I do not think we should have had these Standing Orders as they are to-day laid on the Table. (Applauded.)

The hon. Member for Trans Nzoia is saying that we are now scratching each other's backs. On that note, I should like to say that there are some hon. Members on this side of the Council who have their doubts about a certain number of these Standing Orders, but we are all prepared to give them a fair run if it is understood that if we find they are in our peculiar conditions in this country—not entirely suitable, then no doubt at the request of this Council they can be amended.

I should like to join also in thanking you for your very kind advice and guidance over this matter, which has some considerable period has resulted at last in agreement on all sides.

THE SPEAKER: In order to avoid any further complaints from the hon. Member for Trans Nzoia, I propose to put the question. (Laughter.)

The question was put and carried.

APPOINTMENT TO PUBLIC ACCOUNTS COMMITTEE

Mr. BLUNDELL: Mr. Speaker, I beg to move the following Motion:

This Council recommends that the hon. S. V. Cooke be appointed to the Public Accounts Committee during the absence of Lt.-Col. the hon. S. G. Gheraie, from 15th July till 15th October, 1952.

Mr. Speaker, this is purely a formal Motion. I have altered the Motion as laid down in the Order Paper, because, as the hon. Member for the Coast lives further away from Nairobi than the hon. Member for Nairobi (North) there will be a further charge on the public revenue, and I think as the Motion coming from this side of the Council, the wording, as placed upon the Order Paper, is wrong.

THE SPEAKER: As you say, it is a charge upon the public revenue. How you received His Excellency's permission?

Mr. BLUNDELL: Mr. Speaker, I have changed the wording to "This Council recommends . . ." I submit, therefore, Sir, that His Excellency's permission is not necessary.

Increasing Disrespect

Mr. HAVELOCK seconded.

The question was put and carried.

Order No. 10 was called.

THE SPEAKER: Would the hon. Members prefer to take the interval forthwith and start the other business afterwards?

THE MEMBER FOR EDUCATION AND LAOCC: Yes, Sir.

Mr. HAVELOCK: Yes, Sir.

THE SPEAKER: We will suspend business for fifteen minutes.

Council adjourned at forty-five minutes past Ten o'clock and resumed at fifteen minutes past Eleven o'clock.

INCREASING DISRESPECT OF LAW AND ORDER—(Contd.)

THE MEMBER FOR LAW AND ORDER: When the Council adjourned yesterday I was dealing with the shortage of manpower and its relationship to increases in crime, ordinary crime, in the Colony, particularly Nairobi city. I shall endeavour, Mr. Speaker, to keep my observations on the rest of the matters that I have to speak about to the Council as short as possible, in view of the fact that I know many Members opposite are anxious to make a contribution to this important Motion that has been moved by my hon. friend the Member for Rift Valley.

It would be convenient, I think, at this point to refer to the observations made by the hon. Member for Rift Valley regarding the ratio of Europeans to Africans in the Police Force. In that connexion it may be of interest for him to know that the ratio three years ago was 1 European to 22 Africans; in 1950 it was 1 to 23; in 1951 it was 1 to 21, and this year it is now a ratio of 1 to 20, so that to some extent these figures begin to meet the point.

Mr. BLUNDELL: May I ask the hon. Member, as he has given us figures, is that not partly due to the fact that you are behindhand in obtaining African recruits?

THE MEMBER FOR LAW AND ORDER: I think that may be part of the explanation. I am obliged, but at the same time there are demands for further European recruits as well as for further African recruits. I should be lacking in frankness

if I did not tell the Council that it is necessary to have many more African policemen than we have got at present, even if more Europeans were recruited, in order to reduce the ratio. Of course, my hon. friend appreciates that one of the big obstacles to recruiting more Europeans is the expense. Roughly speaking, it costs £1,000 a year for an European Officer in the Police Force, as compared with £125 for an African, but I think no one would contend, least of all the African members of the Police Force, that there would not be very marked advantages if there was a higher proportion of European Officers to Africans in the Force. But in saying that, Mr. Speaker, I would not wish to be detracted for one moment to be detracted in any way from the very high standards which exist among the African members of the Force. (Hear, hear—members of the Force. (Hear, hear— applause.) If I may give one illustration—I could give several, but time does not permit—as recently as last April there was an incident in which a Sergeant and an African Constable were in one of the more troublesome parts of this city, in Shauri Moyo, on Police beat, when they noticed two suspects whom they wished to arrest. They immediately gave chase. Eventually these two suspects stood their ground amongst a lot of loafers and spivs—several hundreds of them—and started to stone the African Sergeant and the Constable, and the hail of stones found its mark and knocked the Sergeant unconscious and he fell to the ground. The African Constable drew his pistol and said if there was any further advance he would fire. They did advance and he did would fire. He shot at man dead. Still they threatened and for fifteen minutes he stood over the body of his unconscious comrade, facing a crowd of several hundreds, until he was relieved by a passing Police patrol. (Applause.)

Mr. Speaker, that is not an isolated example of firmness, initiative, resolution and courage and, indeed, heroism, that is to be found among the African rank and file, among the African Kenya Police Force. (Applause.)

My hon. friend referred to the element in the criminal sections of the Nairobi community, known as the Spivs, and he made the point that, apparently what is known as the Spivs Ordinance colloquially, is not being

[The Member for Law and Order] sufficiently used to curtail their activities. It is true that the figures that were given in answer to the question of my hon. friend, the Member for Kiambu, the other day were not impressive in that regard. That was not the whole story by any means. Those were the figures of the persons who were brought before the Special Statutory Tribunal. The Police have a Special Spiv Squad, and in the last six months of this year no less than 4,161 spivs have passed through their hands. That is no small number to interrogate and to check, and, where it is found on investigation no offence can be charged against them, to release them. Although 1,000 were released, 1,200 were charged with vagrancy and were sent back to their native areas. These figures show that there has been no slackness or indifference. The fact that these activities of the squad have not ranged over a wider area is because of the limitations imposed upon the squad by the shortage of manpower. That is why there has not been wider investigation of spiv activities. The Police have done what they can with the spivs, but it is an immense task. The task will be to some extent simplified if better means of identification such as were suggested by my hon. friend could be introduced and effectively applied, but it is not an easy matter to apply them effectively. It means identification over a wide area and in respect of great numbers of people—and in—densely-populated—slum areas such as exist in Nairobi.

The Pass system also has been under review, and further consideration will certainly be given to it to see how far it is practicable to apply it, at all events in limited and well defined areas, where that is considered necessary to supplement the efforts of the Police to maintain law and order in those areas.

Many of these spivs are, as I think my hon. friend indicated, receivers of stolen property, and he asked for an assurance that, wherever it was possible, anyone convicted of receiving stolen property should be deported from this country. I entirely agree with that view and, indeed, I would add that there are already instructions to every Crown Counsel that is engaged in such cases to scrutinize them to see whether the person

convicted is deportable, because, as my hon. friend realizes, a person cannot be deported if he has a certain period of residence already in this Colony, and, unfortunately, for the most part, it is found that these receivers—the majority of them are Asians—are already qualified as residents here and are, therefore, not deportable under our existing laws.

The penalty, apart from deportation, for receiving, under the Penal Code is seven years, which, taking it by and large, is an adequate sentence if the courts choose to impose the sentence. (Cries of "Ah!") But I would ask the hon. Member to distinguish between the maximum penalty allowed by the law and the penalty which is, in fact, imposed by the Judiciary. It is a very important distinction. I have not had time to check it, but I think I should be right in saying that only in very rare instances has the maximum penalty been imposed by the Courts. Hence, to alter the law, by increasing the maximum sentence, would not cover the point which the hon. Member for the Rift Valley has in mind.

MR. BLUNDELL: I thank the hon. Member for giving way. I did not mention that with regard to receivers. I did mention an important point I would like to draw the hon. Member's attention to. It is apart from deportation, when it is impossible, to suggest steps should be taken to prevent the receiver from carrying on his business, from having a business licence. It is under the cloak of business that the receiving takes place.

THE MEMBER FOR LAW AND ORDER: I am obliged to the hon. Member, but I certainly give consideration to that. (Applause.) He referred also generally to the need to increase penalties in various other Ordinances, in view of the fact that they were fixed when the value of money was very much lower than it is fixed now. Consequently, it has not the same penal effect as it had when it was first enacted. That was a point raised by the hon. Member for Kiambu in a question towards the end of the last meeting of Council, and I gave an undertaking that all those penalties would be reviewed with a view to introducing amending legislation. That is now going on. It is a fairly lengthy task, but I assure hon. Members I have, from

[The Member for Law and Order] time to time, made inquiries as to the progress which is being made and in the course I hope to present the necessary Bills to this Council to deal with the matter.

He also mentioned the need to increase the maximum amount below which an appeal cannot be taken to the High Court for confirmation. That has been taken up with the Judiciary. The position, at the moment, is that the Judiciary do not favour a change of that kind, but in view of the further representations that have been made by my hon. friend, I am quite prepared to make a second approach on that matter, reinforced, I may say, by the observations and arguments which he put forward yesterday. (Applause.)

The deterrent effect of all these punishments to which I have been speaking is, of course, of great importance to the success of Police work. But, equally important, is the co-operation which the Police seek to obtain from the public in preventing and detecting crime. Hon. Members will be aware that recently the Police have had, shall I say, a campaign to persuade people to help them in checking thefts from cars. In the early months of this year, there were something like 57 thefts from cars for every month. That jumped, in May, to 69 thefts. That is quite a serious outbreak of thieving, and much of it valuable property, and some of it extremely dangerous property in the shape of lethal weapons stolen from cars. The Police then began a campaign inviting the assistance of the public to check those thefts by locking their cars. It is not 100 per cent if you do lock your car, but it is a very great help to the Police and a very great hindrance on the car thief. The Police were very ably helped by the Press in this matter, and as a result of the Press campaign, and, I suppose, of increased Police activity, the number of thefts from cars fell last month to 47. That is an improvement of a significant amount. I regret to have to say that even now the co-operation from the public is not all that is desired or, indeed, all that should be forthcoming, and even whilst this Council has been sitting, I have noticed, with my own eyes, cars left unlocked outside this Council

Chamber with very valuable property lying on the seats inside. I mention that, because I feel quite sure that every Member of this Council agrees in principle with what the Police are seeking to do in that regard, and would wish to set a good example to other members of the public. The co-operation in this instance is only one example of many kinds of co-operation that the Police are now pursuing.

Recently, in Nakuru, there was an outbreak of warehouse breaking, a very serious outbreak of warehouse breaking, and as a result, the police there sent out a circular to all the owners of property and warehouses in Nakuru. It was headed "The Police and You Versus Crime." "Advice to Commercial Firms" and then it went on to tell them what they should do in the way of taking precautions to prevent breaking into their warehouses, and their premises, and at the foot of that circular was a detachable slip which the recipient was invited to fill up and return to the police. If he filled it up he would say, "I should be glad if a police officer would visit my premises at the following address and advise how they may be made more secure, yet the credentials of my night watchman, advise my night watchman how he can best perform his duties, and so on". There was a very good response to that circular, particularly from the Asian community in Nakuru and the results have fully justified this response to the appeal for co-operation.

Likewise, in the matter of stock thefts, the police have been seeking co-operation from the farmers, and a circular has just been sent out in the Uasin Gishu area asking for co-operation from farmers in regard to information concerning their night herders, and, again, at the foot of the circular is a detachable slip which the recipient is invited to fill up, giving particulars of his employees, his night herders, the number of cattle, the grades and so on, and with that information, if there are any thefts the police have a good start in their inquiries. It is too early yet to say how far this particular request for co-operation has been successful because it only started a few weeks ago, but I do suggest to this Council that the police, in seeking the co-operation of the public on those lines, are proceeding on very sound principles.

[The Member for Law and Order]

In fact, the answer to this increase in ordinary crime in this Colony, at the present time, can be expressed very briefly; more men and more co-operation from the public. That states the matter in a nutshell, and let it be remembered that the Government cannot compel co-operation. They cannot legislate for co-operation from the public any more than any Government can legislate against laughter. They cannot appeal to the public for co-operation. Not only can the Government appeal for co-operation, but so can all hon. Members opposite, and I should welcome an assurance from hon. Members opposite that when they do address their constituents, they will set aside a little time to appeal for more co-operation for the Kenya Police Force. (Applause.)

And now, Mr. Speaker, I turn to the second part of my speech. I refer to subversive crime. That means, to Members of this Council and to the public outside at the present time, the movement known as *Mau Mau*. It is true that subversive crime also includes a movement which was previously prevalent in certain parts of the Colony known as *Dini ya Mwanba*. When I spoke on this matter last November, I said at that time that the *Dini ya Mwanba* had declined because most of the members were in prison and those that were not had fled over the borders into neighbouring territories. Since then, Sir, some of those leaders of the *Dini ya Mwanba* have been released from prison on completion of their sentences. The police, very rightly, kept a close watch on them to see if they were attempting to start once more their subversive activities and the police intelligence was so good that in a matter of weeks, it was discovered and ascertained that they were conspiring to do so. The necessary evidence was obtained and they were charged. They have been convicted and they are back in prison again for a long stretch, and I think the Council may rest assured that so far as the *Dini ya Mwanba* is concerned, at the present time, it is not a matter for grave concern.

Mau Mau is quite a different matter. This movement originated, as hon. Members know better than I do, about 1947, as an offshoot of the proscribed Kikuyu Central Association. It was an

offshoot that went underground. There were other offshoots of a different category. Since 1947, this *Mau Mau* movement had manifested itself in various waves of activity and thereafter there have been recessions from time to time. At the beginning of this year, there was another wave of this *Mau Mau* movement which spread with more vigour and energy than ever before. There is a tendency, I know, Sir, at a time like this, when there is a wave of subversive activity, to attribute to that movement practically every mishap or accident or casualty that may occur, particularly in the settled areas. I do not complain, Mr. Speaker, of that tendency, because it is very natural. I only mention it in order to utter a caution against it, because in this matter, above all, it is necessary that everyone should be clear-thinking and far-thinking, and should have a well-balanced perspective of the movement as a whole, so that they may know what the true nature of the movement is, what its scope and dimensions are, what its causes are and what measures, both police measures and positive measures of other kinds, should be taken in order to remedy the situation and to re-create that harmony and co-operation amongst all communities in this Colony which everyone desires.

I have often been asked, Mr. Speaker, what the words "*Mau Mau*" mean literally. I have often asked that question myself of various experts, including one of the greatest experts in the Kikuyu language—in this country or elsewhere, and there appears to be no clear answer to that question. It is suggested by some that the words may be made up of the initials of certain Kikuyu words, others suggest that those initials are placed in a reverse order. But the better opinion seems to be that it is merely a catchword that is incapable of a literal translation, and for practical purposes, it matters not what it means exactly, provided we know and appreciate that it is a catchword for a secret society, whose members take secret oaths in order to propagate malice, ill will and ill feeling against the European community.

I have talked to a number of *Mau Mau* adherents in the prisons of this Colony. I have visited the prisons in Nairobi, in Nakuru; in the prison quarries, and in Lamu, and I have made

[The Member for Law and Order]

it my business to talk to some of these men. They vary a great deal in type. Some of them are young, strong, healthy men, sullen and resentful, whom it is difficult to induce to talk about this movement. There are many others, who are hangers-on and followers, with no very great determination or decision with regard to this movement. And there are a few of them who are very intelligent and clever, politically conscious and convinced that they have grievances. If these men can be induced to talk, then some of them, at least, will say that they are not opposed to the Europeans as such, but they have grievances with regard to land, and therefore they associate those grievances with the Europeans. There are others amongst them who seek to promote under cover of this movement an incipient, intense nationalism and along with it an anti-European feeling, irrespective of any grievances they may have, real or imaginary. That, Mr. Speaker, is a brief and, I am afraid, inadequate attempt to describe the nature of this *Mau Mau* movement.

