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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

COUNCIL INAUGURATED
JUNE, 1952

VOLUME LII

1952

SECOND SESSION — FIRST SITTING
28th October, 1952, to 5th December, 1952

List of Members of the Legislative Council

President:

HIS EXCELLENCY THE GOVERNOR

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. F. W. CARPENTER, (Labour Commissioner).
HON. M. H. COWIE.
HON. E. N. GRIFFITH-JONES (Solicitor General).
DR. THE HON. S. D. KARVE, O.B.E.
HON. G. M. EDEY.
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. OKWIRRY, M.B.E.
HON. W. PADLEY, O.B.E. (Secretary to the Treasury).
HON. SIR EDOO PIRBHAI, O.B.E.
HON. J. L. RIDDOCH, O.B.E.
HON. G. M. RODDAN (Director of Agriculture).
HON. SHEIKH MOHAMED ALI SAID.
HON. R. W. TAYLOR, C.M.G. (Director of Public Works).
HON. W. J. D. WADLEY (Director of Education).

European Elected Members:

- HON. M. BLUNDELL, Rift Valley.
GROUP-CAPT. 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. GROOMAN, D.S.O., Nairobi West.
HON. N. F. HARRIS, Nairobi South.
HON. W. B. HAVELLOCK, Kiambu.
MAJOR THE HON. A. G. KEYSER, D.S.O., Trans Nzola.
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.

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

Asian Elected Members:

Non-Muslim:

Muslim:

Central Area:

East:

HON. CHANAN SINGH.

DR. THE HON. S. G. HASSAN.

HON. C. D. MADAN.

Eastern Area:

West:

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

HON. I. E. NATHOO.

Western Area:

HON. J. S. PATEL.

Arab Elected Member:

HON. S. MACKAWI.

Representative Members:

African:

Arab:

HON. W. W. W. AWORI.

HON. SHERIFF ABDULLAH SALIM.

HON. M. GIKONYO.

HON. J. JEREMIAH.

HON. E. W. MATHU.

HON. F. W. ODLDE.

HON. J. M. O. TAMENO.

Acting Clerk to Council:

G. J. ELLERTON.

Assistant Clerk to Council:

E. V. BORRETT

Reporters:

Miss E. Fraser.

Mrs. P. D. Hubbard.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

SECOND SESSION—FIRST SITTING

Tuesday, 28th October, 1952

The Council met at ten minutes past Ten o'clock.

(Mr. Speaker in the Chair)

PROCLAMATION

The Acting Clerk read the Proclamation summoning Council.

PRAYERS

Mr. Speaker adjourned the Council to await the arrival of His Excellency the Governor.

His Excellency arrived and took the Chair.

COMMUNICATION FROM THE CHAIR

His Excellency delivered the following communication from the Chair:—

HIS EXCELLENCY THE GOVERNOR: The Government's first concern must always be the maintenance of peace and good order. At the moment the greatest need in the country is the reinforcement of confidence among the very many peaceable and loyal Africans of all tribes in the reserves and in the settled areas and the support of a sound public opinion among all Africans opposed to violence. If this process is to be successfully encouraged and assisted an increase in the establishment of district officers in the field is essential and accordingly financial provision is being asked for for this purpose. The positive measures which the Government have in mind for the furtherance of economic, agrarian and social progress cannot thrive in an atmosphere of unrest and anxiety. Nor can the economic development of Kenya proceed at a steadily quickening pace; and it is on that development that the future prosperity of all people in Kenya, and particularly the less wealthy, depends.

As in the past a determined attempt will be made to encourage personal African effort, at both the district and parochial level, to develop the countryside.

The scope of the African Information Services has been widened and the Government intends in 1953 to intensify its measures for the spread of positive and factual information and a better understanding of the Government's aims and intentions through the medium of the Jeanes School and the Information Services organization.

As regards the Development Programme the chief factor governing the rate of progress is no longer shortage of staff and equipment, as was the case two years ago, but the rate at which funds can be made available to finance that programme. During the present year the Development and Reconstruction Authority expects to carry out works to the value of about £5½ millions, and my financial advisers have agreed that the Authority may be permitted to spend up to £6½ millions in 1953. The proposed expenditure will be largely met from loan funds supplemented by grants from the Colonial Development and Welfare Vote and contributions from the Colony. Once again half the provision in the programme to be placed before you is required to finance the many building projects which are now being undertaken by the Development and Reconstruction Authority.

A further contribution will be made to the Road Authority to enable work to continue, *inter alia*, on the complete reconstruction of the Great Trunk Road to Uganda now being routed via Eldoret and Tororo, the construction of a new alignment between Thika and Sagana on the route to Nyeri, and the reconstruction and bridging of sections of the Nairobi-Mombasa road.

[H.E. the Governor]

The Road Authority also proposes to increase its maintenance allocations to the Public Works Department and to European and African district councils.

Work on the Mombasa major project to supply Mombasa with eight million gallons per day from the Mzima Springs will be started towards the middle of 1953. A major water supply scheme for Thika township is under consideration, and the work of providing other townships with piped and purified water supplies will continue, though at a reduced tempo, the emphasis shifting to supplies in rural areas, as most township schemes have now been completed. As regards rural supplies, it is expected that the Romang River Tunnel Scheme will be commenced during 1953, while the possibilities of the piping of other tapering streams are being explored; the development of water supplies in African reserves by means of boreholes and dams will continue in 1953, as will also the work on the Diksey Scheme, designed to provide water supplies in the Northern Province by means of boreholes and dams.

In the field of agriculture the position with regard to recruitment of young officers is easier, but unfortunately the Colony will almost certainly lose in the near future several valuable senior officers who have been offered appointments elsewhere as terms more attractive than Kenya can at present provide. However, as regard research officers, the situation in future should improve by the decision to offer to all suitably qualified men transfer to the Colonial Research Service with effect from the beginning of 1953, on terms applicable to research officers throughout the Colonial territories.

The most important branches of the specialist facilities provided by the Research Department are pasture research and plant breeding. In pasture research, development along the lines of the Davies report will receive high priority, and in plant breeding the wheat programme will be continued and work on hybrid maize re-started.

The Soil Conservation and Dam Construction services will be continued with the objective of preventing further deterioration of the land; it must, how-

ever, be remembered that our main aim is increased productivity, which can only result from sound farming systems.

African Land Utilization and Settlement.—Expenditure of £328,000 is proposed in 1953 to continue the programme of general agricultural betterment in areas already settled and of settlement of Africans in areas rendered fit for settlement by anti-tsetse clearing, the provision of water and roads and other similar works. One quarter of the expenditure will be incurred in the Machakos district for the work of reclaiming eroded land and of encouraging the adoption of better farming methods.

A sum of £30,000 will be issued by way of loans to African district councils for various projects such as water schemes, a tea scheme in Nyeri, and a ranching scheme for fattening steers in the Samburu.

Three African instructor-training centres in Nyanza, Central and Coast Provinces are in operation and a number of farm institutes are being developed in Nyanza Province, where the African farmer and his family spend a year in learning improved methods of agriculture. Proposals are under consideration for the development of the Egerton Agricultural College as a self-governing institution on an East African basis.

As regards legislation, it is hoped that the Agriculture Bill will soon be presented to Council, and a Seeds Bill and a Bill to provide for the establishment of statutory boards to market cotton seed and lint cotton are under consideration.

—On the veterinary side new and more efficient vaccines against both pleuropneumonia and rinderpest are being tried out on a field scale and, if these trials continue to show the promise they so far have shown, the vaccines will be issued for general use.

In consequence of arrangements for the importation from America of avianized rabies vaccine, it is proposed to undertake the compulsory licensing and vaccination of all dogs in certain rabies infected areas during 1953. This will, after an appropriate interval, considerably facilitate the movement of vaccinated dogs from rabies infected areas.

[H.E. the Governor]

As soon as the Kenya Meat Commission works at Athi River are opened, which it is hoped will take place in the early part of 1953, the African Livestock Marketing section of the department will extend its operations so as to ensure an adequate supply of slaughter stock from the African pastoral areas.

The reclamation of tsetse infested country in Makueni, Cis-Mara and the Chepalungu districts will be continued in collaboration with African Land Utilization and Settlement.

The planting programme of the Forest Department will be maintained in 1953 at the rate of 8,000 acres per annum, including 6,000 acres of exotic conifers; in order to minimize the danger of disease the number of species planted is being increased. On the constructional side of the department's work the emphasis will shift in 1953 from buildings to roads, and, as a result of recruitment and training of survey staff, the survey work of the department, which is many years in arrears, is expected to be brought up to date; it will be possible now to place under the protection of the Forest Ordinance considerable areas of protective forest, action in respect of which has been held up hitherto for lack of survey staff. Welfare activities on behalf of the forest squatters are being intensified. For example, community centres, including schools and village halls, are being built. In view of the possibility of the department being placed on a self-financing basis in the near future, every effort has been made to frame the 1953 Expenditure Estimates within the limits of the department's estimated revenue for 1953.

The Game Department plans to intensify its drive against poaching, and the trade in illicit trophies, especially ivory and rhino horns, and it is hoped that certain weaknesses in the present legislation will be amended so as to enhance the prospects of success. The fish branch proposes to increase the pond capacity of its fish culture farm so as to facilitate increased production of the weed-eating fish, *Tilapia Melanopleure*. The 1953 plans of the fish branch also include the testing of new trawling grounds in Formosa Bay, the investiga-

tion of the fish in Lake Rudolf, and the Tana River, as a source of food, and a study by the River Research station of indigenous fresh-water fishes with a view to the fuller exploitation of the native fisheries.

Turning now to the departments under the Member for Health, Lands and Local Government, in continuation of the Development Programme, a number of new hospitals are under construction or will be commenced shortly. In particular a new Asian wing of the King George VI Hospital, which is being built by the Government assisted by a generous bequest under the Walji Hirjee Trust, will be opened in the near future, and the Infectious Diseases Hospital in Nairobi for all races has been started. The foundation stone of the new European Teaching Hospital has been laid. Plans for the construction of the new African and Asian Hospital in Mombasa are ready and work will be started as soon as permission is received from the Colonial Office to apply Colonial Development and Welfare funds for this purpose. Special attention is being given to the development of health centres in the African areas and several more are to be established during 1953.

The training of all grades of medical auxiliaries is being vigorously carried on and new training centres have been opened in provincial centres.

At Kisumu in North Nyanza a leprothorium is being built in which treatment with the new sulphone drugs will be given and the patients will be trained in occupational therapy.

Provision has been made in the 1953 Draft Estimates to enable the local government department to audit African district council accounts and to give the councils financial advice with a view to bringing their accounting systems into line with accepted local government procedure.

A committee will shortly undertake an inquiry into the financial relationship between African district councils and the Government, since it has been apparent for some time that the present Government grant system requires review.

Members will be glad to hear that some of the European district councils have already produced draft schemes of county

(H.E. the Governor) administration under the provisions of the new County Councils Ordinance.

The sum of £1,800,000 which was allocated by the Planning Committee for loans to local authorities will, within a short period, all have been earmarked for specific projects. To ensure that future capital projects will not be delayed by lack of funds the Government proposes to introduce a Bill to provide for the creation of a Local Loans Authority with borrowing and lending powers of its own. This will relieve the Colony of the need to find further money when the present allocation made by the Planning Committee is exhausted.

Both the Government and the local authorities concerned are alive to the importance of providing adequate housing for Africans in the urban areas. It will be recalled that a Resolution was passed during the recent sitting of this Council making the Housing Fund a revolving fund. With the agreement of the Planning Committee this fund has been reinforced by a substantial sum in the Draft Estimates so that there should be ample provision for which loans can be made both to local authorities and to Africans themselves to provide housing.

The stabilizing influence exerted by the provision of adequate permanent housing on our urban population cannot be over-emphasized and the Government is determined to do everything in its power to see that its own and local authority African housing programmes are vigorously carried out. Large areas of valuable Crown land in the urban areas have in the past been made available for approved local authority schemes at a peppercorn rent, and at the sitting to which I have just referred this Council approved by Supplementary Estimate the provision of a substantial sum of money to purchase private land at Mombasa for re-housing Africans who are living in congested conditions on the island.

My technical advisers have continuously under review new methods of construction and design with the object of reducing building costs, and two senior officers will visit South Africa next month to attend a technical conference which will deal with all aspects of African housing south of the Equator.

The pilot scheme at Thika, known as the Vesey scheme, under which Africans

are encouraged to build their own homes with assistance from Government loans has proved a marked success. The scheme is fully economic. All the available plots have been taken up and some 120 home have been completed and are occupied. Many more are under construction. It is proposed to provide loan funds for similar schemes in the smaller townships where sufficient demand exists.

With regard to Education, a Bill to replace the Education Ordinance and to remedy a number of defects in it especially in regard to the control of schools, will come before the Council early in the present session. The need for it is now urgent.

The committee appointed by the Member for Education to investigate the financial problems of European and Asian education has submitted an interim report which is now under consideration; the question of the finances of these two branches of education is likely to come before the Legislature during the present session; as members are aware, this is an old question and a difficult one.

The development of African education is proceeding according to schedule. In particular I would mention the success which has attended the campaign to recruit senior staff for the secondary schools and teacher-training colleges. More senior staff will be asked for in the 1953 Estimates so that these higher institutions may continue to advance quickly towards their full capacity. I should like to draw particular attention to the proposal to expand the composite training centre at Siriba, so that next year it may undertake the training of T.2 teachers also. But the advances which are being made in this field, and which are vital to the balanced progress of this Colony, cannot continue as they should so long as large areas of the country are in a state of political unrest. Unless conditions in those areas improve it is inevitable that in spite of all efforts the education services will be adversely affected.

The very healthy revival of interest in Arab education which has followed the establishment of the Mombasa Institute of Muslim Education continues, and next year should see substantial progress in the building of a large new boys' primary school in Mombasa.

(H.E. the Governor)

As regards European and Asian education, the demand for accommodation is such that, although there is an impressive list of new works for 1953, there will still remain a serious shortage of accommodation, particularly of boarding places in European primary schools and of classrooms in Asian primary schools.

It is anticipated that the industrial development which has been so marked in recent years will continue during 1953. It is hoped that among others new factories will come into production for the manufacture of cement, matches, metal drums, soft fibre containers, as well as a new brewery and an aluminium rolling mill. The Government has been approached concerning the construction of an oil refinery at Mombasa and the position should become fully clarified. The Government is at present carrying on negotiations concerning the grant of an oil exploration licence over a considerable area of the Colony and it is hoped that arrangements will be made to carry this important investigation a step further. 1953 should see the sale of Kenya-produced graphite on the commercial market and the exploitation of the important asbestos deposits in the Teita Hills. Work on the Geological Survey will continue as a first priority. The prospects for development are, as I have indicated, good, but in order that the necessary finance and, in particular, the necessary staff which will be encouraged to come to Kenya, in the interests of all it is essential that local conditions should be such as to ensure confidence.

The Colony will continue to play its part in the defence of sterling. This will inevitably impose some restriction on purchases from other than sterling sources but owing to the greater availability of many types of goods from the United Kingdom and the Dominions it is not considered that this should cause any undue shortage or dislocation of trade.

The Legislative Council will, during the session, be invited to consider proposals in connexion with the possible construction of a new airport at Embakasi to replace the present Eastleigh aerodrome when this matter has been fully examined by the Planning Committee. It is the Government's intention to table a White Paper dealing with the recent settlement of outstanding problems which have

arisen between Her Majesty's Government and the Governments of the East African territories concerning expenditure on civil aviation.