Its adherents are concentrated, for the most part, in the Kikuyu Native Reserve, or what I may describe as the Kikuyu Belt, which stretches from Kiambu to Nyeri, and the heart of it all is in the district of Kiambu, where, at the present time, Mr. Speaker—I am speaking, of course, of the native district of Kiambu—there is one policeman for every 8,000 inhabitants, as compared with one policeman for every 1,000 inhabitants in the stepiest and most docile part of rural England. The movement has spread from the Kikuyu belt over the Aberdares and round the spot of the Aberdares to Thomson's Falls, to Naivasha, to Nakuru and up to Elburgon. Beyond that it is less intense, though I would not say that it does not exist there. Certainly, in the neighbouring forests bordering on the Usain Gishu, there are *Mau Mau* activities. But in those regions further to the north-west it is certainly less concentrated, and would remain so if the appeal by the police that any labour, before they are engaged, should be checked and vetted by the police were heeded. If that is not done, then, of course it spreads from the other areas where it is at present concentrated.

Although, as I have explained to the Council, the adherents of this movement are scattered over a wide area, I would ask Members of this Council to remember that there are hundreds, indeed thousands, of loyal Africans and Kikuyu—

MR. HAYLOCK: Millions.

THE MEMBER FOR LAW AND ORDER: Millions. I was going to say, who have not been in any way affected by this movement. Some of them actively oppose it. Many of them resist it at all events passively. I count it amongst the greatest benefits that have resulted in police activities in recent months, that it has created amongst these people a feeling of confidence, and has encouraged them in their belief that the forces of law and order are on their side, and the Government has the power and will to govern.

The police achievements during this period, Mr. Speaker, have not been inconsiderable. In February, there was a very serious outbreak of arson which might have spread like a bush fire but for the prompt and decisive action which was taken by the Commissioner of Police and the men under his command. Overnight, over 200 men were moved to the native locations outside Nyeri, and six Police Posts were erected under temporary canvas tents. The posts were all inter-connected by wireless and intensive police-patrolling was started night and day; mobile police squads were organized, special ambush squads were organized, and as a result, the outbreak of arson was stopped, and, indeed, for the time being, at least, stamped out. The difficulties of the police on that occasion were immense, because although they arrived there in great force, not one single person would step forward to give them a syllable of information about the culprits who had been committing these crimes of arson. So that although there had been many burnings, there were only one or two arrests. As a result of that, a collective fine was imposed on those people who had failed to discharge their duty as citizens of this Colony, to give information to the Police.

My hon. friend the Member for Aberdare has spoken, and I think also the hon. Member for Rift Valley has spoken, about collective fines. The hon. Member

[The Member for Law and Order] for Rift Valley said that their use should be extended. The hon. Member for the Aberdare suggested some modification, or change, in the system of collective fines, so that instead of being based on a territorial basis, it should be allocated on a tribal or a clan basis. I think he said: The proposal that collective fines should be imposed on a clan is one which my hon. friend the Member for African Affairs will deal with later in this debate. But it has to be remembered that the clan system as it existed some years ago is not so firmly rooted now as it was when collective fines were imposed. Last, the imposition of collective fines, that system as advocated by the hon. Member for Rift Valley, is not quite as easy as he suggests. The Government has shown that, in principle it is not opposed to impose a fine in the appropriate case. But I would say this to the hon. Member, that the former Governor—and I am sure he would not mind my quoting this—cautioned me more than once against imposing collective fines except in very exceptional and rare cases, saying that there was always a danger of making an enemy of innocent Africans who must inevitably, to some extent, be included in the net when a collective fine is imposed.

The hon. Member for Aberdare also referred to the powers of the Government in the event of an emergency being declared. He referred to the Emergency Ordinance which was passed and the powers of the Governor to make regulations under that Ordinance, and he asked for an assurance that if an emergency did arise that these regulations could be brought into force without delay. Mr. Speaker, I have not the slightest hesitation in saying that if an emergency arose to-morrow, those regulations could be brought into force by the drop of a hat.

The hon. Member referred also to meetings which have been taking place in the Highlands and expressed some anxiety as to the effect that such meetings would have on labour relations in those parts. I understand his anxiety about such matters but I was glad to hear him say that he agreed that some meetings should be allowed to take place, as I am sure he does, that if you allow no freedom of speech, no

public meetings at all, then it is almost inevitable that you will drive underground the activities of those people. But, Sir, the question of where and when and how, in what circumstances a meeting should be held, is certainly a matter that gives us all a good deal of anxiety from time to time. But I can assure the hon. Member that each such application for a meeting will be considered on its merits and such conditions will be imposed as are necessary to secure what is paramount, paramount above and beyond the right of way of freedom of speech, namely, the maintenance of law and order in those areas. (Applause.)

My hon. friend from Aberdare was good enough to pay a tribute to the work of the police and the administration, in dealing with the very difficult situation that exists to-day. I would like to add my mead of praise also to the members of the Police Force. I can say that all those members of the Force, whatever race they may be, and whatever rank they may hold, are in good heart at the present time. I speak of what I know, Mr. Speaker, because I have spoken with scores of these men and sat in on their conferences and discussed their problems with them and I can say that no call has ever been made upon these men which has not received a ready and immediate response. Their day is not an eight-hour day, or a twelve-hour day, but, when they are organizing and planning raids, as they have done recently, it is for the clock round. They are keen and eager, and their enthusiasm and their aggressive spirit is an inspiration to those who have had the advantage, as I have had, to know them. And under the guidance of their brilliant commander, I have no doubt at all that they have served the public well—better, indeed, than many of the public know. As a result of their intensive activities during the past few months, over 200 *Mau Mau* adherents have been tried and convicted and are now serving sentences in jail of up to eight years in some instances and in other cases with a recommendation for a restriction order as well.

A restriction order is the greatest deterrent that the law knows for these people, because it means that when they come out of prison, they can be sent to places far removed from their former activities

[The Member for Law and Order] for an indefinite period until the executive is satisfied that they are no longer a disruptive force in the community.

But, Mr. Speaker, successful as these police measures have been during the past few months, I should be the last to say that they provide a complete answer to this problem. They provide a partial answer, it is true, and a very important one, for reasons which I have already indicated, but the complete answer requires something more. It requires co-operation from moderate, responsible African leaders. It requires co-operation, too, from leaders of the other communities in support of those moderate African leaders, all of them working together for one purpose, namely, to establish a co-operation with the police forces and to create and build up a loyal, responsible public opinion amongst these people.

Therefore, I would draw the attention of the Council to the fact that the Motion, as it is at present worded, does not give effect to the need to seek co-operation from the public. In saying that, I do not wish to imply any criticism on the Motion moved by my hon. friend. His Motion stops at the point where it invites the Government to take all necessary measures. Therefore, I propose to move an amendment to add these words to the Motion—"but recognizes that in addition to such deterrent measures as may be taken by Government, it is incumbent upon all sections of the community to co-operate and foster responsible public opinion among all races in support of law and order". I have little doubt, Mr. Speaker, that if that co-operation could be obtained from the Africans, that this problem of the *Mau Mau* would be solved in a very short time.

Some of them, some of the African leaders, let it be said to their credit, have already declared themselves to be on the side of law and order and to be opposed to the *Mau Mau* movement. They have held meetings in the Native Reserves with a view to discussing ways and means of dissolving this *Mau Mau* oath and the evil consequences it brings upon themselves and upon their families. These leaders know, Mr. Speaker, and these leaders of the Kikuyu tribe know, including my hon. friend, Mr. Mathu,

that this movement cannot but be harmful to the real interests of the African people. (Hear, hear.) They know, too, that if it is persisted in it will inevitably retard their progress along the constitutional path, and will set back their political aspirations indefinitely until respect for law and order is restored.

In such circumstances as these, Mr. Speaker, is not the duty of these African leaders plain? Should they not in the interest of their own people, whom they represent and whom they serve, should they not openly and publicly proclaim themselves to be the enemies of this *Mau Mau* movement? (Hear, hear—applause.) Should they not openly and publicly dedicate themselves to the cause of law and order, and by precept and example, lead and guide their people along the constitutional paths which alone can lead to peace and contentment and prosperity for their people? I know well, Mr. Speaker, that leadership of this kind requires courage and wisdom of a high order, but this I can assure them, that if they show it, they will receive the unflinching and the unflinching and the unlimited support of this Government in promoting those aims. Sir, and I know, too, Mr. Speaker, that if they show those qualities of leadership now, then in time to come they will reap a rich reward in the esteem, and the regard, and the respect, not only of their own people, but of all the peoples of Kenya. (Applause.)

THE SOLICITOR GENERAL seconded.

MR. BLUNDELL: Mr. Speaker, I am quite happy to accept the amendment as part of the substantive resolution.

The question was put and carried.

THE SPEAKER proposed the Motion—

MR. HUMPHREY SLADE: I think the words "with special reference to crimes and violence" have been left out.

MR. BLUNDELL: When I moved the Motion, I drew special attention to the fact that I had removed the words "with special reference to crimes and violence".

THE SPEAKER: I beg your pardon.

Question proposed.

MR. CROSSKILL rose. (Applause.)

MR. CROSSKILL: Mr. Speaker, I beg to support the Motion. The hon. and learned Member for Law and Order has stated, Sir, that a considerable increase in

(Mr. Crosskill) the Police Force in Kenya is necessary, partly, I understand, on account of the natural increase in population in Kenya and also on account of the present state of indiscipline in the country. Now, Mr. Speaker, I feel that if this is necessary, it will have the wholehearted support of the country, just as I feel—(applause)—that the co-operation, for which the hon. Member has asked, will most willingly be given. But I do suggest that that part of the cost of the increase in the Police Force, which will be due to the present state of indiscipline, should be paid for by the application of a Poll tax on all races of Sh. 5 per head, which shall be applicable for the duration of this state of emergency. I consider that would be in equity.

I sincerely hope that the hon. Member will accept the suggestion put yesterday by the hon. Member for Aberdare on collective fines. He stated that he considered that those who are not culpable in any community on whom a fine was inflicted, would bear a grudge against the Government. But, Sir, I cannot agree that that would apply. I believe that it would normally be the reaction that the ones against whom a grudge should be borne would be the culpable ones in that community. (Applause.)

I feel that unless this measure is adopted and in view of the smallness and inadequacy of the Police Force at the present time, we shall find ourselves in difficulties. I say that, because I know that there is a considerable time lag in increases in the Police Force, and I believe and even after financial authority has been given for such a step, it would be at least a year before it could be effected.

Now, Sir, I think it has been made clear that the cause of lawlessness in the urban areas, particularly in this City, is due to economic reasons. It is quite clear that it has been brought about by an urban drift which is quite unsupported by an economic justification. I hope the Spivs and Drones Ordinance will be utilized and put into operation. It is very gratifying to have heard this morning from the hon. and learned Member that that is being done; that several thousand spivs

have passed through the hands of the Police and that traffic has been one way.

With regard to the seditious activities, I am equally confident that the cause of that is political rather than economic, and although the Police are now dealing with this matter, I think there are certain aspects of this problem which cannot develop upon the Police, and I refer, Sir, to long-term measures which should be taken to eradicate the causes of this discontent, and furthermore, to the dissemination of knowledge to the African people as to the measures which are being taken to alleviate their troubles, and also the dissemination of further information on matters concerning evolution, which make it necessary to alter the economic plan. I think a great deal of such information does not reach the Africans concerned.

Now, I believe the main cause of the dissatisfaction, sometimes real and sometimes apparent, is land shortage. I say "apparent" in some cases advisedly, and I am going to refer to that again shortly. I think it is not generally realized by the African people that while there are large-scale and diverse projects for the alleviation of the land shortage, the main cause of the trouble is that we in Kenya have reached a stage of evolution through which we passed in Britain and other countries in Europe many hundreds of years ago; we have reached a time where the economy of this country cannot be based wholly on the ownership and the individual working of land. We have now passed the days of extensive agriculture and nomadic grazing and we must now come to the days of intensive and scientific agriculture, and the economy of the country will be supported by industry.

Now, I used the word "apparent" because to those who are complaining about the land shortage, it appears that they cannot live on the plot of land which they possess, whereas, in fact, if they were instructed further, they would see that it is now necessary to cultivate intensively rather than extensively. When I mentioned industry I included the primary industries such as tea and other farming industries, which can provide for and support several persons per acre, rather than

Mr. Crosskill) primitive agriculture which requires several acres to support one person.

Now it is very necessary indeed that we should look upon this change of economy on account of major world problems which have been commended to us by Lord Boyd-Orr and his success on the general world food shortage, and I think that our main difficulty is in explaining and disseminating information on these world problems, the necessity of a changing economy to all the African people here. It is imperative that they must understand the trend of development and what evolution is imposing on us, not only in this country but throughout the world.

We have somehow got to, as the hon. Member for Rift Valley said yesterday, attain the African people to the present tempo, and I think it is very difficult to say exactly how this should be done. But I do suggest for your consideration that we should think of the establishment of a national service for the African people. Now if I have seen the raised eyebrows of the hon. Member for Finance, I would say that I believe there is no necessity for such a national service to be of great expense, nor do I consider it need be wholly military in character. I believe that this will be welcomed by the African people and I suggest that such a service should be mainly of an economic type. I suggest that those African youths should be engaged in such work of national importance as afforestation and water conservation, roads, and, perhaps, particularly in the clearing of tsetse fly from areas which then might be devoted to them.

Now, Sir, I would suggest in general terms that perhaps those youths might be engaged in that occupation four hours a day. The rest of the day would be then available to instructions in games, instruction in drill, in hygiene, and also talks on world problems and problems concerning the economy and politics of their own country. In fact, building up good citizenship, Sir.

I would, therefore, recommend the suggestion for the earnest consideration of this Council, Sir, as I feel that part of the solution in these problems lies in

looking ahead and the building-up of a healthy community in East Africa.

(Sir, I beg to support the Motion. (Applause.)

Mr. MATHU: Mr. Speaker, I feel very sorry indeed that I have to oppose this Motion, because there are quite a number of good points that have been made both by my hon. friend the Mover and by my hon. friend the Second, the Member for Aberdare and by two previous speakers. But the pill is not easy to swallow, Sir. The sugary coat is so thin that the bitterness inside cannot, at any rate, be swallowed by me.

THE SPEAKER: Would the hon. Member mind if I asked him to speak from the despatch box in the ordinary way?

Mr. MATHU: I therefore say, I would like straight away, to give my main reasons why I cannot support this Motion but vote against it. The first is the measures that my hon. friend the Member for Rift Valley has suggested, which would improve the situation in regard—which is alleged to refer—to law and order in this country, are not acceptable to Africans.

The first is the question of passes. Pass laws are known to us in some other parts of Africa, and nobody can tell me that they have solved anything. Indeed—they have embittered the population in those parts which I refer to and relations have been worsened throughout. I should have been worsened throughout. I passed in this Colony which, I believe, in spite of what people may say, are working in a better and a happier position than any other part of Africa. Therefore, that, too, would be an impossible pill to swallow, a suggestion that a pass system should be introduced. I was surprised to hear from my hon. friend the Member for Law and Order that although there are certain difficulties, the matter is being re-examined and then he asks how the African community should co-operate in these matters. It would be impossible, Sir, if he would introduce a pass system that would put us lower down from where we are, where we could not move about on legal affairs without being stopped by the Police to be asked for a pass. That, Sir, is one point that I cannot agree over to, now or to-morrow or any other day.

[Mr. Mathu]

The second point is the question of collective fines, including the clan fines. That, Sir, as you know, has been the subject of a Motion-by myself in this very Council. Before the dissolution, I moved a Motion asking Government to repeal all those enactments which enable the Government to punish all and sundry, irrespective of whether they have committed any crimes or not. That Motion, by a majority, was defeated and I still stand by my remarks, which are to be found in the Hansard, that the principle of collective punishment is inequitable and cannot be supported in any place where there is enlightenment and where progress must be the keyword. Therefore, if my hon. friend the Member for Law and Order, my hon. friend the Mover, and all those who support collective fines, co-operate, they will not have it when they advocate that those who have committed no crime must go through the mill of punishment innocently and without crime.

The third objection that I have in this matter is in regard to the question of clan fines. My hon. friend the Member for Aberdare in a very moving speech, if I may say so, did suggest that we shall narrow the area by which we shall apply collective punishment, and confine it to the members of the clan of the person who has committed crime. Now, Sir, the principle in my view is exactly the same. Amongst the members of that clan there will be some who have not taken part in the criminal activities of their members. Therefore, I say the principle is the same, I shall oppose any suggestion that clans should be punished, even if one of their members committed any crime.

May I say, Sir, that there will be this one difficulty from the administrative point of view, that clans are not geographically situated in a homogeneous area. A member of a clan may be on one side of the country, the other member may be one hundred miles away at the other end of the country. What we feel we have to do first of all is to establish a clan register. I refer to my particular clan, Sir; where I live, there are only a few. All the other members of my clan are scattered all over Kenya. It would require a number of Police to go and hunt

them out, and identify them. It is not practicable. It cannot be done.

The last point which makes me oppose this Motion is the suggestion, the implicit suggestion and the vague suggestion, accepted by the hon. Member for Law and Order, that penalties should be looked into with a view to increasing them. What penalties? My hon. friend never mentioned what penalties. They are out of tune. That does not mean much. The sentences they want to increase from weeks to months, from months to years, or what?

The second point is the question of fines, is it a question of fines? What has been previously a Sh. 30 fine—when a person does not obey the order of a Chief, he should pay Sh. 150 instead of Sh. 30. I should not like to accept that point without having the details put before us.

My next point, why I should not like to support this Motion, is my hon. friend, the Member for Aberdare, in his speech regarding the emergency regulations, talked about the dictator in Rome at the same time. I would like to say, Sir, fascism, as we have known it in modern times, which is a result of dictatorship in those small states in Rome, exists no longer. Why has Mussolini failed? Why has he, Sir, failed? It is his use of bullying methods in the state. There, I would not be a party. If you want to annihilate the British Empire you had better have like Hitler and Mussolini; if that is the intention, I would not be a party.

—In the case of emergency there is nothing to prevent us using all the powers we have at our disposal. But to become so ruthless, as suggested by the Member for Rift Valley, in my view is not going to solve the problem at all. In fact, it is going to worsen the situation. As I say, where are these big countries; where is the France of Napoleon; where is the Italy of Mussolini; where is the Germany of Hitler; and, in due course, someone will ask where is the Russia of Stalin. (Hear, hear—Applause.)

If my hon. friend, the Member for Aberdare, wants us to take that as easily as he thinks, I will not be a party to that, Sir.

These are the major reasons which I have to give for my opposing this

[Mr. Mathu]

There are minor ones which I shall give as I go along.

To come to the more constructive parts of the suggestions made by the previous speakers.

My hon. friend, the Mover, when talking about the political situation in the country, did say that some elements in the population used the system of democracy to disrupt the state. If they do, I shall be one of those who will say they should not disrupt the state. (Applause.) But that is not the end; the first consideration, in my view, is why do they have those intentions? What are the causes? Previous speakers have mentioned that Africans have grievances, real, or imaginary. I want to deal with the real grievances, and not imaginary ones, and which I feel this Government has failed to meet.

Now, the first is the question of land. My hon. friend, the Member for Law and Order, did say that, in discussing the problems with these people they call *Mau Mau*, they have said that the land is one of their grievances. My hon. friend, the Member for the Mau, I think—(laughter)—also admits land shortage. I had known, Sir, that there was going to be a climax in this business. I moved constitutionally in this Council in 1951—

“In view of the increasing overcrowding of Africans in the African land units and the fact that the land allocated to the Africans by the Carter Commission has proved hopelessly insufficient, will the Government please recommend to the Secretary of State for the Colonies to appoint a Royal Commission to investigate the land needs of the Africans in Kenya.”

My hon. friend, the Member for African Affairs, replied on behalf of the Government and said “Yes,” they agreed that there is overcrowding in certain areas, but this does not warrant the appointment of a Royal Commission.

I have searched my Hansard, Volume —I cannot read the Roman letters—anyway, it is the Hansard for the third sitting of the session 8th May to the 17th May, 1951. I cannot trace the record of that question, Sir. I approached the Assistant Clerk yesterday to find out whether there was another volume of the Hansard. He tells me he does not think

there was another volume of the Hansard. In other words we have no record of the question in this one. I would like to find out what happened. (Hear, hear.) Was it deliberate? If it was a mishap, all right, I will have to know.

The position, Sir, is this. When I have a reply—I asked this question at a psychological moment; the timing was right because I knew there was going to be some trouble. I gave the opportunity to say “All right, we shall look into this,” approach the Secretary of State, and go into all the land questions”. I never made any suggestions that the land should be removed from the Europeans. I made the suggestion that a Royal Commission should be appointed. We read in the papers there is a big campaign over the land question in England. Now, that is an opportunity the Government has given to those who want to misinterpret and distort the affairs of this country. If they had accepted my question which, as I say, was very moderately done—a request that could be accepted by anyone—we would have saved ourselves all this trouble. A Motion is in Parliament now—it is going to be debated in the House of Commons in the Autumn. Are we going to have a Royal Commission? It may be that we will be forced from outside to have a Royal Commission; whereas we would have shown a great responsibility if we had said “Appoint a Royal Commission to go into all the questions of land”, in 1951.

I mention one other aspect about the land question. It is this. Year after the Teita, because of the land shortage in their own hills, approached Government with a view that they should have more land for their settlement. Government agreed to acquire land which was in the hands of Teita Concessions, Limited. In answer to a question of mine some years ago they said they were going to do it. That has not yet happened. The Teita have not got the land which it was promised to buy from this Company. In those years the Company was prepared to sell. As the years have gone by, the Company has again changed its mind and the negotiations will go on until Doomsday. It is a very important matter; it is a matter which is definitely behind all this trouble we are having to-day, and all I suggest, Sir, is that there should be

(Mr. Mathu) appointed a Commission, or what you will, to give breathing space to the people who want to do these matters.

I shall give, Sir, another cause of this trouble. The grievances that the Africans put before this Government—and I shall use a very simple matter, which annoys the African people throughout this country—I have raised this for these last eight years in this country; I refer to the roads in African areas. They are mud, swimming pools in wet weather, they are swimming dead in dry weather—impassable.

I put this before the Government at the time of discussion on the Development Committee Report. I have asked, I do not know how many, questions which my hon. friend, the Member for Local Government, has answered. To-day, what do you find? The people complain about the Ngong Road, that is attended to at once. They complain about the road from the main Nakuru/Nairobi road to Elmenteta, that is done without any delay. They complain about a road from Lumba Station, through Kericho to Solik, that is done at once. We complain until the hairs come out of our heads, and not a road has been hard surfaced in the African areas. Can Government say we have not put this constitutionally to them? Have we not contributed money through African District Councils, have we not made contributions? Why, there is not a district with a proper road in the African area.

I am glad my hon. friend, the Member for African Affairs, is nodding agreement to this. Why has action not been taken?

MR. HAVLOCK: It has.

MR. MATHU: The Road Authority—I was coming to that. When they set up the Road Authority we said there must be direct African representation on it. They say, "We want technical men". We ask them if there are road engineers on the Road Authority, and they say there are. Not there are plans on paper; plans for ten years ahead. We do not want them in ten years, we want a road now and then the Member for Kiambu says they have taken action. They have taken no action at all. We shall never have roads as long as you have got a Road Authority set up as you have.

MR. HAVLOCK: Question! You will get on this year.

MR. MATHU: We will see about that.

Those are two criticisms of the grievances. The third, and final one, which is behind all this political business. In this Council, Sir, I have suggested, more than once for the last eight years, that Government should take serious steps to create high positions in the public service for the African people. They have done nothing. They start district officer posts and give them A.A.A.O.'s. I do not know how many A's behind their names just to make them feel small. They make them glorified clerks at a low remuneration. There is a bottle-neck. The African feels frustrated; all the energies which they have educated in the African have been wasted. Where do they go—underground. Underground, Sir, we train them, we educate them overseas; when they get degrees in the Universities of Oxford and Cambridge, etc., when they come here they are not good enough to occupy a post of responsibility. Would you call that, Sir, an imaginary grievance? It is real! My hon. friend, the Member for Finance, did say that he was going to create, or going to see that there are created, high posts in the Education Department. Who have we got now—supervisors, ordinary teachers. Nobody in the administrative set-up to be Assistant Inspectors or what you will, no!

There was a vote put in, and that vote—who has been appointed; have we got the men. Why delay all this kind of thing? It is, Sir, the Government, that is putting us to all this trouble.

I suggest, Sir, therefore, my own suggestion is, that we must create high posts for the African in the public service so that they come forward and co-operate with Government on the highest level, when they come out with degrees from the United Kingdom. You tell them, "right, you go in at the bottom". But you tell us, "the sky is the limit". When they are going to operate the principle of "the sky is the limit"? We have been hearing it from the opposite bench for the last 12 years.

From the political angle which has been touched upon, in January, 1946, to be exact, my hon. friend, the Member

Mr. Mathu) for the Coast, moved a Motion in this Council regarding the political situation in the native areas. I seconded that Motion. I say this, Sir, because, when the Member for the Coast moved that Motion in January, 1948, that I seconded it shows that I am not against the improvement of the political situation, not only in Kenya, but in African areas as well. My hon. friend, the Member for the Coast—if I may just read one or two points that he made at that time. He says—I am reading from column 685 of the Hansard of the 20th October, 1947, to 16th January, 1948—he said:—

"And if anything is to be accomplished every effort must at once be made to restore in the African confidence in our impartiality and good faith, for it is certain that no reform can be carried out or real progress made without the confidence and willing co-operation of the African himself."

That is exactly what my hon. friend, the Member for Law and Order, did say, in the substance of his amendment. I agreed to that at that time. My hon. friend went on to say:—

"When the war started there were certain arrests made of political agitators throughout the country, and no doubt that was necessary; but I felt that arresting people was not the solution to the problem."

The point I want to emphasize there is that arresting and putting people into jail, as the Member for Law and Order said, is not the answer. At the end of that debate I said this—with your permission I should like to quote it, because these are the words I got out of the mouth of Sir Philip Mitchell, our former Governor. I quoted those words then, and with your permission, I should like to quote them now because they are words of advice for the feelings of the community; the feelings are human feelings. Sir Philip said like this:—

"Exact obedience of this kind is always a negative thing: it can produce a sterile condition in which there is no disorder, but it cannot create nor give scope to those creative and productive social forces on which the progress of the communities depend. . . . There is neither place nor opportunity

for dissent and opposition; the only choice is between acquiescence or agitation, subservience or sedition. . . . It is not only that the Government has to be obeyed; it may have to be obeyed in the person of a hectoring or offensive official, and the irritation and ill-will caused in this way are probably far in excess of any that result from the policy or actions which the Government intends. . . . Any form of Government must necessarily produce in individual cases irritation and annoyance. . . . there is quite enough of this which is inevitable and inherent in the functioning of the Central Government, and there is no sense in adding unnecessarily to it."

Those, I think, are wise words. They are the words of an administrator, a man who has been in a high position in these territories. I would like to commend them to the consideration of hon. Members.

I do not think I should dwell very much on that now, but I should like my hon. friend, the Member for the Rift Valley, in his reply, to give us more facts about this trouble which he visualized to come on to this country during the next nine months, from yesterday. I think it is a bigger matter, it may be a revolution, we may be sure, every-where, we may be sure, everywhere, but I think my hon. friend would be good enough to explain to this Council the particulars, that we may be aware of this catastrophe which is befalling this country within the next nine months from yesterday. (Laughter.)

I come now to the remarks which are political, in regard to the remarks made by my hon. friend, the Member for Law and Order, before I go to the economic matters that have been raised here. He talks about the proscribed societies and, in particular, the Mau Mau. He gives the nature of the society and he gives some of the causes. Now, I should like, Sir, to say that in 1946 I made representations to the Government through the then-Chief Native Commissioner, my hon. friend Colonel Marchant, who is on the Government side—I am sure he will recollect this very well—not once, not twice, but many times, suggesting that now the war is over and all this, that now the war is over and all this, you should release these political prisoners, allow their organization to

(Mr. Mathu) continue on the open surface, in other words, cancel the order proscribing the Kikuyu Central Association so that they should function on the surface, and this suggestion was turned down and I have had meetings—Colonel Marchant I am sure will remember these meetings—with him and at the final one we went to see His Excellency the Governor. They were turned down in other words suppressed, and they were given no opportunity to revive their own activities. What else can happen except what is happening to-day—to go underground? They could not have had any other alternative. They went underground. But if, as I say, my suggestion was agreed to, and this was done, we may be faced with some other trouble but, perhaps, not precisely the trouble we had to-day. Since then we have proscribed quite a number of societies, Sir; as a Member of this Council I never said a word against. We proscribed the Kipsigis Central Association; we proscribed the Somali Youth League; we proscribed the religion in Kipsigis—I forget what the name was—we did proscribe that one also. I never said a word when the *Mau Mau* was proscribed. I feel, in my own heart, what we want is open, on the table criticism of the policies of Government.

MR. COOKE: Hear, hear.

MR. MATHU: That is absolutely vital, anything—underground—it is not for the good of the community or the people, or the people who have buried themselves underground. If there is any truth in the suggestion that Government has not helped to bring these activities above ground, but has helped to drive them underground, then I begin to be doubtful whether we are really moving in the right way.

My suggestion in this matter, Sir, is that these people, whether you put them in jail or whether you give them opportunities to discuss these matters openly—in that I agree with my hon. friend, the Member for Law and Order, that you cannot restrict meetings completely, so that nobody can say a thing if you did. We should not follow the fascist methods, which I have described, which I think none of us would be pleased to have. And that again, Sir, talking about meetings, was a subject of a Motion by my-

self in this Council, and the Police Ordinance, I think, adequately serves the purpose and I do not think that people should be refused permission to meet. You can have as much supervision as you like. Get the intelligence to cover all the meetings as properly as you like; but as long as we stifle the freedom of speech, freedom of public assembly of the community that is coming up and trying to study all these problems properly, I do not think, Sir, that we are moving in the right direction.

THE SPEAKER: Order, order. It is now 12.45 and it has been indicated to me that the hon. Members desire to finish the matters on the Order Paper at this sitting. We shall suspend business until 2.30 p.m.

Council adjourned at forty-five minutes past Twelve o'clock and resumed at thirty minutes past Two o'clock p.m.

THE SPEAKER: Mr. Mathu was speaking when we interrupted business this morning.

MR. MATHU: Mr. Speaker, when Council adjourned for the lunch interval I was about to make remarks on the economic and social situation as it affects crime, which is the subject of the Motion moved by my hon. friend, the Member for the Rift Valley.

As far as ordinary crime is concerned, Sir, a Motion was moved in this Council by the then hon. Member for Kiambu in January, 1945—and that Motion was eventually withdrawn, but I was one of the supporters of the points raised by the then Member for Kiambu. In that Motion there were—the points that I made, which were not made, I think, by many speakers at that time, was why we had a crime wave in 1945. Was it just because there was a war on and the soldiers were coming back, or what? Sir, I stressed during that debate the economic causes of crime, and I should like to quote a short sentence, Sir, in that debate which will meet this point.