It is proposed to introduce legislation to remove certain anomalies in connexion with rent control to encourage new building with a view to reducing the shortage of residential accommodation and so moving towards a further stage of de-control. Two Bills will shortly be introduced dealing with hotels. The first will revise the existing legislation and remove certain restrictions which are now out of date. The second will revoke the present Defence (Control of Hotels) Regulations and re-enact certain of its provisions which are still required on an annual basis. Amendments will be introduced to the Transport Licensing Ordinance to bring that law up to date. Proposals are under consideration also for the introduction of legislation to control the sale of scrap metal with a view to reducing illegal practices. As a result of interterritorial consultation an agreement has been reached between the three East African Governments to introduce new legislation to replace the existing Industrial Licensing Ordinances in each of the three territories.

In accordance with an undertaking given during consideration of the 1952 Estimates, arrangements were made for the Board of Commerce and Industry to investigate the practicability of amalgamating the controls which are the responsibility of the Member for Commerce and Industry under one central organization. As a result it has been found practicable to amalgamate the present Imports Control and Supplies Control offices into one department to be known as the Department of Trade and Supplies.

As regards defence, good progress has been made, in collaboration with the Service authorities and the Imperial Government, in planning for war or for any other major emergency. Much of this work is necessarily secret, and I cannot disclose its nature or extent, but the Council may rest assured that the position is steadily improving. Plans are in train for the expansion of the Royal East African Navy, the establishing of the Royal East African Navy Reserve and the Royal East African Navy Volunteer Reserve, the revival of the King's African Rifles Reserve,

[H.E. the Governor]

the expansion of the Kenya Regiment and the reconstitution of the Kenya Regiment Reserve and the Kenya Regiment Special Reserve. Plans are also in hand for the construction of a Military Training Centre at Nakuru, which will enable Kenya youths to do their compulsory training in the Colony instead of, as at present, in Southern Rhodesia. It is expected that it will be open for training, though not completely finished, in January, 1954.

It is hoped during this session to introduce a Bill amending the King's African Rifles Ordinance; the object is to make a variety of amendments which experience has shown to be required.

During 1952 some 7,000 men have gone to the Canal Zone for service as Pioneers, all were, of course, volunteers. Favourable reports of their discipline and usefulness have been received.

Bills will be laid before you to replace the Arms and Ammunition Ordinance by legislation designed to ensure greater security in the authorization of the possession of firearms, to amend the Penal Code to increase the penalties for certain offences of the nature of malicious injury to property, to amend the Advocates and the Law Society Ordinance, and to amend the Criminal Procedure Code to remove certain inconsistencies. The new Traffic Bill, of which the preparation has been delayed by the complexity of drafting, will also be laid before you this session.

The policy of the Prisons Department of dispersing convicts from the security prisons to temporary prison camps from which convict labour is employed to the economic advantage of the Colony has been to an extent interrupted by the necessity to make ad hoc arrangements for the reception and segregation of the considerable numbers of prisoners who are detained as the result of the activities of the proscribed *Mau Mau* society. The policy has not, however, been changed but will be extended as soon as circumstances permit. It has already proved its value in road-making, quarrying, clearing bush against tsetse fly and other ways.

To-morrow the Member for Finance will place before you the Draft Estimates of Revenue and Supply for 1953.

Finally, Mr. Speaker, may I convey to you and to all Members of the Legislative Council my very best wishes for the future.

I am sure that you will conduct your deliberations with that courtesy and wisdom which are essential if those high traditions of parliamentary procedure are to be followed upon which any true democracy is necessarily founded.

In this chamber will be debated many problems the successful solution of which may well determine the future of Kenya for decades to come.

May God assist you in your onerous task.

His Excellency the Governor retired and the business of Council proceeded.

ORAL NOTICES OF MOTION

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, I beg to give notice of the following Motions:—

(i) That the following Standing Committees of the Council be appointed:—

The Sessional Committee.

The Standing Finance Committee.

The Public Accounts Committee.

(ii) That the following Select Committee of the Council be appointed:—

The Select Committee to examine the East Africa (High Commission) Services.

THE MEMBER FOR LAW AND ORDER:

Mr. Speaker, I beg to give notice of the following Motion: That the following Select Committee of the Council be appointed:—

The Preservation of Law and Order Committee.

ADJOURNMENT

THE SPEAKER: Hon. Members, that concludes the business for to-day and the Council will stand adjourned until 9.30 a.m. tomorrow morning.

Council rose at five minutes past Eleven o'clock a.m.

Wednesday, 29th October, 1952

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

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

THE SPEAKER: I have to communicate to you hon. Members, that which I have received from Lieutenant-General Cameron, General Officer-Commanding East Africa Command. He writes:—

"Sir,

You will be aware that troops from Kenya, Uganda, Tanganyika and the United Kingdom are operating in connection of the police in certain districts in Kenya.

The task of these troops is not an easy one and their circumstances are often uncomfortable. It would be of considerable moral support to the troops to know that they have the sympathy and backing of Members of the Legislative Council.

If any hon. Member would care to pay an informal visit to the troops operating in his constituency, such a visit would be very welcome. Arrangements could be made direct, with the Officer Commanding the troops concerned or through my Headquarters.

If you, Sir, would yourself care to visit any of the troops I should be delighted to make the necessary arrangements.

I am, Sir,
Your obedient servant,"

I cannot read the signature but I know it is that of General Cameron. (Laughter.)

I take it that hon. Members will avail themselves of that opportunity. (Applause.)

PAPERS LAID

The following papers were laid on the Table:—

Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya for the year 1953.

Draft Estimates of Expenditure and Memorandum of the Development and Reconstruction Authority for the year 1953.

Estimates of Revenue and Expenditure of the Road Authority for the year 1953.

(BY THE MEMBER FOR FINANCE)

MOTION

APPOINTMENT OF A COMMITTEE OF SUPPLY

THE MEMBER FOR FINANCE: Mr. Speaker, under Standing Order No. 131, I beg to move that this Council will, *To-morrow*, resolve itself into a Committee to consider of the Supply to be granted to His Excellency the Governor.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

The question was put and carried.

MOTION

APPOINTMENT OF A COMMITTEE OF WAYS AND MEANS

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that this Council will, *To-morrow*, resolve itself into a Committee to consider of the Ways and Means to be granted to His Excellency the Governor.

THE MEMBER FOR DEVELOPMENT seconded.

The question was put and carried.

MOTION

APPOINTMENT OF STANDING COMMITTEES

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, I beg to move that the following Standing Committee 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.

Lt.-Col. W. S. Marchant, C.M.G.,

O.B.E.

Mr. M. Blundell.

Mr. W. B. Haveloek.

Mr. A. B. Patel, C.M.G.

Mr. I. E. Nathoo.

Mr. E. W. Mathu.

[The Member for Development]
The Standing Finance Committee,
consisting of—

The Member for Finance (Chairman).

The Member for African Affairs.

The Member for Education and Labour.

The Secretary to the Treasury.

Lt-Col. E. S. Grogan.

Mr. W. B. Havelock.

Major A. G. Keyser, D.S.O.

Mr. J. E. Nathoo.

Mr. E. W. Mathu.

Sheikh Mahfoud Mackawil.

The Public Accounts Committee, consisting of—

Mr. M. Blundell (Chairman).

The Member for Finance.

The Solicitor General

Mr. G. M. Edye.

Lt.-Col. S. G. Gherrie, O.B.E.

Mr. C. O. Usher, M.C.

Dr. S. G. Hassan.

Mr. E. W. Mathu.

THE MEMBER FOR FINANCE seconded.

MR. A. B. PATEL (Eastern Area): Mr. Speaker, I beg to move an amendment—

THE SPEAKER: I thought that this was all a matter of formality and arranged; that was why I proceeded to put the question. I will propose the Motion formally if there is to be any debate or amendments.