I quote from column 634 of the *Hazard* for the 11th October, 1944, to the 17th January, 1945. I said this:—

"We had to ask ourselves why do they want to get this and the ~~same~~ thing illegally? Is it because they are not providing the things they want—their economic position is so low

Mr. Mathu) that they must get something? Those are possible questions that we might ask. Have they got employment, and is this employment providing them with a means of livelihood? How are the housing conditions of these people? What is the condition in regard to the land and agriculture for these people? Have they got sufficient trade facilities so that they are able to trade and make ends meet?"

These, Sir, were meant not to be rhetorical questions. They are questions that have been answered by various speakers in the course of this debate.

Now, I think most of the speakers have admitted that the economic structure—wages, housing arrangements, particularly in the townships—are not what they should be.

Then I asked you, Sir: "Have we tackled these problems so vigorously that we should reduce the amount of the necessity—of the needs—of these people from what they were in 1945?" It is one of what we have done something in the way of housing, particularly in urban areas, but we were told only yesterday that in Nairobi alone there is something in the order of 10,000 people without any beds. Surely you can see that it is not easy for these people not to have morbid thinking? It is impossible to have any healthy thinking under conditions of that kind.

The same applies to the wage structure. I was glad to hear from my hon. friend the Mover that he thinks that there should be a committee appointed to go into the incentives for the labour of the African people, and he did admit himself that the wage structure should be improved. But have we done it? Why should we wait for a committee to improve the wage structure, the wages of the labourers and the proletariat. The hon. Member for Law and Order speaks about in the urban areas—now, surely we could be more vigorous in attacking these matters so as to remove the causes of crime, and I suggest that we are not doing it as quickly as we should.

Now, I want to go on a little about the wages. We have had some labour troubles during the last few years in Kenya, and I think hon. Members will

agree that I have played my part in trying to bring order. (Hear, hear—applause.) The Mombasa strike, I am told, was one of the major troubles. I can say without blowing my own trumpet that when everybody else failed, I brought those workers back to work.

Now then, the question that the Africans would ask me: "Yes, we go back to work in Mombasa, we go back to work in Nairobi when you tell us, so what benefit do we get as a result?" That is what the moderate African is going to be asked because the agitators say that we shall give you something. What are we going to offer to people who want to work and do things not in a spectacular manner, but quietly? What reward do we get from Government in the way of wages and conditions of employment? I suggest, Sir, that is not very satisfactory. Because if they were, why are we having all this trouble? Because the labourers in the towns cannot make ends meet. The wages of Sh. 50 per month could not make any of these people live without anxiety. For single men it is difficult already. How much for the married men? That is one of the reasons why the African hesitates to bring up a family in townships, because they cannot bring them up. The money is not sufficient. That is why they have their feet—one on the foot in the town, the other foot on the land.

My hon. friend, the Member for the Mau, says that we want to train the African to the evolution, to forget. Every body cannot own land. They want to belong to the towns and work in industries. I agree with him in theory. How can we put it into practice? The conditions of employment are such that these people cannot move themselves *in toto* with their families to work in the townships. I say the evolution is to go forward. The stage is just beginning.

I feel, Sir, unless we have social security for the African—the only social security is his piece of land—to bring him into Nairobi, Mombasa and other towns is going to cause trouble. I suggest unless that is done, we still have a long way to go.

The other point, Sir, I would like to mention in regard to the economic and social causes is that we have to work, I think, even harder to-day. We have to

(Mr. Mathu) spend more money on school education to remove ignorance and illiteracy, which is the rule in the African areas, because if people can read for themselves, the Government information could reach them more, and this is the point that has been stressed by two or three previous speakers—certainly by the hon. Member for the Mau, and I think the hon. Member, the Mover, himself—but without that, Sir, it is easy for a fellow who is semi-literate to go and tell illiterate people "This is the thing". They have nothing to prove that this is incorrect. That is why we—because they have nothing in writing—that is why we have this spread of wrong information in the African areas.

Now, the question when talking about the school, Sir, and the education generally, my hon. friend, the Member for Aberdare, talked about the schools which are not run by the Government, and those should be very closely supervised, so as to see that the teaching in these schools is not harmful. Well, I agree with him entirely; but then, of course, what it means is that you have to have an inspector a supervisor—for each school, and that actually will be a bill that I do not think we will be able to meet yet to-day.

The proper thing, in my view, Sir, is to try and create confidence in those people who run these schools—create confidence in the Government. Co-operate with them and they would co-operate with the Government, so that they can fulfil a need which is absolutely essential, because we as a Government, have not been able to cope with the demand for African education, and these people are helping themselves. Surely I have heard here more than once in this Council that self-help is the first thing. These people tax themselves to give their children education, because we have failed to meet the need.

As I say, I do not know whether the hon. Member for Aberdare would perhaps, through some of the speakers, tell us exactly what the harmful things are being taught in these schools, because then we will be able to judge how best to solve these problems.

Now, Sir, my hon. friend, the Member for the Rift Valley, talked about the de-

cline in the moral fibre of the African people. Well, that I think, is an over-generalization, because the decline in the moral fibre of the African population—five and a half million—would be, I think, an over-statement. It is true you get some immoral and criminal people in any society, but I would not subscribe to the fact that the whole African community is going down in its morality. It is not. There are first-class and moral people, actually, in thousands among the African people. It is only the few that come and become thieves—criminals—that give the African people that name which, I think, is to be deprecated.

He also mentioned about—and two other speakers mentioned about—the lack of discipline, and that the African should be disciplined, and I would like to say that discipline means real response. Unless you have the co-operation of the people, discipline ceases to have any meaning. Discipline means willing response.

MR. BLUNDELL: I think the hon. Member—I will save me tidying up at the end of the debate—I made it very clear that my remarks upon discipline referred to every member of the community—all races.

MR. MATHU: I naturally, of course, accept the hon. Member's explanation, but to go on to say that my hon. friend, the Member for the Mau, is proposing a national service for the African community only. He said not necessarily military, but discipline was one of the most important things. I would like to say to the hon. Member that it is not the first time for us to discuss about national service of that kind. It has had a different name. Youth camps and schemes have been put up, and I know the proposals that details have been put forward. Unless there are other proposals entirely different from the ones I have seen before, I would not accept that without very careful consideration of the details.

I should like, Sir, when commenting on the question of the decline of the moral fibre of the population, to refer to the points that were made by my hon. friend, the Member for the Rift Valley regarding betting and gambling and so on. I personally have stressed publicly more than once the iniquity of this kind

(Mr. Mathu) of game, and I should like to say again that, although I do know that may be *sub judice* because there is a committee appointed to deal with this matter, but if any recommendations are put forward for restricting the extensiveness of this vicious form of sport, I, for one, would be able to support such recommendations.

Now, Sir, I should like, Sir, before I leave the economic and social causes, to make special mention in regard to the remarks made by my hon. friend, the Member for the Rift Valley, regarding the education of the African women. I am with him one hundred per cent. I would go further—that we should not only educate the African women as we educate the men. We should also be able to train the African woman in such a way that she can lead an independent life. If she is unmarried she should be able to earn a living decently, and we have also to consider the employment that would be suitable for these women when we train them. That is not something new. I have said this before, and I do not think we have been moving very vigorously in that direction.

Now, I should like to say one or two things, Sir, in regard to the question of the administrative causes of the crimes that the hon. Mover pointed out. I have already commented, and the question is proposed, that everybody should carry something that would prove his identity if demanded by the Police. That, of course, Sir, I rejected. He suggested that there should be a special allowance for the Police in Nairobi because it is a trying area to work in. There, again, Sir, I do not think I will have any objection to that. I think it is a good thing, because we must encourage the Police to tackle these problems in very difficult circumstances.

One point, Sir, about this spiv law. I think, Sir, that hon. Members are aware of our feelings with regard to this spiv law. It is renewed every year, and every year we oppose its continuation for reasons that we have advanced before. I do not want to go into it, but as long as it is law it is the law of the land, and it must be enforced. I have said this before, and I say that now. I am not a supporter of drones knocking about

doing absolutely nothing and living and fattening on their fellows. I should be the last man to support a thing of that kind.

Now, Sir, that covers the points that I wanted to make on the speech of the hon. Members, and now it remains to me to say, in conclusion, a word about the Police Force. I think, Sir, that what has been said about the Police Force is quite true. They are performing a most important public duty, and every encouragement we can give to them we should, without being stingy in any direction. This, again, is not my first time to support the Police, and to say they should be given encouragement. I always put the caveat that unless it is absolutely necessary that they should behave discourteously, they should behave to the public as courteously as possible. I have seen an improvement in this direction.

But I think, I should like to point out to the hon. Commissioner of Police that there is still a long way to go. The policeman, particularly when he has to deal with Africans, he bullies them on quite a number of occasions. I have seen that happening and I have seen no reason at all to bully them, particularly on civil occasions and when there is no criminal occasion.

I would like to ask him that they can be courteous and polite and yet be firm and deal with those that they want to deal with without bullying.

I think those are the points I wanted to say, but before I sit down, I should like to thank the hon. Member for Rift Valley in bringing this Motion to the Council. It is true that I have not been able to agree with him *in toto*, but he will see that I have picked those points which, I think, are not controversial and over which we can all agree, but those points which I know will be controversial in the country, I am afraid, led me to oppose the Motion.

Mr. Speaker, I beg to oppose.

MR. NICOL: Mr. Speaker, Sir, I think all hon. Members on both sides of Council have listened with amazement to the fact that the hon. Mr. Mathu, representing African Interests, has opposed this Motion. The hon. Member, Sir, has opposed a Motion urging the Government to take the measures necessary to improve the situation—the situation of

[Mr. Nicol] crime—and he has also opposed the plea of my hon. and learned friend, the Member for Law and Order, for co-operation.

Sir, I really am absolutely astounded at his attitude. He put forward, Sir, certain arguments which might have been suggested measures for the improvement of the situation. The certain measures which have been suggested by my hon. friends on this side of Council have not necessarily been accepted by hon. Members on the other side, they have been suggestions put out, yet he opposes a request to the Government to try and improve the crime position in the country to-day. In effect, Sir, he has said, or this is how I have interpreted the hon. Member's speech, he has said, if you do not remove our grievances at once, we will not co-operate. Sir, in opposing this Motion, I consider he has displayed a complete lack of civic responsibility.

MR. MATHU: I expected that.

MR. NICOL: Do you want me to give way?

Now, Sir, I must refer to the speech of the hon. and learned Member for Law and Order. If I may say so, Sir, the explanation which he gave to-day was brilliant, and I must say I was most impressed with it. But, Sir, I cannot proceed without referring to his opening remarks, and I should like to ask the hon. Member if the fact that my hon. friend the Member for Rift Valley was returned to this Council unopposed at the election is a reason why he should not have brought this resolution. (Hear, hear.)

THE MEMBER FOR LAW AND ORDER:

MR. NICOL: Thank you, Sir. He mentioned something about creeping in without a fight. Does he suggest that I creep in?

THE MEMBER FOR LAW AND ORDER: What did you say? I mentioned about creeping in, did you say?

MR. NICOL: Words to that effect.

THE MEMBER FOR LAW AND ORDER: Oh, excuse me.

MR. NICOL: Creeping in the soft way. But still, that was the impression that was left in my mind, that people who

were elected unopposed, should either not be here or should fight for their position.

MR. HAVELLOCK: Let him stand against the hon. Member?

MR. NICOL: Yes, I would welcome that opportunity!

Anyway, Sir, the hon. Member took my hon. friend the Mover to task for not having raised this Resolution in a form which brought in a reference to the speech from the throne which had indicated certain policies which were to be adopted. Well, Sir, we have had those sort of promises before, it is because nothing appears to have been done that the Motion has been framed in the way it has been. In this regard, I would ask the hon. Member for Law and Order to bear with me for a moment if I refer to the debate on the 9th January, 1945, when the hon. and gracious lady, Mrs. Watkins, who was then representing Kiambu, move a Resolution in Council on the subject of crime. That debate, Sir, lasted until the 10th January, 1945, and the then Attorney General, Mr. Foster Sutton, was most eulogistic in his acceptance of the Motion and of the suggestions which were brought forward in the debate. The hon. Member who was moving the Motion made some 14 or 15 suggestions which I would commend to the hon. Member, and they are as applicable to-day as they were then. His Excellency the Governor then intervened in that debate and he announced at the time the Member for Law and Order. At that time he will remember, that the Attorney General had not assumed the functions of Member for Law and Order. In announcing this, he concluded his remarks by saying he was referring to something that Mr. Foster Sutton had said. He said: "He was good enough to say just now that he was quite certain that I should take some action. The action I propose to take can be briefly described like this. I propose to be quite certain he takes some action." That, Sir, was in 1945.

Now, Sir, the position did not improve, and in 1948, on the 18th March, the Elected Members together with Sir Alfred Vincent who was leading them at the time, and my hon. friend Mr. Maitland-Edye was an Elected Member

[Mr. Nicol] at that time, and he will remember, we waited on His Excellency at Government House and there agreement was come to to set up a committee to advise and help the Member for Law and Order—the Law and Order Committee. "That this Committee should be appointed" was moved in Council on the 20th March, 1948, by Sir Alfred Vincent, and was seconded by my hon. and friend Mr. Maitland-Edye. The Member for African Interests, Mr. Mathu, supported that Motion. That Committee, Sir, was appointed, and it is on record that it did very good work, because on the 24th November, 1948, in reappointing that committee, Mr. Hobson, who was I think at that time the Solicitor-General, said "this in moving the Motion." This is merely a Motion for the reappointment of the Law and Order Committee which has already done a great deal of valuable work during the time that it has been functioning. Now, Sir, I believe that that Law and Order Committee has fallen into great desuetude.

But, Sir, now we come to 1952 and there is still increasing concern at the increase in crime throughout the Colony. And in this regard, Sir, I should like to say what my hon. friend the Member for Rift Valley said in that very courageous speech of his. He said that he was not speaking as a European, Elected Member, he was speaking as a citizen of Kenya, and I too am approaching this problem in this same capacity. Sir, the increase in crime is indicated by the fact that in 1945 there were 6,146 convictions under the Penal Code. In 1948, 8,646 and in 1950, which are the last lot of figures I have been able to get, 9,031. And you will see that these reports show an approximate average of 52 per cent of the cases actually brought before the courts.

Now, Sir, the hon. Member for Law and Order has made a very great and strong plea for co-operation to the public, and I agree with him in that. And he drew attention to the carelessness of people in leaving motor cars unlocked. And, Sir, I do not know if you visited the show at Mitchell Park this year, but if you did, I hope that you saw—because I enjoyed it—a display by the Police of the sort of careless things that

people do, and in this particular instance, one of the actors brought in his motor car and walked away from it. Another actor came along, found the car open and removed a gun. The moral drawn by the commentator at the Show was—people are careless and must lock up their motor cars. I am going to go further than that Sir. We have heard of large numbers of arms which have been stolen from people's motor cars, and I want to know why do people carry arms? Well, Sir, the answer is that a considerable portion of the people have come to the conclusion that the Government are incapable of affording the protection the public consider they are entitled to or can expect in a civilized state. Now, Sir, this is not the fault of the police, it is not the fault of the police at all. And I too would like to add my tribute to that magnificent Force. I am very glad indeed to hear that there is an improvement in morale, and I consider that we must do everything that we possibly can to keep the morale at the highest pitch possible, and I do suggest that one way we could do this, because we do know that they are overworked, they work, as has already been pointed out, 24 out of the 24 hours and they would work 26 out of the 26 if there were so many hours in the day. A point I have advocated before, and I know there is considerable feeling in favour of it elsewhere, is that the Police should really be on separate terms of service on their own. That, I think, you will find was one of the recommendations of the Surridge Committee.

Now, Sir, it has appeared to me that the Government have been somewhat ill-informed as to what people are thinking, or are not informed at all, and I do want to say that I feel that the officers of the Administration do not get around enough. I have been living in the area that I have been living in Usain Gishu 2½ years. I have not seen, the whole time I have been there, the Provincial Commissioner, for example, in the District. I do not even know who he is. And I have not seen an Administrative Officer around the district. I realize they have got a lot of office work to do, but I submit that these officers probably have far too much office work to do—

Mr. COOKE: There are Labour Officers around.

Mr. NICOL: Oh, yes, the Labour Officer is a very, very helpful person in our area. I would like to pay special tribute to that officer, but, at the same time, I do think the Administrative Officer will learn much. They are, after all, the eyes and ears of Government. They would know what people were thinking if they were able to get out of their offices more and circulate in the districts. (Hear, hear.)

Now, Sir, in the 1945 debate, to which I have already referred, certain criticisms were made in regard to the Judiciary. The Attorney General of the day, in the course of an interval in the debate, got in touch with the then Chief Justice, who gave him an assurance that sentences had not been reduced within his memory. On this subject of sentences, I sincerely trust that my hon. friend the Member for Law and Order, in following up his plea for co-operation, will receive the full co-operation from the Judiciary on the question of imposing up to the maximum fines and the maximum sentences—as I understand from him that his complaint was that the Magistrates were inclined to be somewhat lenient—and I hope that the hon. Member will receive the fullest co-operation of the Judiciary, and I am quite certain that if the hon. Member were to use the Committee for Law and Order, he would find considerable help in supporting him on those matters.

Now, Sir, various suggestions have been made to meet this particular situation, and those also should be read in conjunction with the recommendations which were put forward by the late Mrs. Watkins in her debate on this subject in 1945. But I have got one major suggestion to make, in view of the fact that this situation has become so serious a menace. In making this suggestion, Sir, I should like to assure my hon. friend the Member for Law and Order that I do not mean any offence to him, nor am I casting any aspersions at all, but I think that what I am going to say is actually a fact. I have been of opinion for many years now that it is wrong that the two posts of Attorney General and Member for Law and

Order, who, in effect, really is the Member for Home Affairs, should be one and the same person. (Hear, hear.) I feel that in the first place, the Member for Home Affairs' side of that job, the Member for Law and Order, should not be carried by a lawyer, because, with all due respect to that fine profession, I think in dealing with these matters, they are liable to miss the crime for the law, or not see the crime for the law. But I do feel that, in a growing country like this, the Attorney General's office must be an extremely hard worked organization and by the same token, the Member for Home Affairs, in dealing with matters of crime and other compartments which come under the umbrella, it is too much for one man to undertake. If the Attorney General has a full day's job of work as Attorney General, how much time can he spend on the Home Affairs side? And on the Home Affairs side, if he has got a job of work—how much time can be afforded for the Attorney General's side of the business? I do think that it is unfair to give so much, to burden one man with such heavy responsibility.

Having said that I am going to make a suggestion.

When—and this is past history—when the Government were in a bit of a jam some years ago on matters agriculture, they took from this side of the Council the then representative for Nairobi North (Major Cavendish-Bentinck), and they made him Member for Agriculture and Natural Resources, and gave him a very high portfolio, and I think everybody will agree that that was a display of wisdom on the part of Government which has undoubtedly been a very great success. (Applause.) Now by the same token, when the Member for Health and Local Government was put out to grass, shall we say—

THE SPEAKER: How does the hon. Member bring into a debate of this kind matters of local government under this Motion?

Mr. NICOL: Sir, if I may say so, I am leading up to a suggestion: I am supporting my proposal with facts of the past.

THE SPEAKER: I suppose it can be said that your proposal will be one of the measures necessary to improve the situation?

Mr. NICOL: Exactly.

THE SPEAKER: Under very wide words like that we can bring in a multitude of subjects to bear on this.

Mr. NICOL: Well, Sir, if I may say so, the Government took from this side of the Council the hon. Member, Mr. Vasey, and gave him the portfolio of Member for Health and Local Government, and eventually they gave him the portfolio of Member for Finance. And, Sir, I am suggesting that now the Government should take from this side of the Council someone to perform the functions of Member for Home Affairs, and I suggest, Sir, that such an appointment would be in keeping with conditions to-day. I am quite satisfied in my own mind that the position is of such delicacy that it is essential that one man concentrates fully on the job and I support the Motion.

THE MEMBER FOR LAW AND ORDER: May I rise on a point of explanation, Sir.

May I say, Mr. Speaker, that if anything I said at the beginning of my speech in reference to those who were returned to this Council after a contest, and those who were returned without a contest, appeared to anyone to draw an invidious, or a derogatory distinction, or then I unreservedly withdraw it and express my sincere regret that such an inference should have been drawn from my words. (Applause.)

LT.-COL. GHOOGAN: Mr. Speaker, I had no intention of intervening in this debate, but it did appear to me that the main stream is losing itself in the swamp of minor recriminations and grievances. It seems to me, speaking as one who lived in the happy days of Africa when there was no law but quite a measure of order—(laughter)—and where, when you got any disturbance one provided one's own measures for order, it seems to me that undue weight has been laid, in this debate, upon the functions of the Police. The function of the Police, I think you will agree with me, should be a purely sanitary function. The Police are the *cloaca maxima* in fact, to deal with the waste products of society. What seems

to me to have failed is, speaking subject to correction by my hon. friend, the Director of Medical Services, the pituitary gland which, I understand, creates the hormones which maintain balance, happiness and contentment in the body politic. Obviously the pituitary gland, if I am using the right gland—(laughter)—is the Administration, and it seems to me that the basic trouble of to-day is the failure on the part of the Administration, not because of the quality of the ingredients in the Administration, for, never at any time in my experience have we had a better class and type of young man passing into the Administration, but, as I happen to work and live on one of the outer fringes of Africa, and am in very close contact with the Administrative Officers I think I am qualified to say that a very large proportion of them are to-day suffering from a serious sense of frustration. (Hear, hear.) The reason for that is, in my humble opinion, because of the law! Now there is no such thing especially in the presence of a person who knows more than 10,000 times as much about the law as I do, having been brought up in the law, there is no such thing as absolute law; it is a series of rules and regulations evolved over a long period of time, under certain conditions, in order to maintain equity amongst its citizens, and in order to maintain law and order. The English law was evolved in a friendly way; nine hundred and ninety-nine per thousand of people are behind the forces of law and order; 99 per cent. of the people, middle-headed though they may be, do in fact, try to stick to truth.

Now under African conditions the vast proportion of Africans are entirely against the forces of law and order, which cannot count on any assistance from them. When it comes to the question of evidence the vast proportion of the people of Africa are deliberate and skilful liars, with not the slightest intention of speaking the truth unless it happens to suit them. You get the most impossible result. We have had the most remarkable experience in my part some of the world where we have been inflicted with two murders, and both of those charged have got off, and have openly boasted that they did in fact commit the murder! One ridiculous case happened

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where a successful attempt at arson on a large scale took place, resulting in the loss of £5,000, and the two native watchmen caught the arson gentleman red-handed, and he was acquitted because, in evidence, these two quite simple African citizens said it was Wednesday, when, in fact, it was Tuesday. (Laughter.)

I think, Sir, that that really is the root of the whole trouble.

Passing to the question of the Mau Mau trouble, I do not regard the Mau Mau people as criminals; I think they belong to an entirely different category, unless they propose to commit criminal deeds. They are rather like those of us who try to inflict pain on the French master at school, and I think they should be kept quite distinct from the real criminal and dealt with in some other way. Quite obviously, that movement is not going to be checked by piling all these people together and locking them up, but I believe that somewhere tucked away at the back of my memory, and it is amazing what does tuck itself away into my memory, somewhere in the laws of the land—probably in the laws dealing with the Native Lands, or something of the sort, my recollection is that there is some clause where in the case of rebellion or major subversion Government can recover areas of land from the Native Reserve and bring them into the category of Crown Land. Now, if the Kikuyu gentlemen knew that in the case of major subversion in any area of their land, that a square mile of their land would be taken from them and brought into the area of Crown Land, I think we should find that all would combine to check these mischief makers.

I do not regard the thing as incurable. It arises from the failure of the Administration because of their powers and a sense of frustration. By introducing some method of direction of labour, so that even quite bad little Africans who have lost the discipline and security of their own tribal society, might be turned into perfectly good citizens of Kenya, we could, I think, do much to lessen crime.

Mr. AWORI: It was my intention to support the Motion, but on second thoughts and after listening to the debate, I have come to the conclusion that, as far as I can understand from the debate, the proposer of this Motion has got the

idea that the African is a habitual criminal. (Cries of No, no, no! Nonsense!)

It may be nonsense but that is how I understood it.

Now, Sir, to start with there must be some alteration, particularly as you have got to govern the different races. We have got the white community; they are the administrators, they are the planters, and there are the wealthy people of the country. On the other hand, we have got the Africans who are labourers at the most, who are the workers, who are the people who toil in order to make a life for them. Now, we find that the people who have got the power would like to use that power to get more power so that the other community that is weak will remain weak for ever. I have come to see it as this: I find that there is fear and there is hate. There is fear in the minds of the white people that the African will in time revolt and then there is hate in the minds of the African because of the ill-treatment he receives from the laws of this Colony and from various other aspects. Now what do you come to realize from that?

THE SPEAKER: On a point of order, you are not referring to hatred amongst a certain section of the community as a result of the treatment they receive under the laws of this Colony?

Mr. AWORI: I beg your pardon, Sir, I withdraw that statement.

THE SPEAKER: It is withdrawn.

Mr. AWORI: Now to continue my points, well, it might be wrong for the African to interpret the laws of this country wrongly, but at any rate he is entitled to speak because of the ill-treatment any suffering which he might get; it might be due to the laws or it might be due to other circumstances.

Now, Sir, about crime; I find that there are two kinds of crime; there is crime against property, which is due to economical reasons; and then there is political crime when you find people starting some organizations which they believe, through propaganda they have heard, might go to improve the situation, and you cannot avoid such happenings anywhere in the world. Crime against property takes place everywhere, and I myself witnessed it in London, and there it was much worse than you find it in

[Mr. Awori]

at the same time, most of the crime against property and otherwise has been brought by the white civilization to this country, or the Western civilization I should say. But that is not the fault of the African; it is the fault of the circumstances which forced it upon him. The hon. Member for Law and Order told us a short time ago that 65 per cent of the Africans convicted were from the area around Nairobi; well, that is true because you find the majority of Africans live in Nairobi. We understand that something like 10,000 people are homeless; they have nowhere to sleep. We must find some job for them to do. Are we going to blame the African because he is a criminal? Certainly not. We have to find ways and means of helping him. It is not only the African community who suffer from criminals—certainly not; it is the masses of the people as a whole. (Hear, hear.) The peace-loving African hates crime and hates criminals. We cannot, however, generalize the point. We have to face facts and we have to be realistic. If we find the law is wrong, let us improve it; if we find conditions wrong, let us improve them, but if we find it causes friction amongst the communities, I do not think it will get us anywhere. So far, I am quite critical of the laws of this country. I feel that we should have one law affecting all communities; we should not have any division. Take, for instance, Sir, the whole of the law affecting freedom of assembly. The other communities can meet any time where they like, but in the case of Africans they cannot do that.

THE MEMBER FOR LAW AND ORDER: That is not correct, Sir. The same law is applicable to a meeting arranged by any other community. I am referring to public meetings, and I would be very happy to explain the law to my hon. friend afterwards in detail should he wish me to do so.

Mr. AWORI: I come now to another point; Take, for instance, the law affecting drink or liquor. You know that where there is drink there is bound to be crime. I know a lot of crime is committed because Africans are not allowed to drink in proper places. Why should an African be allowed to buy a bottle of beer from a shop and have to drink it on a

veranda? He is not allowed to drink it on the premises because it is unlicensed. If he was allowed to drink in a bar he would not drink to excess. (Cries of Oh!) That is also one point that makes certain people commit crime.

There is also the further point: the hon. Member for Law and Order has told us that a number of people gambled. I think it was the hon. Member for the Rift Valley who mentioned that point: I myself was surprised. I left Nairobi in 1949 and there were then a number of turf accountants, not many, but returning this year I found that there was a higher number of turf accountants in the City. Who was responsible for this? Why do they not realize there are such institutions? They should realize that quite a number of Africans waste their money there in the hope that they will make money. If they do not make money they have no money for buying food or anything. I hope that the Committee which is meeting on this point will be able to give some concrete proposals which will help us.

Now, Sir, quite a number of Africans went in the war and you know the results which have come to pass as a result of the war. They did get a promise that they would get a good livelihood after the war and a good number of them spent a lot of their money buying military lorries and the whole of their money was stripped away; whose fault was that? Quite a number of Africans who had been good business men lost their money because Government offered them bad trucks.

Education—I am not satisfied with the system of education in this country. The education the African gets breeds up nothing but clerks. It is not the system that you have in England. We should have an education to make us work, to make us use our hands and our skill, but we are given the type of education which consists of examinations, and after that we go out in a suit and a tie and look for a job. I do not think it will lead us anywhere. We should be trained, like people are trained in other countries, to be good citizens of this country. Here is a solution which has not been aired here.

The Member for Law and Order said there should be gazetted areas and a person should produce a ticket or something

[Mr. Awori] to that effect to identify himself. I am not going to subscribe to such a system at all. This will not improve the crime situation at all if one has got criminal tendencies in his mind. I will not subscribe to collective punishment which penalizes the innocent at the same time as the guilty; this is the sort of thing which makes people hate the Government and hate those placed in responsible jobs. The African in general does not like the policeman, which is very funny. I personally found the opposite in civilized countries like England; there the policemen are very good men, but the type of policeman in this country are wrong; they make the African hate the police, and the more policemen you have the more hatred you have against them.

Propaganda.—It has been written in the Press and it has been said on the public platform that the African Members are not doing their level best to spread propaganda in a way that the Africans can understand it. I myself have been an editor and a publisher and I know the difficulties of running a newspaper. We do not get the right co-operation from the people who could help us. No newspaper can run without the support of the advertisers. Who are the advertisers? The big companies. Who are the big companies? The Europeans in particular, also the Indians. They could co-operate with the African editors, but they do not do so. They could get such propaganda to go forward, but they do not do so, and so in time you find the African papers die out and you find they can do nothing. On the other hand, if the African editor writes of propaganda alone it will never function; the paper will die out quickly. Now, Sir, when we are told that the vernacular press should co-operate, we agree that it should co-operate, but on the other hand the people who hold the financial power in this country to advertise do not co-operate with the vernacular press.

The other point, Sir, is the African leaders. The African leaders are blamed when they go to meetings and do not tell the people of this and that. When I go to speak at meetings I ask my people to co-operate and I ask them to have self-help, and I am quite sure that the

real African leaders have good intentions of doing that.

The National Service proposed by the hon. Member for Mau. I must dissociate myself from that point, but on the other hand we are not going to have Africans in the country without doing any of the work. But, then, it is a very big point on which I am not going to commit myself. From what I understand, he mentioned about Africans being trained to do work in the country, and getting some training of some sort. This is a good idea if it can be practical and if it could help in putting down crime.