MR. A. B. PATEL: Mr. Speaker, I beg to move an amendment to add to the names under the Standing Finance Committee of our hon. Mr. Chanan Singh as an additional Member, and I also beg to move that there shall be an additional Member under the Public Accounts Committee, the hon. Mr. J. S. Patel.

Mr. Speaker, I would like to make a few observations why I propose to move this amendment in regard to the personnel of these two committees.

Sir, in this Council we have an unwritten practice that all the groups are represented on the Committees which

are appointed by this Council, and a Indian group, the Indian-Elected Members who are elected under a separate roll, are not represented on the Standing Finance Committee or the Public Accounts Committee. It is absolutely essential, I submit, Mr. Speaker, that these amendments should be accepted by this Council to see that the Indian-Elected Members are represented. We have been trying our best, Mr. Speaker, to work as an Asian group, but at the same time it cannot be overlooked the unfortunately in the circumstances of the Colony we are three sub-groups, the Indian Members, the Indian Muslim Members and the Arab Members, and I hope that my amendments will receive very careful and sympathetic consideration by the Government, as well as the European Elected Members.

Mr. Speaker, I beg to move the amendments.

MR. CHANAN SINGH (Central Area): Mr. Speaker, I beg to second the addition of Mr. J. S. Patel's name to the Public Accounts Committee, but not for the reasons given by my learned friend, Mr. A. B. Patel. I think the representation of the Asian community is inadequate. That is my reason for the addition of Mr. Patel's name.

MR. HAVELOCK (Kiambu): Mr. Speaker, the hon. Mr. A. B. Patel has brought up a matter of rather important principle and I feel it is very unfortunate that he has not given this side the opportunity to discuss the matter before bringing it to this Council. In this particular case, I am afraid that the hon. European Members could not accept the amendment as proposed and, in fact, we would ask that the amendment should be withdrawn to give the opportunity to Unofficial Members as a whole to discuss the matter.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, I only received the information about this amendment as I was coming into the chamber, and while I would not wish to argue on the matter of principle at the moment, I would like to see the amendment withdrawn with a view to the matter being considered by the Sessional Committee. I am sorry that this came unexpectedly and I do suggest that it is a proper function of the Sessional Committee to consider this matter.

Appointment of—

MR. A. B. PATEL: Mr. Speaker, I am prepared to withdraw my amendments if I shall be given an assurance that the Sessional Committee can add the names if it so desires.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, Sir, I can give an assurance that the Sessional Committee can consider the matter but it would be for Council to confirm any recommendations of the Sessional Committee.

MR. A. B. PATEL: Mr. Speaker, I am prepared to withdraw the amendments on the understanding that the Sessional Committee shall consider it.

The amendment was, by leave, withdrawn.

The question was put and carried.

MOTION

APPOINTMENT OF SELECT COMMITTEES

THE MEMBER FOR DEVELOPMENT: 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.

Mr. G. M. Edye.

Mr. N. F. Harris.

Mr. W. B. Havelock.

Major A. G. Keyser, D.S.O.

Dr. S. G. Hassan.

Mr. F. W. Odede.

THE MEMBER FOR LAW AND ORDER seconded.

MR. A. B. PATEL: Mr. Speaker, I wish to move an amendment that the name of Mr. C. B. Madan be added to this Select Committee.

In this Committee, Sir, the personnel named in this Motion is such that I do not see any difficulty for the Government or the European Elected Members to

accept this amendment without further consideration by the Sessional Committee.

MR. J. S. PATEL seconded.

MR. HAVELOCK: Mr. Speaker, I would again repeat that this matter should be discussed by Unofficial Members as a whole. I am afraid the European Elected Members could not accept the amendment.

MR. NATHOO (West): I should like to make an observation on the composition of this Committee. In the last session one of the Arab Members was a member of this Committee. I notice his name has been omitted. I should like to know from the hon. Member for Development whether that is just an omission or whether it is a deliberate omission.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, Sir, if the facts are as stated, I think it must be a typographical omission, but without further reference to the records of this Council I am afraid I cannot give a categorical answer to that.

I have now had confirmation, Sir, of my impression that the name was omitted by mistake and I would beg your leave and the leave of this Council to add that name, Sir—the hon. Mr. Sheriff Abdullah Salim.

THE SPEAKER: I could not really give you leave to add anything informally, as the question has been proposed from the Chair.

The question that the hon. Mr. C. B. Madan be added to the list of the Members of the Committee on the East Africa High Commission Services was put—a division was called. Mr. Speaker counted the AYES standing in their places and declared the question negatived (S.O. 55 refers).

MR. HAVELOCK: Mr. Speaker, may I move an amendment that the name of the hon. Mr. Sheriff Abdullah Salim be added to this Committee.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

The question was put and carried.

The question of the Motion as amended was put and carried.

[The Member for Finance] 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, I repeat, the next sitting of the 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."

With those assurances I would suggest that the Council should consider the granting of an additional £200,000 to the Civil Contingencies Fund to enable the work of its operation to be expanded. In this way, between sittings of the Council, the Member for Finance could authorize payments for any urgent expenditure that could not await the laying of a Supplementary Estimate. I would give an undertaking, Sir, that in cases where there seemed any doubt the Leaders of the groups of hon. Members opposite would be consulted and their opinion obtained on any principle involved.

The Member for Finance and the Member whose portfolio was involved would, at the next sitting of the Council, have to explain and defend the expenditure. In this way the system of what, to use an easy phrase, I would call "Ministerial responsibility" to the Council would be emphasized, something which I think is very desirable in our present phase of parliamentary development and financial responsibility. (Hear, hear.) If this were acceptable to the Council I believe we should have evolved a system of parliamentary control and "Ministerial responsibility" as good as anything we can get at the moment. (Hear, hear.) The

Standing Finance Committee could then, I think, be dispensed with, for its functions would have been covered by the steps outlined.

One more point, Sir, before I turn to the economic position of the Colony and the Budget proper. I have for some months been investigating the possibility of the application of a Consolidated Fund procedure to the finances of the Colony. I had discussions on this matter when in London recently. I have arranged for my hon. friend, the Secretary to the Treasury, to go to London very shortly, to be joined there by the Director of Audit who is at present in England on leave and to review the position to see whether its application would be of value to us, as I believe it would. If the results of their discussions are satisfactory and acceptable to Government I propose to lay a White Paper before this Council during the present Session with a view to introducing the procedure in 1955.

And now, Sir, to turn to the economic position of the country. I had hoped that the paper on the national income would have been ready in time for to-day, but owing to the pressure of work in the East African Statistical Department, a great deal of which has been undertaken at my request, it will not be possible for the paper to be laid until late in November.

Hon. Members are aware that the collection of statistical data and economic information in a Colony such as Kenya presents many difficulties, though those things are essential if a fiscal policy is to be based on sound lines and framed to meet the needs of a changing economy. There are many statistical series which are badly needed. We have yet to have calculated our balance of payments with the outside world. We need more information about our capital development, studies of the trends of our growing secondary industries and of their capacity to meet our needs, whilst our knowledge about the population is still too little to be really useful. As a territory develops and becomes complex in its economic organization, statistical knowledge and economic research become imperative. I shall, however, give some preliminary estimates of Kenya's national income for 1951, subject to

[The Member for Finance] revision in the light of the final estimates made by the Statistical Department.

The preliminary estimate of Kenya's national income for 1951 is about £100 million, which is a 100 per cent increase over the 1946 income, although for the purposes of comparison in growth various adjustments would have to be made. Now, Sir, how does this compare with other parts of the world? Southern Rhodesia's national income had increased by nearly 50 per cent by the end of 1950. The national income of the Union of South Africa by 1950 had increased by some 60 per cent, while that of Australia had risen by about 125 per cent. In the United Kingdom it had, in monetary terms, increased by 50 per cent. Therefore in terms of national income, while accepting that these national incomes quoted are not on a strictly comparable basis, I think it may be said that the pace of Kenya's development is something that can be regarded with satisfaction and pride. (Hear, hear.)

Of course, development at such a pace must bring with it its problems and impose a great strain on the physical and material resources of the country which must keep in step with the overall demand. There are two methods by which information can be presented on the Colony's economic development. The first is in monetary terms, which is easier because the £ is a unit which permits of addition, but with more money being put into circulation and with higher prices a monetary record by itself is not sufficient. It is usual to deflate the various parts of the national income of a territory by a number of price indices in order to obtain an estimate of change in the real national income over time. Unfortunately, in this country we have at present only a cost of living index to use in estimating the change in our real national income. I will therefore deal with some changes in the real volume of production which have taken place since 1946. I will not describe the movements year by year, for that information will be published in due course, but I will compare 1951, which is the last year for which we have complete information, with 1946 and, sometimes, with the best figures of the other years.

In non-African agriculture, there has been an encouraging increase. Compared

with 1946 wheat production has risen from some 73,000 tons to about 112,000 tons, while maize has risen from about the same figure to 109,000 tons. These represent roughly a 55 per cent change. The increases in other cereals have been even greater. Although there was a fall in the output of wheat compared with 1950 this was due to unfortunate climatic conditions, for there was recorded the breaking of some 30,000 acres of new land between 1950 and 1951. The coffee crop in 1951 was over 16,000 tons, compared with a figure of 9,000 tons in 1946. The other plantation crops, tea, sugar and sisal, have shown similar increases, namely 15 per cent, 33 per cent and 50 per cent respectively.

The dairy industry also shows a record of higher output. Milk sales recorded as 8.3 million gallons in 1950 had risen to 9.7 million in 1951, while butter had moved from 3,400 tons to 4,100 tons, an increase of 20 per cent. So that while it can be said that the net value of agriculture in the geographical income of Kenya has increased to some extent because of price increases, it is important to realize that a substantial part of the increase has been due to greater output from non-African agriculture. (Applause.)

The mineral industry of Kenya has not lagged behind. The recorded production of soda ash in 1951 was 20,000 tons greater than in 1950, while for all the other major minerals, with the exception of gold, there were increases in output. Among our manufacturing industries, not yet well recorded statistically, although it is important that they should be, there have been some noticeable improvements. A very good indication of economic development in the country is the growth of sales of electricity, and it is interesting to see that these sales which were nearly 35 million kilowatt hours in 1946 were 91.5 million in 1951, a nearly threefold increase and not out of line with the general progress of the Colony. (Applause.)

While on the subject of the volume of production, Members may be interested in some figures of buildings completed for private ownership during 1951. We have no figures for 1946 but in 1947 the floor areas of buildings completed in Nairobi and Mombasa amounted to less than one million square feet. In 1951 the

[The Member for Finance] figure was nearly three million square feet, an increase of over 200 per cent in five years. If hon. Members agree to the Economic Research Unit, which is suggested in this year's Estimates, one of its first tasks must be to review the capacity of our building and contracting industry in terms of men and material as compared with the tremendous demand which the Government, local government and private programmes are placing upon it. I need not underline, I am sure, to hon. Members the inflationary factor introduced into the building industry if its capacity is insufficient to meet the tremendous increase in demand that is being placed upon it. For many other industries it is not easy to give statistics of volume, but I think that these examples show that the resources of the Colony have been developing at a rapid pace and that the increase in the volume of production over the last six years, has been most satisfactory.

We have a high rate of imports into Kenya, the total in 1951 being, in round terms, £50 million, but of all the goods imported only 30 per cent can be classified as consumer goods, a classification which includes cotton piece goods and motor-cars. About 23 per cent were producer capital goods consisting of machinery and accessories, railway stock, commercial lorries and all those other capital aids to production. The remainder, nearly 40 per cent, consisted of producer materials, while foodstuffs accounted for only 6 per cent. Out of our total imports we can say, therefore, that about two-thirds of the goods imported were for production purposes and not for direct consumption. This type of import is one needed to permit increases in the national productivity in the years to come. Estimates of our imports for 1952 show a higher figure than those for 1951, and a first analysis seems to indicate very satisfactorily that producers' capital goods or producers' materials will form an even higher proportion in 1952 than in the previous years.

But there have been other types of capital formation, in addition to the importation of machinery and production aids. These are sometimes difficult to assess because they take place in the Colony, are not included in trade statistics and our information is there-

fore incomplete. It is not possible to go back and compare 1951 with 1946, but in a comparison with 1948 there had been by 1951 an upward movement in the monetary value of buildings completed. For 1951 the value has been estimated at some £8.1 million, while it is believed that in 1948 the value was not greater than £4 million. Some indication of the importance of the building and construction industry can be obtained from a study of the importation of cement which rose from nearly 22,000 tons in 1946 to 60,000 tons in 1948, and 100,000 tons in 1951. A rough appraisal, therefore, of total capital formation shows that a present it is in the neighbourhood of £4 million per annum and that it has been much lower than that during its past two years. We must not, of course, compare that figure with the net output of the Colony, for it covers not only the capital goods bought from the resources of Kenya residents but those imported and paid for by other persons. It is estimated indeed that a high proportion of the capital inflow into the Colony is of this nature. The full results of this capital inflow—such as the bringing into the market of extra local supplies from agriculture and industry have still to be seen.

Now, Sir, I cannot of course let this occasion pass without remarking on the cost of living and the effect of prices on the general standards of the population. We often hear how expensive it is to live in Kenya, in Nairobi or even in Mombasa, but a good indication of the relative change in the purchasing power of the £ can be obtained from a study of the cost of living indices of various territories. It must be admitted that these various indices are not strictly comparable as they are on different bases and sometimes do not include the same type of goods. For instance, certain territories include a real element in their index which at present is difficult to include in the one now calculated for Nairobi. Compared with the end of 1946, purchasing power of the £ in Nairobi was at June, 1952, in the order of Sh. 14, a change which compares very favourably with many other countries suffering, if that is the right word, from rapid economic development. The fall in the purchasing power of the £ over the same period in Southern Rhodesia has been almost identical, whilst the movement was within a few cents in New

[The Member for Finance] Zealand. In South Africa the purchasing power of the £ is possibly a shilling greater, but I must warn hon. Members again that in these comparisons the figures are liable to an error of the order of a shilling at least. In Australia there has been an even greater fall in the purchasing power of the £ as calculated by these methods. It would therefore seem that compared with other areas Kenya has not fared too badly.

I have given the Council some indication of the increase in the volume of production and pointed out that the national income shows a 100 per cent increase since 1946. If you take the trends of production and general economic development and place them on a graph, the cost of living index or the fall in the purchasing power of the £ still lags behind the other changes. I would like to repeat that, if you take the trends of production and general economic development and place them on a graph, the cost of living index or the fall in the purchasing power of the £ still lags behind the other changes. Naturally, rapid economic development has caused a certain amount of inflation for this is one way by which economic change takes place, as it makes for good trading and confidence and businessmen are more prepared to take risks than in times of depression. But whatever the cost of living may have been the development of the Colony has been real and has not taken place merely by price rises.

The comparison of commodity prices in Kenya and overseas is a very difficult task because often world prices only refer to the marginal amount of a country's produce which goes on to the world market. But taking retail prices of some major foodstuffs we are now reaching a level comparable to that in some of the more expensive countries. We must remember that the cost of improved education, the cost of hospitals and health services, the cost of roads, the cost of necessary measures to maintain law and order, all these have to be reflected in the cost of the goods and the services that people buy or receive. In many of the more established countries with longer histories the basic services were established and the first cost met many years ago. For these countries the problem is one of maintenance and expansion upon

a foundation already laid and paid for, but in territories like this, it is not only the maintenance to be paid for, but indeed, the very foundation of the service.