Now, Sir, I come to one of the important points mentioned by the hon. the Proposer of this Motion, and that is Mau Mau. I myself do not know what Mau Mau is, but I understand and I think Mau Mau is just like any organization which is secret. I compare Mau Mau with the Klu Klux Klan or with the former Fascist Movement in England or the Malan Brotherhood in South Africa. I think that is what it is; it is a secret movement, but then why is it there? That is what the Government must find out. Who are members of Mau Mau and why have they formed such an organization? Sir, I think I know why such an organization is in force. The movement Wakiyuu who were the beginners of the movement, but why? Because they have a definite grievance in this country; they have suffered about their land. It is no wonder when a few people amongst them have a grudge they start a movement with the idea that it will give them satisfaction, and I am not going to say that such a subversive organization can be got rid of by police methods or by arresting the people concerned. It does not matter how many thousands are arrested, still the movement will continue. The most important point is that the Government and the rest of the community must take heed of the African grievance. They must listen to them; they must not take their grievances too lightly, and they must not regard them as the sayings of agitators. There is quite a lot of truth in what they stand for. It does not matter what devices the Government propose to adopt, particularly in this Province, unless the land shortage—the hungry folk who are landless get a bit of land, there will always be trouble

[Mr. Awori] in this country regardless of the laws in force. I understand there are 5,000,000 acres in the White Highlands—(Question?)

Mr. BLUNDELL: The hon. Member must be responsible for his statement, Sir. I must challenge him. Either he must withdraw his statement, or substantiate the accuracy of it in this Council. I understood the speaker said that there were 5,000,000 acres of uncultivated land in the White Highlands.

Mr. AWORI: I am sorry, I exaggerated the numbers, Sir. The number of the acreage is 207,987.

Mr. BLUNDELL: Will the hon. Member give way? Will he agree there is a difference in the figures he has given?

Mr. AWORI: I will.

Mr. SPEAKER: I warned hon. Members yesterday about carelessness in statements of fact; they must realize their responsibilities in that respect.

Mr. AWORI: I will withdraw this statement.

Now I come to one point of solution. I feel in this country we should remove any law affecting one particular community and let us all be free under one law. I think we will do quite a lot to remove misunderstanding and bring peace in this country. There is quite a lot of discrimination in employment and other aspects. Now that is one point that should be rectified so that the African looks upon any other member of the community as a fellow brother, as a person not necessarily in reality as his equal, but as a fellow human being.

Unemployment—this is a very important point. In a country where there is too much unemployment there will always be crime. There are thousands of Africans, in Nairobi particularly, who are unemployed. It has been a mistake to concentrate the industrial work in a City like Nairobi. All the industries have been confined to one particular place, hence thousands of Africans flock there in search of jobs. Industries should be spread all over the country, and then there would be no danger of unemployment and lack of housing.

Freedom of speech, Sir—Africans are, I think, afraid of speaking what they

feel, publicly, but on the other side in other countries like Britain people can shout as much as they like in Hyde Park, but that does not mean that they are going to start a revolution. In this country if any statement is made publicly by an African it is said to be dangerous and so that it will start a revolution. As the Member for Rift Valley said, something would be happening in nine months' time. Sir, we Africans do not like to be taken as agitators. I believe we must be given a chance, but we are denied so many opportunities because we are immature. But we must find out by trial and error. When I talk about this subject, I have especially got the civil service in view. Africans are denied the possibility of holding high posts in Government because they are immature. I believe that an African in the capacity of a District Commissioner would be able to make his fellow Africans understand about the law of this country better than a European District Commissioner can do because he understands the qualities of his fellow Africans. He knows his weaknesses and his difficulties. I do not mean that we should in the meantime replace European District Commissioners; that is not what I mean, but I mean that Africans should be given a chance to work side by side with his European colleague and you would find that quite a lot of matters that are hidden from the European would come forward. But because Government thinks it takes time for us to become mature they will never give us a chance. That is one point which will help us to solve this problem.

I agree with the former speaker on the proposed deportation of receivers of stolen goods; that is quite right. So long as there are receivers in this country there will always be crime. If there were no receivers there would be no way of disposing of stolen goods.

Finally I come, Sir, to the point of brotherhood of man in this country. Although it is preached from the pulpit and although we read in the papers and although we have got missionaries who preach to us about brotherhood, about loving their neighbour, it is never practised in this country. (Question?) We must love each other; we must take each other as fellow human beings; as people who are entitled to a number of amenities

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but we should not look upon the others as dust under one's feet. As far as I can see that is what is happening in this country, and that, point, Sir, should be looked into.

Now, finally, before I close I will oppose the point brought by the hon. Member, Mr. Nicol regarding—

Mr. SPEAKER: It is out of order to refer to the hon. Member by name.

Mr. AWORI: The hon. Member for Uasin Gishu—he proposed that the post of Member for Law and Order should be divorced from that of Attorney General. I do not see the necessity for that. I feel it is all one job, and it would make it difficult if there was a post for the Member for Law and Order and another for the Attorney General. Perhaps my suspicion might be wrong, but he might be proposing that one of the officials should hold that portfolio, which is quite wrong.

Now, Sir, in opposing the Motion, I stick to my points that I made and repeat that we Africans as a community are against crime just as much as any other community, and it must not be thought that although we have opposed this Motion we are harbouring criminals; that is not so at all. It is because we want to advise Government on the proper methods to deal with the position.

I beg to oppose the Motion.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, Sir, I should like to start first of all by congratulating the hon. Mover of this Motion with all the sincerity that I can on his most excellent speech, for his very liberal and helpful sentiments, for all the practical suggestions he made and for the obvious non-racial attitude which he adopted. (Hear, hear.)

I should also like to pay my sincere tribute to the magnificent work which has been done by the Police over the last year or two in combating the difficult situation with which they have had to contend.

At the same time I should like to say a word of praise, if I may, to all the chiefs, to the loyal members of African society—(hear, hear)—who have equally done their very utmost to combat the difficulties encountered by the Government and its officers.

There is one point on which I am afraid I cannot agree with the hon. Member for Rift Valley, when he stated that the administrative officers were complacent over this matter. I must entirely disagree with him on this point. If he ran the district of Fort Hall for one brief half-hour he would know something of what the worries of an administrative officer there are.

Now, Sir, I think before I go on to try and give a few of my own comments on the situation, I will try and answer the points which have been raised by hon. Members. First of all, the last speaker finished up his remarks by saying that the African Members wish and have every intention of advising Government on what should be done. So far in this debate, I have not heard one single constructive remark made by any of the African Members. Every single constructive remark that has been made and the suggestions as to how we should deal with this situation have been turned down out of hand and no other way seems to have been advanced by the African Members.

I am also extremely disappointed that the African Members who have spoken so far have found it impossible to support the Motion, which any ordinary citizen should be only the more anxious to lend his weight to. We must agree that there is a good deal of crime. There may not be a very great increase in the figures of crime of other types, although we have heard of the amount of crime against property. We have had figures quoted to us, I think by the hon. Member for Uasin Gishu, about the number of criminal offences and convictions which there have been in certain areas and which have gone up, but the more police you have, the more convictions you get; that is the job of the police.

Moreover, I would also like to point out to hon. Members that in places like South Nyanza, the population of that district is something like 450,000. I do not know how many policemen there are, but my bet would be well under 50.

Now, Sir, we have had suggested that pass laws should be applied, particularly, if I think, to those members of tribes which seem to be particularly affected at the moment, or of which a large proportion appear to be affected. There are

[The Member for African Affairs] arguments and objections to that which have been put forward by the African Members. There is something to be said for it. My own immediate impression is I do not believe it is practicable, but I am sure Government is perfectly prepared to give it a close look and see; but my own belief is that it is just not practicable. I am open to correction.

Now, Sir, another suggestion was made that there should be some proof of identity produced by people going to certain areas, where a state of emergency obtained, or where it was thought necessary. There, Sir, I should like to ask the hon. Mover just what is the point of having that proof of identity? It was suggested that this had been done in the past, 1943 or so. I think, in the time of the Libsons of the Kipsigis. I would suggest the libsons of the Kipsigis area were a different kettle of fish.

Mr. BLUNDELL: I am sorry to interrupt the hon. Member. I think the analogy of the libsons of the Kipsigis to which I referred was in connexion with the passes—nothing to do with the right of identity.

THE MEMBER FOR AFRICAN AFFAIRS: I beg your pardon. I would like to know if the hon. Member would tell me later just what is the point of having this power to say to a fellow: "Who are you?" and let him have to prove exactly who he is. I doubt whether if he tells me he is Mr. Smith from Elburgoon, or Mr. Ananchand from somewhere else, or whether he is Kakuu or Njeroge from Fort Hall, that he really gets you much further. I shall be very interested to hear the hon. Member tell us more about that particular suggestion.

Collective fines—we discussed collective fines at great length in the last session, I think, of the last Council and I talked on this at length and I would not think I need repeat myself. I would only say, I do not like collective fines—the principle of them—any more than my hon. friends do who have spoken against them to-day. But there is still, definitely, a sense of collective responsibility amongst Africans, and I think, at times, you have got to use that particular method of dealing with people who have that particular outlook.

The hon. Member for Aberdare suggested that instead of making those

collective fines geographical in application, we should apply them to clans. I think the answer to that has really been given by my friend, the hon. Mr. Mathu, who has shown that clans are so diffused over the country, that it really just would not work.

The hon. Member for the Aberdare also said we should go for the No. 1's. If I may say so, Sir, here, I am not referring to Mr. Pim. We certainly shall go for the No. 1's. We have every intention of going for No. 1's.

Public meetings—a lot has been said about public meetings. I think that you have got to allow a certain number of public meetings. We are trying to rule by the rule of law and it is perfectly true that a certain number of people in this country try to get totalitarian ends by democratic means, one of them being the abuse of freedom of speech. Now, that freedom of speech, in fact, means freedom and does not mean licence. People who have the gift of the gab, I think, very often forget that and do an immense amount of harm.

We have heard from my hon. friend, Mr. Awori, the African Member for Northern Nyanza, that if people can shout out in Hyde Park, why should they not do so in Fort Hall. I would suggest that there is no comparison whatever. The people who listen in Hyde Park think it is an extremely amusing Sunday afternoon's diversion. But the hon. Mr. Mathu, made some remarks on the audiences in Fort Hall, he suggested—I think it was he who suggested—that our education is at fault, in that you set the literate man to talk to a lot of illiterates. They believe everything that they were told and they have no means of discovering the truth because they cannot read. Of course, it is a fact that these people who wish to speak to great multitudes—they go along and, in my opinion, they tell a lot of half truths, untruths, misrepresentations and so on, and the wretched people who listen swallow the thing hook, line and sinker.

I think it is the duty of Government to try to protect those people to some extent, having the freedom—the principle of freedom of speech in view against the most wretched misrepresentations that are made and to prevent the people being led completely up the garden path. (Hear, hear.)

[The Member for African Affairs]

One other thing—I would say about public meetings. It has been suggested in this Council that if you do not allow public meetings whenever you like, these things will go underground and, in fact, that Mau Mau, or whatever it may be, is the result of the control of public meetings. Well, now, I would only say this. It is, I think, well known to my African friends here and to all of us that when certain members of the community do have these public meetings, although they stick pretty carefully to the conditions that are laid down, they do leave behind them an impossible situation. They have stirred up a frightful lot of opposition to control, to good government, even, say, to such practical things as soil conservation. They leave behind them, a great deal of ill-feeling and of antipathy to the ordinary forces of law and order; and in that sense, Sir, I think we have got to be careful as to how much we do allow this kind of thing.

Now, Sir, the hon. Mover also talked about incentives. I quite agree. We have obviously not yet found the incentives to produce hard work. Now, I am not saying in the least that no Africans indulge in hard work. There are many Africans who have given loyal, constant and unflinching service in all sorts of ways in this country. Their women alone work like nothing in the world—and I wish more of your young men did so. Many of them—I do want to make this quite clear that this debate does not in the least say, nobody has suggested that Africans are all idle or all criminals. (Hear, hear.) That is absolutely miles from the thoughts of responsible members of this Council. But, Sir, we have got to face the fact that the output of work is small, I can only say, yesterday afternoon, I went into the Law Courts and I saw four little-looking fellows lying on the grass, and I said in Swahili, "Was there much work to do," and they roared with laughter. They obviously had not got much to do and they were still there at half past four that afternoon. Now that sort of attitude will not get this country anywhere and we must really try and get that into our heads, all of us.

MR. MATHU: All most work.

THE MEMBER FOR AFRICAN AFFAIRS: Thank you. A good many people go home at 10 o'clock in the morning after having done their job, and think that all there is to it. A good many other people are offered bonuses for overtime and prefer not to work to get their bonuses, or get their overtime.

There is that side of the picture. On the other side of the picture is the standard of wages.

I just do not believe that with wages nowadays at, say Sh. 30 a month with food, making it Sh. 45 and Sh. 50 for a man and his wife and children, that it is going to get him very far. These Africans, whether working in the towns or farms, are generally speaking, keeping their wives and families properly in the Reserves. They are virtually having to clothe themselves and their wives and their children. They have to produce some sort of diet for, at least, their wives and children in their Reserves, more than just what is maize meal. They have to pay school fees, and in this town they have to pay bus fares. They have to pay for their housing and life. I know, it is pretty hard. That is the other side of the question, and I firmly believe that wages have got to go up. But I do say this to my African friends inside this Council and outside the Council, they have got to show willingness. They have got to put their minds to it a bit better and produce a higher output. This is a vicious circle which has been going on for many, many years. Better work, better pay; better pay, better work. I suggest both sides can get into the circle and break it. (Hear, hear.)

The hon. Mover talked about broadcasting. He thought that we should do more, I think, to employ the spare time of Africans in the urban areas. With that of Africans in the urban areas. With that, Sir, I quite agree and we are going into that. In fact, for two years, we have been trying to get some method of radio diffusion going in this city. We have not got it yet. I still hope we shall. There are technical and other difficulties, but we are trying to tackle that one.

Now, Sir, the hon. Member for Mau—I am sorry he is not here—he said that there was an urban drift which was unaffected by any economic urge. I just could not agree to that. There are, of

[The Member for African Affairs]

course, reasons for this drift to the towns quite apart from the reason that persuaded Dick Whittington to go to the town. They of course, have that one, they all think that the streets are paved with gold, because there is a minimum wage of Sh. 50 or whatever it is, and that sounds like the sky, if I may use that expression, but they do not in the least understand that housing, that water, that food and everything has to be paid for in this town and Sh. 48 or Sh. 50 does not really take you very far. But there is an economic urge, for there is no doubt that land is short. There is no doubt whatever that the pressure on land, particularly in the Kikuyu Districts, and part of Nyanza, as well, is very high. That all helps to push the people towards the towns.

The same hon. Member talked about propaganda, and said that the Government should do more in putting the facts across to the people and describing to them the processes of evolution.

I would say, Sir, that in that respect the Information Services have improved very much indeed in the last two or three years, and I think if any hon. Member will just go down to the Information Office and have a look and see what they do before discussing the African Areas, they will be greatly surprised. There is a lot going on also there at the Jeannes School and in district courses to try and inculcate that sense of citizenship, which the hon. Member referred to. But I would say that I read a book a year or two ago describing the same sort of difficulties with which we are faced: I think it was a Government Agriculturalist, no doubt from Whitehall, when he went to the Hebrides and tried to impress upon the people of the Hebrides various better methods of agriculture. He found the same sort of reactions to his suggestions as Agricultural officers very often find to theirs in the reserves in this Colony.

A further suggestion was made, Sir, that there should be some system of national service in this country. As the hon. Mr. Mathu has said this is no new idea, and he had heard of it before in the form of youth camps.

Well, now, I think, all I can say about that, I have had that in mind for

some time. I think it is extremely difficult, but I do not propose to drop the idea.

Now, Sir, we come to the speech given by the hon. Mr. Mathu. He said that a reply of mine to a question of his, I think, it was in May, 1951—was not in Hansard. I have already said I would set the wheels in motion as to why it has not appeared in Hansard. I cannot imagine why, but I can assure you neither he nor I nor anybody else has tried to suppress it.