We are still and will be for many years paying not for the standard of social services that we would all of us like to obtain, but for the establishment of the minimum educational and social services that the people regard as necessary. All these expanding services and all these additional costs, the demands for higher standards of living and higher wages, as human beings demand more and more progress and expand their fundamental requirements, make it of course more difficult for the individual in many cases to make ends meet. This emphasizes that, in what I might call the middle class—the middle and higher income groups, the standards of living they have previously enjoyed can only be maintained by greater production, by greater wealth in the country, or the situation must be met by a gradual reduction in their standards of living. (Hear, hear.)

It may be that the situation will have to be met by the provision of services with, what I will call, a more general spread of the burden. The State has already in this country begun that attempt to spread the cost of certain services as indeed has almost every modern state, by the provision of these services from State revenue with assistance in contribution to the cost to the individual of other services. But that provision and that contribution which levels out the cost to the individual can only be found from taxation, be it direct or indirect; taxation which must of necessity draw more from those who have more than it does from those who have little. But our task in a Colony of this kind, developing at such a rapid rate, is to make certain that the impact of taxation falls where it does the least harm to the general economy, production, real wealth and expansion of the country. (Applause.) (Hear, hear.)

We are apt to forget the effect of population growth on the general economy of the Colony, because in more advanced countries changes in the population are slow and steady, but in East Africa, particularly among the non-Africans, the increases have been of

[The Member for Finance]

importance. Since the termination of hostilities in 1945, we have had only one census, although we hope to hold another one in 1953, but on the best estimates which are available, it is thought that the non-African population increased from 1946 to the end of 1951 by some 50 per cent. Much of this increase has come from immigration and has brought with it not only initiative and drive and development but a consequent demand for increased expenditure on services.

An indication of the possible accuracy of this increase of 50 per cent is seen when compared with that of the neighbouring territory of Tanganyika. Tanganyika held a census in 1952, and in those four years—48-52—there had been a growth of some 33 per cent, or 7 per cent per annum in the non-African population. An increase of 7 per cent per annum over six years results in a total increase of nearly 50 per cent. The African population has been increasing over the same time but naturally not at the same rate because of the lack of immigration figures.

An important factor influencing economic change has been the movement of a large number of Africans from their own rural areas to urban areas and although the African urban population is possibly not more than 3 per cent of the total African population of the Colony, the demands of the urban African on the marketable resources of the Colony are out of proportion to their numbers. With the migration into the towns there enters into a cash economy and our efforts to increase their standards of living result in competition for the available resources. No one would wish to prevent this change but its effects must be realized. For a time at any rate the growth of population may outstrip production but that growth is an incentive and a challenge. The growing pains of our changing economy will be felt but let us hope not too long.

I said earlier that we have yet to have calculated an exact statement of our balance of payments, but we can obtain some idea of the position from the various statistics at present available. I should like to emphasize that in a common currency area, it is not possible to estimate accurately the balance of payments between the territories forming

that currency area. Sometimes, trade statistics are quoted emphasizing the adverse balance of trade of Kenya and the favourable balance of other territories, but it should not be forgotten that goods which are recorded as an export of one territory may pay for imports into another territory. Since there is no barrier to the movement of funds between these territories, funds earned in one territory can easily be invested in another. The valuation of both imports and exports is at the point of entry or departure, and the provision of statistics on a territorial basis can give misleading results. Often no allowance is made in the valuation of imports for harbour dues or the cost of transportation or other charges which may arise. In contrast the amount of such costs incurred by exports is added to the value as these are shown at an f.o.b. price. Services by Kenya on behalf of other people are often not included in trade statistics. Since the Port of Mombasa handles some three-quarters of the total import and export tonnage of East Africa the recorded value to Kenya of services rendered on behalf of other territories would be very great if we had different currencies. Moreover the value of invisibles in the balance of payments position of Kenya has not yet been computed, but it is important. In Nairobi we have the head offices of the banks, the large commercial houses and also the airways. (Laughter.) Our hotels cater not only for the Kenya holidaymaker but even more so for the tourist from other parts of Africa as well as from abroad. Our medical practitioners treat patients from many areas of Africa, and a fair proportion of their income is derived, it is believed, from patients not resident in Kenya. Our hospitals are used in the same way. We have only to study the number of non-Kenya pupils in our schools to realize that here is another invisible export of the Colony.

Now, Sir, I mention these facts only to emphasize that there are two sides to every question. We are partners in one currency which in the larger issue is bound to the sterling area, affected from time to time by those measures necessary to ensure stability of the major currency, sterling. The sterling balances of East Africa have risen steadily since 1946 and now total at least £150 million. These

[The Member for Finance]

are made up of Currency Board reserves, the reserves of the commercial banks and the value of Government holdings abroad; a good reserve against any slight depression these territories might incur. The large increase in the Currency Board reserves in circulation, which at 30th June, 1951, amounted to some £36 million, compared with nearly £21 million in 1946. I am told that at 31st December, 1951, currency in circulation was estimated at £45 million. We must remember that the increase in our currency circulation can only come about by sterling or other funds being placed in the Currency Board in exchange for East African currency. Our currency, therefore, is backed 100 per cent and the increase in circulation is the result of money earned either by exports, visible or invisible, by the inflow of capital or by donations, official or private.

The statistics of the commercial banks confirm my remarks on the Kenya economy. Hon. Members will realize that deposits with commercial banks represent the assets of individual depositors. These rose from less than £21 million at the end of 1946 to some £43 million at the middle of 1952. From 1946, to March, 1952, the loans and advances given by the banks increased from some £2.8 million to some £22 million. That figure had fallen by the middle of the year to £18.7 million. The Government is discussing this matter with the banks to ascertain the reasons for the fall, for a policy of restriction of credit, applied stringently, though suitable for some countries in the sterling area, might well prove harmful to a developing country like ours. (Hear, hear.) The balances of our commercial banks held at their head offices were considerable, being about £25 million, a figure which is included in the estimate of East African sterling balances.

A review of the period 1946 to date would not be complete, I feel, Sir, if I did not give some figures to show the growth of our Budgets during that time. In doing so I shall deal with what I will term "true net current expenditure". That I believe is the true figure we must train ourselves to deal with in the future.

That is the gross expenditure after deduction of the share of other Governments of joint services expenditures, of expenditure covered by reimbursements in transactions in which the Government has acted as an agent for some other body, transfers to the Development and Reconstruction Authority and expenditure as a direct result of which revenue is earned in return for a specific service rendered to the individual, as, for instance, educational fees. In this last respect, royalties have not, of course, been regarded as off-setting revenue.

In 1946 the true net current expenditure on the basis I have outlined was £5,641,863, and the percentages of the distribution of that expenditure, which I would like hon. Members to listen to with care, were as follows:—

	Per cent
Administration	6.4
Maintenance of Law and Order	9.6
Collection of Revenue and Control of Finance	3.4
Public Debt	4.7
Pensions and Gratuities	8.1
Defence	2.9
Development of Resources (grouped together)—	
Agriculture and Animal Husbandry	10.3
Forestry	2.8
Lands and Mines	0.8
Waterworks	1.0
Transport	6.8
Labour	0.3
Miscellaneous	2.6
Grouped as Social Services—	
Education	8.6
Health	7.7
Social Welfare	3.4
Miscellaneous	6.4
Public Works (unallocable) (which includes such things as Government housing, Government offices, etc.)	9.5
Other Expenditure (unallocable)	4.7

If hon. Members notice that the percentages given do not exactly add up to 100 per cent that is due to the fact that the percentages have been rounded off for the sake of easy statement. And I would point out that this basic distribution on a functional basis represents the policy of this hon. Council and Government at the time.

[The Member for Finance]

On the same basis, by 1950 the net current expenditure had risen to £10,078,240 and the percentages had become—

	Per cent
Administration	7.3
Maintenance of Law and Order	11.6
Collection of Revenue and Control of Finance	3.6
Public Debt	6.5
Pensions and Gratitudes	6.0
Defence	5.6

Development of Resources—

Agriculture and Animal Husbandry	8.0
Forestry	1.3
Lands and Mines	1.6
Waterworks	0.5
Transport	11.3
Labour	0.9
Miscellaneous	2.9

Grouped as Social Services—

Education	8.3
Health	8.4
Social Welfare	2.3
Miscellaneous	1.7
Public Works (unallocable)	6.5
Other Expenditure (unallocable)	5.7

Now, Sir, I turn to the year through which we are passing—1952, and here I have taken the revised Estimates which, of course, represent more accurately the year's working than the figures presented in the Estimates approved at last year's Budget sitting. It has often been said that estimates are only estimates. The revised Estimates, however, do give us the nearest approximation to the actual expenditure for 1952 that we can get at this stage.

On the same basis as before the net current expenditure on the revised Estimates for 1952 is £14,192,567, a figure to which I shall refer later in my speech in another respect. The distribution on the same functional basis as before is as follows:—

	Per cent
Administration	7.1
Maintenance of Law and Order	12.8
Collection of Revenue and Control of Finance	3.3
Public Debt	4.1
Pensions and Gratitudes	5.6
Defence	5.1

Development of Resources—

Agriculture and Animal Husbandry	10.2
Forestry	1.6
Lands and Mines	1.7
Waterworks	1.1
Transport	4.9
Labour	1.0
Miscellaneous	3.0
Grouped as Social Services—	
Education	12.8
Health	8.9
Social Welfare	1.4
Miscellaneous	2.7
Public Works (unallocable)	6.7
Other Expenditure (unallocable)	5.9

The remark, of course, that I have made about the need for rounding off percentages applies to all these tables.

A comparison of those percentages will, I think, repay hon. Members, for there is the expression of the policy that has been carried out, the manner in which the taxpayers' money has been spent, for nearly the whole of the net current expenditure has to be paid for from taxation. Members will notice that the group "Development of Resources" has remained remarkably steady—24.6 per cent, 26.5 per cent, 23.5 per cent. "Social Services"—26.1 per cent, 20.7 per cent, 23.8 per cent. "Administration"—6.4 per cent, 7.3 per cent, 7.1 per cent.

When Mr. Matthews spoke on the 31st October, 1951, he estimated that the surplus for that year would be £524,812 and that the total of the accumulated surplus balances on the 31st December, 1951, would be £6,983,334. In implementation of the undertaking given by Mr. Matthews, £1 million was transferred to the Development and Reconstruction Authority from the surplus balances but so buoyant was the revenue, largely as a result of the collection of some £750,000 arrears of income tax that, in spite of that transfer, on the 1st January, 1952, the general revenue balance stood at £7,231,661.

The revised Kenya revenue figure for 1952, that is its gross revenue less other Governments' share of joint services expenditure is £18,872,878. The revised Kenya expenditure for 1952 is £17,570,000. The increase in revenue as against the original figures is mainly due

Per cent

[The Member for Finance]

to customs and excise, which through increase in prices, and such factors as the restriction of imports from certain markets showed an increase of £400,000 to an extra £850,000 from income tax, an extra £100,000 in stamp duties, to Provisional Fund surrenders which brought in £352,000 to £150,000 from the sale of assets of the East African Industrial Management Board and to an extra £170,000 in interest caused by increase in interest rates and by Government investments.

The increase in the expenditure side is mainly due to such items as cost of living allowance increases—£475,000, law and order—£160,000, to an increase in the calling for unallocated stores for the Public Works Department of £200,000, to the granting of £62,000 to the Nairobi European Teaching Hospital, and of £41,000 to the Nakuru War Memorial Hospital to drawbacks of customs assistance to secondary industries—£70,000, to refunds of revenue for fence posts and pencil slats—£28,000, assistance to gold mines—£35,000, to construction of sewers and roads to assist in the development of an Asian housing area—£36,000, and numerous other items.

And now, Sir, to turn to the 1953 Budget, the Draft Estimates before the Council. In addition to the volume of the Draft Estimates, hon. Members will have in front of them a booklet entitled "The 1953 Budget" for the production of which I am indebted to the East African Statistical Department and in particular to Mr. Martin, the Director, and Mr. Haddon Cave. (Applause.) I should also like to make due acknowledgment to Mrs. Haddon Cave, who was responsible for the design and execution of the pictorial side of the booklet. I shall make reference to this booklet from time to time, for it shows in a manner easy to grasp the main distribution of revenue collection and expenditure for 1953. This booklet will be on sale to the public at a price of Sh. 1. I should like to express my hope that many of those people who are too busy or who find the Draft Estimates too detailed and too complicated will buy this and acquaint themselves with the manner in which the finance of Kenya is raised and the expenditure directed.

As I said before, Sir, the comparison between the 1953 Estimates and the re-

vised 1952 figures is the one I wish to make. The 1953 estimated revenue figure is £18,914,078 which is £41,200 greater than the revised 1952 revenue figure. There is a decrease in the estimated revenue on the following items: Export duties, £207,000; Income tax, £50,000; Sale of assets of East African Industrial Management Board, £150,000; Provisional Fund surrenders, £352,000; and reimbursement from the Hides and Skins Cess Fund of £38,000. Against that, the 1953 Estimates show increases on the following revenue items: Customs and Excise, £167,000; Licences under the Traffic Ordinance, £153,500; Educational fees, £114,000; Soil Conservation Revenue, £156,000; Interest, £35,000; Mechanical Transport and Plant Funding Scheme for Renewals, £150,000; Earnings of Government Departments £44,000, with Miscellaneous small items, £20,000.

The 1953 estimated expenditure figure of £18,585,692 exceeds the 1952 revised expenditure figure of £17,570,000 by £1,015,692. The 1952 revised Estimates include certain items which are not repeated and others which show a reduction in 1953. The more important ones are: Increases in the Public-Works Department unallocated stores, £200,000; Special contribution to Development and Reconstruction Authority reduced by £207,000; Grants to hospitals on a capital basis and surgical stores and equipment, £150,000; Loans from revenue, £70,000; Khaki drill, £100,000. (Laughter.) Public Works non-recurrent, £62,000, Veterinary Department non-recurrent, £42,000.

In the following cases the 1953 Estimates are greater than the revised Estimates for 1952 by the following amounts: Cost of living allowance, £155,000; Education, £416,000; Public debt, £210,000; Services formerly provided for in the Development and Reconstruction Authority Estimates, £100,000; Law and Order, £184,000; Public Works Recurrent on account of Mechanical Scheme, Transport and Plant Funding Scheme, £150,000; Road Authority, £153,500; Special contribution to Road Authority, £150,000; Administration, £59,000; Agricultural Department, £42,000; Medical Department, £50,000.

There is therefore an estimated surplus for 1953 of £328,386, and an estimated general revenue balance as at the 31st

[The Member for Finance] December, 1953, of £8,862,925, but hon. Members will be well aware that since these Estimates were drawn up an increase in cost of living allowances has been approved by this Council which involves an additional expenditure during 1953 of approximately £220,000 and this amount should be deducted from the estimated surplus and the estimated general revenue balance. This means that the estimated surplus for 1953 is really £108,386.