He also raised a question of land in Teita. I had a good deal to do with the investigations and negotiations which took place over that land and I think that they are now nearly at an end.

Roads in African areas—I have heard my hon. friend Mr. Mathu talk about that question many times, and I know that since the Road Authority was set up, that the executive officer or the chairman of the Road Authority, has visited many of the African areas, that a good deal of money has been provided for them, that not only cash but also quite a lot of advice has also been given. (Hear, hear.)

Now, Sir, high posts in Government service. That was a question raised by Mr. Mathu too, and was also talked upon by the hon. Mr. Awori, in the Education Department; I know, Sir, that there have been two or three posts specifically made in this 1953-year Estimates—1952-year Estimates—for those African Education Officers or assistant African Education Officers. I think those posts are just towards meeting the hon. Mr. Mathu, but he will say not anything like far enough. I appreciate this and the sense of frustration he has.

I would say this first of all as regards officers in my own service. I just do not believe that a graduate of Oxford or Cambridge or University, or any other University, when his age is 22, comes out to this country with no experience in this country is fit to have a district. What goes for those officers, goes for others as well. Quite recently, I have had occasion to find one African to fill the post of African Assistant Administrative Officer. I wanted somebody from the Rift Valley Province. We had, I think, 80 applications. I went through the list; I think I

[The Member for African Affairs] interviewed 12-15 who were possible. I have discussed this with the hon. Mr. Mathu before, he knows these facts, I merely put them on record: he deprecates them as much as I do. But the standard of those candidates was deplorably low, and although I proposed to make two appointments, one to each Province, one only really satisfied my mind that I had got the type of man I wanted, and the sort of man who we want to see in those positions. The difficulty is, where is the material?

MR. MATHU: The good ones did not apply.

THE MEMBER FOR AFRICAN AFFAIRS: The salary was very much better than that which was offered to many African civil servants. If these men prove themselves—I have only just recently had to put up the salaries of four of these officers, as I promised Mr. Mathu in the last session, and when these officers prove themselves, I have no doubt whatever that their salaries will go up. But they have got to show that they can work themselves up. Government is not a philanthropic organization, Sir.

Now, Sir, the hon. Mr. Mathu also raised the question of the K.C.A., and the fact that it was proscribed, K.C.A. stands for Kikuyu Central Association. The fact that it was proscribed and the fact that he had many discussions with my hon. friend Col. Marchant after the war to get it unproscribed or deproscribed—I am not quite sure of the word, and to have the people released who had been put in detention during the war, that was refused. And the answer to that one is this, Sir. The Kikuyu Central Association remained proscribed; true. The men who had been in detention since during the war were released; The Government, and I am sure this was largely as a result of the conversations between my hon. friend Col. Marchant and my hon. friend Mr. Mathu, put their whole weight behind a new organization called the K.A.U., the Kenya African Union, and I was a District Commissioner, at the time, and I remember getting a circular from Government that this was a political organization which Government would back, that Government servants should join and could join, and all the rest of it, and Government hoped, at the time, that a responsible

political organization—African—would arise, come out and get really settled. Now, Sir, I think I can speak for all Members of this Council. We want to see a good sound African political organization in this country. One of the things that worries me about the present situation is this. That the K.A.U. having taken the place of the K.C.A., some of the members of the K.A.U., unhappily, are showing exactly the same manifestations that the K.C.A. did. I am very surprised and disappointed that members of branches, officers of branches of the K.A.U. are people whom both the Africans and the Europeans know perfectly well are men of ill-repute. I mean by that men with criminal records, and I do not mean political criminal records. I mean criminal records, and no organization can lift its head up and really have self-respect with these sort of people in positions of responsibility.

Now, Sir, the Government has a great deal of sympathy with the K.A.U., and would like to see it go ahead on sound lines. But, Sir, at the moment, I would suggest that a good many of its members are going out of their way to misrepresent facts, to embitter race relations, to try and get hold of African children of this country and try hard to put those bitter feelings into their minds too, and I think that is quite deplorable.

MR. MATHU: Mr. Speaker, would the hon. Member give way?

Just one point about Branch Officers. Did you say some or all? I will agree with you some, but not all branches have officers of ill-repute. Some.

THE MEMBER FOR AFRICAN AFFAIRS: Certainly, some. My grouse was that there were any.

Now, Sir, one of the points made by several speakers this afternoon and this morning has been that crime in the urban areas—some of the reasons for crime in urban areas—is bad housing. I would entirely agree, and I am perfectly certain that we have got to go ahead with housing schemes. Not only housing schemes, either municipal, or financed by municipal councils, or by city councils, or by Government, but we have got to go ahead with encouraging Africans to build up and own their own houses, and we have got to try and work out the

[The Member for African Affairs] sort of schemes that were put forward by my hon. friend the Member for Finance, which have already shown themselves to be successful in Thika. I am sure we have got to do that, Sir, in other places, including Nairobi. But there is one point that I would like to mention. That is that housing must be housing, wherever possible, of families. When I was Municipal African Affairs Officer in 1938, I think, we had a count, in Nairobi, of the men in employment and women in employment, the amount of money they were getting, where they lived, and so on. We got some very useful figures. As far as I can remember, the proportion of men to women in Nairobi in 1938 was 8 to 1. I have got some more figures here. The last census, I think I am right in saying, was in 1948. The proportion of adult African males to females in Nairobi was males 83 per cent, females 17 per cent. And I submit that it is a very unhealthy state of affairs and is bound to lead to all kinds of problems. First of all it leads to a continual flux of labour to and from Nairobi. It leads to all kinds of other things which I need not go into at this time. It leads to the deterioration of African women and the flood into Nairobi of young African girls.

Sir, housing for African families and stabilization of the African population in Nairobi by having families, permanent families here, is a very important matter.

The hon. Member for Uasin Gishu said District Commissioners and Provincial Commissioners did not get round enough in the European areas. No doubt he also referred to African areas. I am sorry they have not been seen in Kipkabus, I shall have to put them on to his trail. I entirely agree they should get round.

But I must refer to the gentleman who came out to this country to investigate economies in the middle of the 'thirties. One of the things he did was to try to reduce the administration and rather to hand over African affairs in the settled areas to the local District Councils. That, Sir, I firmly believe was a mistake. We were not helped either in any way last year, by the reaction of nine people who were trying to go round getting in touch with Africans in the settled areas, neither are District Commissioners

helped by the fact that they are, of course, on endless committees. I entirely agree with the sentiments expressed by my hon. friend and, in fact, I should like both District Commissioners and Provincial Commissioners to get around more than they do. But I would hope, Sir, that if in anticipation I asked for an improvement either in the terms of services or the numbers of administration officers of this country, my words will not fall upon deaf ears.

Now, Sir, the hon. and gallant Member for Nairobi West said that there had been a failure in the administration because they were frustrated. Well, first of all, Sir, I have heard a good deal during this debate about the failure of the administration. I take that rather to heart, as I consider myself one of them still. I do not believe the administration are either complaisant, neither do I believe that they have failed. I do believe and I know that they have to contend nowadays with very much more difficult problems than those which we have faced me 20 years ago, and I am sure faced my hon. and gallant friend 40 years ago. It is infinitely more difficult and infinitely more political, but the rule of law is our basis, and it really is the basis on which we must continue to rule in this country.

I will just deal with one or two points raised by the hon. Mr. Awori, the member for Nyanza North. He asked who are the workers, suggesting that the only workers were Africans. I just do not believe it; I do not agree. He works and I work and we both work pretty hard. Whether you are white or whether you are black, I do not believe the workers of any country are necessarily only those working with their hands, or necessarily only the people who work with their brains.

He also referred to the difficulty about drinking beer in Nairobi. Beer is an excellent thing—I almost could do with some myself now, Sir—but I will only say that, of course, he can get beer and British beer if he wants it, or Kenya beer in the municipal bar in Nairobi. I deplore with him, as much as I think he does, the fact that many Africans drink on the pavements outside the shops where there is no licence to drink on the premises. That is a matter into

[The Member for African Affairs] which I am going and with which I have a good deal of sympathy. Do not let it be recorded, and thought, or understood by this Council that Africans have got to drink on the pavement. That is not so. They can go to the municipal canteen in Nairobi. They can get their English or African beer there. Also they can do the same in Mombasa in extremely delightful surroundings. I have done it myself with them.

I agree with him, Sir, that Africans require technical education, and as he knows His Excellency the late Governor laid the foundation of the Technical Institute here not many weeks past.

Now, Sir, one or two comments of my own on these questions. Housing I have touched on. Education—I would say in the towns there is a good deal of lack of education facilities for African children. Wages, I have talked about and social security was a matter which the hon. Mr. Mathu raised, and that is a very large matter. And, of course, it has got to be tackled one of these days. It is perfectly true, I believe, that the African considers, just as the Englishman considered two or three hundred years ago, anyhow, that the land is his only form of security for his old age. I entirely agree. We have got to go into the matter of social security.

MR. MATHU: Would the hon. Member agree that that is a constructive suggestion?

THE MEMBER FOR AFRICAN AFFAIRS: The only thing, I think Mr. Mathu said, was that they had not got any social security. I quite agree we have got to go into it. If I have generalized too much on the matter, the hon. Member must forgive me.

Amenities in the settled areas is another question. I do believe there is a tremendous lot that can be done in the settled areas for Africans who are employed workers. First of all, many of them who are squatters have no real security. They can be turned out at any time. I know that many farmers look after their own men who are too old to work any longer and keep them and so on. There are many instances of that. But that does not get away from the general fact that there is not any real, solid social security for those people. I think that is a very real fact in the

present instance of unrest. We have got some very good instances of amenities for Africans in the shape of places like Dundori and other social centres that have been started. I only hope that more will be done on those lines.

I was very pleased to see the County Councils Bill becoming law recently. I look forward very much to those newly reorganized bodies taking a large part in African Affairs together with advisers, Africans and others on them.

Now, Sir, there is one point which I think will be my last one, which I can hear evoke screams of delight and relief, (Laughter). That is this. I hope that hon. Members will not take this amiss, but I would like to say a word or two about manners. I believe, Sir, that a lot of the racial disharmony which exists in it does in places of this country is due to the attitude of one race to the other and the manners that they show the one to the other. I am not here throwing bricks or brickbats at either only Africans or Europeans, but at both, because I have seen instances myself in the shops in this city, seen instances on the footpaths of this city, where Africans are disgracefully treated, treated in a sort of social way that must just make them writhe and which cannot be good for race relations. I have also seen Africans trying to get beer in Mombasa—a very unedifying spectacle. I have also seen them push here and there and where a little self-restraint would do a great deal of good. I do not think I need labour this point, Sir. I think every Member of this Council knows what I am talking about. I do suggest that all the races of this country have a great and every member of them has a great responsibility and potential for good in this country and for good race relations. And I would ask them most sincerely to think before they speak and also to think before they act.

Now, Sir, we have talked about the lack of public opinion during this debate, amongst Africans and I agree that that is a lamentable thing at present, but I would like to give one short instance where public opinion of Africans has shown a very pleasant sense of responsibility.

MR. COOKER: What about public opinion on the Meat Commission?

THE MEMBER FOR AFRICAN AFFAIRS: If I could just read a report that has come in to me. On 7th July six thugs from—of the 'thug type, if that is parliamentary language—went from Fort Hall to Nyeri and were asked when they got to Nyeri or into the Nyeri Reserve, whether they had paid their tax by a sub-headman. They said, "No," and they set about the sub-headman with "simis", which is a kind of short sword. The sub-headman resisted as well as he could and got pretty badly hurt in the process; but fortunately this happened quite close to an African market and 30 or 40 gentlemen whose public opinion was stirred, came and dealt with the four or five thugs very effectively. Now, that, Sir, is a very promising thing. I am glad to see that the Kikuyu—because that was in Kikuyu country—were not too frightened. I know that they have been frightened to a very considerable extent by the machinations of some of our friends who go about at night, but they were not frightened and did their duty in the public interests.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, this comparatively simple resolution on paper has covered a very wide field, and has led to a very long debate. It seems to me that most views have now been expressed and, Sir, I will, therefore, suggest that under our new Standing Order 77, I would like to move, Sir, the question be now put.

The question was put and carried.

MR. BLUNDELL: Mr. Speaker, I had no idea when I moved this Motion yesterday to what a monster I had given birth. I will be as brief as I can because I know hon. Members are tired.

There are one or two small matters of detail to which I might refer, but I am not going to do so because I think Members are tired now. I would like to say this, Sir. I hoped when I moved my resolution that I would see in the Member for Law and Order a man of resolution. Now I must record that I do not think we saw that man of resolution. I cannot help feeling that I saw a man skilled in law, tilting and lancing over legal niceties. I must say that, because I do not think the situation will be improved unless we have the intention to improve it.

Now, Sir, to turn to the speech that the hon. Member for African Interests, Mr. Mathu, made, when I moved this resolution I had no intention, as the hon. Member for African Affairs said, of moving it from a racial angle. I am convinced in this country we can only solve our problems by each race understanding the other. I am also convinced that as we have got to live together we must set about learning how to do it. If the African Members feel they cannot support a Motion like this, it must inevitably delay the time when we are able to work as partners, and I wish to record that most sincerely. I am looking forward to the day when we are able to work together, but it is not possible to work with a person who cannot back the maintenance of law and order. If we follow on from that—what are the implications of the hon. Member's speech? The hon. Member has refused to support this Motion; he has refused to support the amendment which calls upon people to work together. What is the implication? There is only one implication and that is that the hon. Member considers that this situation is a better method of achieving what he wants.

MR. MATHU: I want the hon. Member to withdraw that; I never had any intention of that; he summed up the whole thing without analysing the reasons why I opposed the Motion and therefore I suggest he withdraws that.

MR. SPEAKER: I cannot call upon the hon. Member to withdraw that. There is nothing in it which is unparliamentary or anything of that sort. These debates are open to be taken up in the manner which it has been done. The hon. Member who has the right of reply should be able to speak his mind freely, just as any other Member.

MR. BLUNDELL: Mr. Speaker, as I understood it, the hon. Member was unable to support this Motion because he believed the grievances as I understood it, were best put forward by agitation—that is how I understood it.

Now, Sir, I am sorry that the hon. African Members should have taken that attitude, because when I spoke, Sir, I spoke generally with the intention of trying to help solve some of the problems which affect the Members who are the

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African representatives here. Most of the points the hon. Mr. Mathu made have been dealt with by the hon. Member for African Affairs. I only wish to refer to two. I am no more in favour of a pass system than he is, and I stated that specifically, that I only advocated it in certain areas where it might well be that tension against law and order made it advisable. I do not advocate it as a general method.

Secondly, Sir, I did not say that the Government would be overturned in nine months. What I said, Sir, was that I believe that those who are behind this Mau Mau movement have got it into their heads that if they can develop that movement they may cause the Government serious embarrassment. In my view there is no possibility of the Government being overturned, but nevertheless there is that intention, behind them, they have a target date, and I think it is advisable that Members opposite should realize the urgency of the problem.

Now, Sir, may I speak to one point of Mr. Mathu's—freedom of speech. Sir, I believe that to shackle freedom of speech is most unwise, but I believe that those who accept freedom of speech must at the same time accept the responsibility of not abusing it.

Lastly, Sir, on Mr. Mathu's speech, may I stress this very strongly, I suggested we should have a committee to look into the incentives. I did so for this reason. If you are going to raise the wage level, and not touch that of output, automatically you will only do one thing—increase the cost of living. Therefore, before we can even look at raising wage levels, we have got somehow or other to raise output, because otherwise raising the wages will be merely a fantasy and a fiction.

Now, Sir, the speech of the hon. Mr. Awori. I would assure him, Sir, as he has not been in this Council long, he is not here, but perhaps the hon. Mr. Mathu would draw this to his attention. Sir, I would be the very last person to say that every African was an habitual criminal. Indeed, I interrupted my speech to show that that was not my intention—not in the slightest. I felt, Sir, when the hon. Mr. Awori was speaking that I would not deal in answering with

the main points which he raised. I would only say this, Sir, I believe it is no good facing life with the attitude of mind "everything is against me and I am always right". I would suggest to the hon. Member that he should look at some of the points that have been raised and think possibly whether there is not an element which comes from the nature of the African people themselves, and which makes it difficult for them to entirely attune themselves to this civilization, as I said in my opening remarks. I feel a great many of the things which he brought up, such as "why don't advertisers use the African press?" is entirely economic, it is not political, because weighing up the advantages they are likely to achieve, the advertisers do not think it is worth it. Yet the hon. Member turns and twists it immediately into a racial matter. I would just like to suggest that one of the best things one can do before one always says everybody else is wrong and one is right, is to make quite sure that that is true.

Now, Sir, I am not going to deal with any of the other points raised other than one which the hon. Member for African Affairs raised, because he asked me a specific question on it. Sir, I advocate that the police, only in areas which are gazetted or declared for the purpose, should have the right of asking a man his identity; for several reasons. The first—and I would remind the hon. Member of the remarks which I think he made in a speech at Njoro, where he said, in the settled areas at any rate; that the farmer sets an outpost of administration. Now, Sir, unquestionably the right to demand identity in areas which are disturbed has a psychological check on the person going to that area. I think that may be necessary in those areas, and in those areas only, I believe, Sir, I would help us control the known movement, the movement of known agitators, and also assist us in troubled areas on the numbers and types of people who are moving through them; and finally, Sir, I would ask the hon. Member—through the hon. Member for Law and Order, which would be doing it through the proper channels—to find out whether the police would welcome such a measure. I believe, Sir, that one of the greatest handicaps to the police at the moment in a troubled area is that they will know they

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may meet a man, and yet they cannot do anything about it, they cannot stop him or ask him anything. In a troubled area, if they can ask for a man's identity, and what he was doing there, who he was, they would immediately have a check upon him. I think the hon. Member would find that that, together with the psychological effect, would assist us in that problem. I only advocate it in areas where the Member for Law and Order considers it is necessary.

Finally, Sir, in moving this Motion may I say this, Sir: I am not entirely satisfied with the replies which we have had from the hon. Members opposite. It is not so much the replies, it is the manner in which they have presented the replies, and it does not convince me entirely that (1) Government is really certain—especially in the subversive line—of the necessity of dealing with the problem resolutely and (2) Sir, I am not entirely convinced that Government has the conviction to deal with the problem resolutely. (Applause.)

The question was put and carried.

APPOINTMENT OF A COMMISSION

MR. BLUNDELL: Mr. Speaker, my colleagues and the hon. Member for Nairobi West have asked me to move this Motion in their names:—

BE IT RESOLVED that Government appoint a Commission with the following terms of reference:—

- To investigate whether Income Tax is an equitable and suitable form of taxation for the Colony and Protectorate, having regard to the revenue needs of the Colony and possible alternative methods of raising money;
- to study the "Act of the High Commission to provide for the management and collection of Income Tax by the East African Income Tax Department" and to make recommendations for amendments in which should be made to this Act under Clause 97 which should be to the general benefit of the Colony.

Now, Sir, I am not going to delay the Council long on this. I am moving the Motion, Sir, with the full support of my colleagues on this side of Council, who

have asked me to, so I hope the hon. Member will be able to accept it I think, Sir, in the debate on the Income Tax Rates Bill which came before us, adequate reasons were given by Members on this side of the Council, who consider an investigation suitable under (a) of this Resolution. I think, Sir, I can expect the support of the hon. Muslim Member, because he was doubtful about, I think, allowances; and I can expect the support, Sir, of the hon. African Member, Mr. Awori, because he was doubtful about dependants. There was another hon. Member on this side of Council who was also doubtful about the incidence of tax.

In regard to (b), Sir, hon. Members have made it quite clear there are many items in the Management Act which they do not like. It is in order to clear those up that I am moving this Motion.

Mr. Speaker, I beg to move.

SHERIFF ABDULLAH (Arab representative) seconded.

THE MEMBER FOR FINANCE: Mr. Speaker, this resolution as it now stands, Sir, is in two parts, and I should like to deal with it in two parts; I am sorry that the time of the hon. Members of the Council will be taken up, but I am afraid that they will have to listen to facts relating to the first half of the resolution in particular.

Turning to the hon. Members on the left of the hon. Member for Rift Valley, I am sure I can rely on their support with regard to paragraph (a). Now, Sir, paragraph (a) does not deal with allowances and things like that, in detail. Paragraph (a) is very sweeping; it is to investigate whether Income Tax is an equitable and suitable form of taxation and in those very points there is implied a doubt as to whether Income Tax is equitable. I would ask hon. Members opposite and indeed hon. Members on this side of the house as to whether they are prepared to accept the implication that Income Tax is unequitable. It may be, Sir, that there could be variations in the application of Income Tax; the rates of Income Tax and allowances of Income Tax are continually under review. It may be, therefore, that some Members may feel that there should be variations in application in detail, but they have made representations to Government and I have told them that Government will

[The Member for Finance] take those representations into consideration, let me say in my own personal opinion, and I stress that it is my own personal opinion, that I have a majority of this Council behind me and that Income Tax as a principle is one of the most equitable forms of taxation. It may require modification of its application in certain structures, but that is entirely different to accepting the Motion as it stands on the Order Paper—to investigate whether Income Tax is an equitable and suitable form of taxation. There has been a Commission appointed in the United Kingdom—the Cohen Commission. There they have had terms of reference which are very interesting:—

"To inquire into the present system of taxation of profits and income, including its incidence and effects, with particular reference to the taxation of business profits and the taxation of salaries and wages: to consider whether for the purposes of the national economy the present system is the best way of raising the required revenue from the taxation of profits and income, due regard being paid to the points of view of the taxpayer and of the Exchequer: to consider the present system of personal allowances, reliefs and rates of tax as a means of distributing the tax burden fairly among the individual members of the community; and to make recommendations consistent with maintaining the same total yield of the existing duties in relation to the national income."

A resolution with terms of reference of this kind did not start off with the assumption that Income Tax was unequitable; (b) by itself would have been a different matter.

We have, of course, a Select Committee of this Council already sitting on High Commission Services, before which the Commissioner for Income Tax has already spent two whole days giving evidence. Presumably, however, what is asked for is another Committee to traverse the same type of thing, to get information about the management and administration. Sir, I am very often asked by hon. Members opposite for an assurance, and now this is where, for once in my lifetime, I have the pleasure of asking the hon. Members opposite for an assurance, and the assurance that I

am asking for is that, hidden in (b) there is not an implication that the present rates and allowances are to be the matter of study by this particular Commission, because the present rates and allowances and the annual adjustment thereon, must, of course, remain the province of the Government and of this Legislative Council.

Now, Sir, we have had the investigation by Sir Wilfrid Woods. He did not abolish, or suggest the abolition of, Income Tax. We have had the Newman Report. They did not suggest the abolition or the inequity of Income Tax. Presumably, the hon. Members want a third investigation. Presumably, this is a subject, the skeleton of which will run its head from time to time until the social and economic structure of this Colony is recognized as a united whole. But the Government, or at least my colleagues, I think, are in the majority in certainly feeling that there is no need for this investigation, that it will be a waste of time; that it will be another waste of public money, a re-traversing of paths already traversed, leading to more and more and longer and longer, presumably, debates in this Council. I, therefore, propose, in a minute or two, to move an amendment to this Motion. I propose to move, Sir, with your permission, the deletion of part (a) of the Resolution so that only part (b), the studying of the Act of the High Commission, etc., will remain.

However, in order that it shall not be said, Sir, that Government denies this investigation, I am authorized by the leader of the Council to state that every Member of this Council on the Government side—and I stress every Member of this Council on the Government side—shall have a free vote, both on the amendment that I am now placing before the Council and, subject to the assurance I have asked for from the hon. Member with regard to the present rates and allowances, a free vote on the substantive resolution should, indeed, the amendment be carried.

Sir, I beg to move that the words contained in paragraph (a) and the letter (b) be deleted.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

MR. MATHU: Mr. Speaker, I rise shortly to support the amendment moved by my hon. friend the Member for Finance, because I cannot in any case support the investigation of the principle of Income Tax in (a) because that is an accepted principle. Moreover, if we study the Act of the High Commission, the rates and allowances as outlined, and you will have the opportunity anyway of airing your views on it there. Therefore, I think, Sir, the amendment will give the hon. Members, at any rate most of what they require.

I support the amendment.

MR. ZAFRUZ DEEN: Sir, I think the second part of this Motion contradicts the first part of the Motion, where it says, "to investigate whether Income Tax is an equitable and suitable form of taxation." I said yesterday that I accepted that Income Tax is an equitable form of taxation, therefore, I find that I cannot support this Motion.

I support the amendment.

LT.-COL. GHERSIE: Mr. Speaker, I purposely refrained from participating in the debate yesterday as I had hoped the hon. Member for Finance would have given some indication in anticipation of this Resolution that he would recommend or initiate an inquiry of this nature. I personally, subscribe to the principle of Income Tax, but we have a feeling that in this Management-Bill, powers have been delegated to the High Commission which should properly be the sole prerogative of the territorial legislatures. That is the real object behind this Motion. I could give a number of anomalies—

THE MEMBER FOR COMMERCE AND INDUSTRY: On a point of order, Mr. Speaker, is not the point that the hon. Member has just raised covered by the amendment which, in fact, has to do with the High Commission Bill?

THE MEMBER FOR FINANCE: Perhaps, Sir, I spoke so quickly that in my haste the hon. Member did not quite gather what I said.

MR. HAVELOCK: Mr. Speaker, speaking to the amendment, I would oppose the amendment. I do not want to take up the time of this Council, as we are getting very tired and it is very late. The hon. Member for Nairobi West put up

a number of points against the principle of Income Tax and even if a number of Members on this side of the Council themselves have not very great doubts against the principle, there are hundreds and hundreds of people in the country who have. Therefore, I see no reason why the principle should not be investigated—especially in view of all the promises given in the past which the hon. Member for Nairobi West gave in detail yesterday.

I will not waste the time of the Council, but I beg to oppose.

MR. BUNDELL: Mr. Speaker, I oppose the amendment. I made it clear I considered the principle of Income Tax could not be removed, but, "having regard to the revenue needs of the Colony"—those words, in my opinion, make it perfectly clear that before consideration can be given as to whether the principle of Income Tax is equitable or suitable, the revenue needs of the Colony have got to be taken into consideration. I believe that that is a perfectly good safeguard for the hon. Member; he could have accepted the Motion. He asked for an assurance under (b) and I am a little confused by his asking for that assurance. I will do that later, Sir.

The question that the words proposed to be omitted stand part part of the motion was put and on a division negated by 29 votes to 13 votes.

(AVES: Mr. Bundell, Group-Captain Briggs, Mr. Crosskill, Lt.-Col. Gheris, Lt.-Col. Grogan, Messrs. Harris, Have-lock, Major Keyser, Messrs. Nicol, Sheikh Mahfood, Mackwall, Sheriff Abdullah, Lady Shaw, and Mr. Slade, 13; NOES: Dr. Anderson, Mr. Awori, Major Cavendish-Bentley, Messrs. Cowie, Davies, Gikonyo, Griffith-Jones, Hammond, Hartwell, Dr. Hassan, Messrs. Hope-Jones, Hunter, Jeremiah, Dr. Karve, Messrs. Kneller, Edye, Lt.-Col. Marchant, Mr. Mathu, Sir Charles Mortimer, Chief Mukima, Messrs. Odele, Padley, Roddan, Mohamed Ali Said, Tameno, Vasey, Wadley, Whyatt and Zafruz Deen, 29; ASSESSY: Messrs. Cooke, A. B. Fiebel, J. S. Patel and Okwir, 4; FALLOU: Messrs. Taylor and Usher, Mr. Neep and Mrs. Shaw, 4; TOTAL: 50.)

MR. BUNDELL: Mr. Speaker, as far as I know—

THE SPEAKER: The hon. Member, of course, moved this Motion and has already spoken to it.

MR. HAVELOCK: Mr. Speaker, the hon. Member for Finance in speaking to the main Motion mentioned that there was a Select Committee of this Council inquiring into the High Commission Services. I do suggest to him that the duties of that Select Committee are very different from the ones envisaged in this Motion for this special—as it is at the moment—Commission. I think it is right to say that the Select Committee on High Commission Services is merely thinking more of the expenditure of money in the administration of the Income Tax and the collection of Income Tax, and the organization of the Department rather than the different aspects of Income Tax administration as such.

THE MEMBER FOR FINANCE: We agree.

MR. HAVELOCK: Rather than the different matters mentioned in this Motion.

I am sure the hon. Member who moved this Motion will give any assurance that is required by the hon. Member for Finance.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I am rising merely to say that on this part of the Motion there will be a free vote on this side of Council.

MR. BLUNDELL: Mr. Speaker, I think there is nothing for me to reply to, Sir, other than to say that I would not dream of giving any assurance which the Member for Finance liked to ask for. As far as I know, in the Manage-

ment Act of the East Africa High Commission there are neither rates nor allowances; that should be sufficient answer for the hon. Members. (Laughter.)

MR. HAVELOCK: Before you put the question, the hon. Member on my right would like to move a small amendment.

MR. NICOL: That the word "Commission" in the first line be deleted and the word "committee" be inserted.

MAJOR KEYSER seconded.

The question was put and carried.

THE MEMBER FOR FINANCE: Could I just say, of course, the Government would be prepared to accept the amendment with regard to the word "committee" and would consult all groups of Members opposite with regard to its composition.

The question of the Motion, as amended, was put and carried.

STAFF OF COUNCIL

MR. BLUNDELL: Mr. Speaker, before we adjourn, I just wish on behalf of Members on this side of Council to pay tribute to the Assistant Clerk, Mr. Borrett, during this week and the stenographers of the Council. (Hear, hear.) I especially want to do that, because, in the case of Mr. Borrett, he has had to initiate quite a number of new Members and has also had a change of Clerks. In the case of the stenographers they have had unexpectedly extra sittings.

ADJOURNMENT

THE SPEAKER: Council will adjourn *sine die*.

Council adjourned sine die at twenty-five minutes past Five o'clock p.m.

WRITTEN ANSWERS TO QUESTIONS

No. 12

MR. MATHU:

As the Sugar Control Ordinance, originally enacted in 1923, does not seem to serve a useful purpose to-day, and as it creates hardship to some African areas, particularly in the Ukamba District of the Central Province, will Government please repeal this Ordinance?

REPLY: The Government does not agree that the Sugar Ordinance (Cap. 194) no longer serves a useful purpose.

The purpose of this Ordinance is to control the use of sugar or sugar juice in certain areas of the Colony, the inhabitants of which manifest an excessive tendency to use all such sugar or

sugar juice available for the production of alcohol.

The Ordinance endeavours to effect this in two ways: first, by the control of the importation of sugar into these areas, and secondly, by the restriction of the use of mills for producing sugar or sugar juice.

The Government does not intend to restrict more than is absolutely necessary the importation of sugar into specific districts, and is now re-examining the proclamations made under the Ordinance applying it, or parts of it, to these districts.

It should be noted that the application of the Ordinance in no way affects the amount of sugar allocated for distribution in any of the African areas, and the Government is not convinced that a limited restriction on brewing causes any hardship.

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Volume XLIX

7th July, 1952, to 11th July, 1952

Explanation of Abbreviations

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In Committee=IC; Referred to Select Committee=
SC; Select Committee Report=SCR; Recommitted to
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