Now, to deal first with expenditure. On Chart 8 in the booklet hon. Members will see the net expenditure assessed on the basis I have previously used. This shows that the current net revised expenditure for the year 1953 is estimated at £14,857,881, an increase over the 1952 figure of £660,000, that is the true comparison. The 1953 current net expenditure has been distributed, using the same functional heads as before in the following manner:—

	Per cent
Administration	6.5
Maintenance of Law and Order	13.7
Collection of Revenue and Control of Finance	3.8
Public Debt	5.4
Pensions and Gratuities	5.0
Defence	5.2
Development of Resources—	
Agriculture and Animal Husbandry	10.0
Forestry	1.4
Lands and Mines	1.6
Waterworks	0.3
Transport	7.2
Labour	1.0
Miscellaneous	3.0
Grouped as Social Services—	
Education	14.3
Health	8.8
Social Welfare	1.6
Miscellaneous	1.0
Public Works (unallocable)	5.9
Other Expenditure (unallocable)	4.2

On Charts 5, 6 and 7 of the booklet, hon. Members will see how it is proposed to spend our money in 1953. In these three charts the figures used are gross expenditure less reimbursements. I think a study of these charts and of the figures that I will give will show that the Government's policy is a balanced

one, with the emphasis on those natural resources, human and otherwise, which our future depends. Perhaps the most disturbing figure is that represented by the maintenance of law and order. I should add here that the 1953 figure include expenditure on Tribal Police formerly included under Administration. This inclusion has the effect of increasing the percentage under Law and Order by about 0.2 per cent. This level of expenditure on Law and Order is avoidable at present but there is little doubt that we are using money in the direction which is badly needed for our social and development services. (Hear, hear.)

I have pointed out to hon. Member that the estimated general revenue balance as at 31st December, 1953, will be £8,642,925. As usual the financial statement contains a note of the major contingent liabilities. I regret that it has not been possible during the year to arrange an alternative source of short term finance for the large sums we have to find for the purchase and marketing of the principal cereal crops. It would be correct to say that it is possible now to arrange this for a year or two, but I'm sure hon. Members will agree with me before the matter can be finally settled. Government must be assured that the money would be available each year, even though the terms varied according to the level of the money market at the time the advance was taken up. Costliness in that is essential.

We have given guarantees for overdrafts up to £2.5 million for Maize and Produce Control and have to retain cash with our bankers to offset them. We have given further guarantees for £250,000 for the East Africa High Commission for the provision of housing, and £350,000 for the Land and Agricultural Bank. I must warn hon. Members here, too, that if the Land Bank is to continue its excellent work of assisting in agricultural development, it may be necessary to provide it with further capital during the coming year.

The approved Development Plan plus the National Service Training Centre, an addition of £50,000 in respect of the Hill School, Eldoret, and expenditure on development in the cotton areas, now totals £41.7 million. From 1946 to 1951

[The Member for Finance] the Development and Reconstruction Authority has spent some £17.6 million. The 1952 revised estimate of expenditure is £5.6 million and in the 1953 Estimate £6.7 million. We have during the year raised by loan another £6 million. This leaves us with another six and a half million pounds to raise by loan within the approved programme.

Thus despite the transfer of £1 million to the Development and Reconstruction Authority and the receipt from export duties in 1952 of an estimated £517,000 there is still a gap of some £3 million to be closed as the position stands at the end of 1952. That figure is reached after allowing for the normal contributions to the Development and Reconstruction Authority in respect of £300,000 annual contribution and the contribution of £112,000 for public works non-recurrent for the years 1953, 1954 and 1955. The Government has appointed a planning sub-committee of Executive Council. That committee still has to give consideration to the construction of an airport at Embakasi which, if proceeded with, will make further demands upon the available money. It has also many new requests to consider which have been submitted by Members in respect of their various portfolios.

Under these circumstances Government has not found it possible to relinquish the revenue received from export duties—(shame!)—and the necessary duties will be placed before the Council to extend the life of these duties for another year. (Shame!) In face of falling prices we expect to receive a decreased sum during 1953 and it has been estimated at £310,000. This does not, of course, affect the net current expenditure Budget because the money is transferable to the Development and Reconstruction Authority. I realize that some hon. Members opposite will receive this news with regret. I can only assure them that from time to time the Government reviews the position from time to time. However, with regard to sisal, the Government recognizes that anomalies may well have been created by the system of levying duty on average values and if it is the wish of the Kenya Sisal Growers'

Association it is prepared to introduce a Bill to allow the duty to be charged on the actual value of individual consignments with effect from 1st December, 1952. (Applause.)

During the coming year it is hoped to introduce Savings Certificates on a basis which will provide an attractive investment. If such a scheme is successful the money received will be used towards the financing of the Development Plan.

Now, before I leave development I would like to draw hon. Members' attention to Chart 9 of the "Budget booklet". There they will see that by the end of 1953 it is estimated that we shall have spent £30 million. Of that £7,333,000 will have been spent on agriculture and animal husbandry, £376,000 on forestry, £2,617,000 on waterworks and development, £4,698,000 on transport, that is roads, bridges and airways, £5,428,000 on education, £1,187,000 on health, £981,000 on Police and Prison buildings and the balance on such things as Government housing, community housing schemes, Government offices, military, survey and other buildings, geological survey, national parks and administrative costs.

It has been the policy of Government to encourage the development of local responsibility through the expansion of local government. In the Development Plan the sum of £1,800,000 was allocated for loans to local authorities. It has become increasingly apparent that with the great steps forward being taken by local government in this country this sum will be far from sufficient if local authority capital development is not to be stifled by lack of funds. A Bill will, therefore, shortly be laid before the Council which will provide for the creation of a Local Loans Authority with various powers of its own and with the function of lending money to local authorities against approved loan sanction. (Applause.) Government is of the opinion that if the Local Loans Authority can be started off on a sound financial basis with adequate resources it should be able to negotiate composite loans on behalf of local authorities and secure direct entry into money markets.

It is, therefore, proposed that the sum of £1,800,000 shall be transferred as a grant to the Local Loans Authority and

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that it shall operate on the revolving fund principle. The income that the Authority receives from the loans it has made will be available for relending. This Council will later be asked to agree to this transfer and in anticipation of this those items in the revenue estimates that represent repayments of principal and interest in respect of loans already made to local authorities from the Development and Reconstruction Authority amount have been deleted from the present Estimates. In 1953 some £31,000 is shall I say hidden contribution to local government through deletion, but when the whole £1,800,000 has been transferred, the contribution will be in the nature of £125,000 a year. Nevertheless the Government attaches such importance to the availability of capital to local authorities for development that it has no hesitation in placing this proposal before the Council.

Another sacrifice of revenue has been entailed by the decision to place the Housing Fund on a revolving fund basis. In 1953, for interest and redemption £11,448 has been deleted from the revenue side.

The Higher Education Loans Fund for 1953 involves a revenue sacrifice of £372, an amount which will grow, of course, as the sum granted to the fund is taken up. The Government is anxious to give the greatest encouragement possible to our local youth to gain professional and occupational qualifications so that more and more of the posts of that kind can be filled by our own people. During the coming year the Government will review the possibility of giving further assistance to people studying at overseas institutions approved by the educational authorities.

Hon. Members will have observed that provision has been made this year for £100,000 for assistance to secondary industries. This will be no new item to Members of the Standing Finance Committee. It was felt however that it should be placed in the Estimates so that full recognition could be given of the fact that assistance is given in this manner to a number of those secondary industries we are so anxious to develop. (Hear, hear.)

There is an increase this year in educational costs of some £416,000 without addition for cost of living allowances

already mentioned. This is accounted for by European tuition, £48,790; European boarding, £23,125; Asian education, £70,980; Goan education, £11,995; Arab education, £5,239; African education, £245,153; Trade and technical, £10,822.

It was felt that the whole of this increase should not be borne by the taxpayer and that in so far as boarding schools in particular were concerned the time had come for a readjustment in the charges made. It has therefore been decided by the Governor in Council that fees in European and Asian schools shall be increased. In European schools primary tuition will go from £9 to £15 and boarding charges from £60 to £90 per annum. In European secondary schools tuition fees will rise from £22 10s. to £33 and boarding charges from £72 to £90 per annum. In Asian schools, where at present the rates vary in the different standards, the fees will be increased or adjusted so that all girls and boys in the primary schools will be charged £4 19s. per annum and in the secondary schools girls and boys alike in all standards £12 1s. per annum. If the rates of remission remain as at present these increases should bring additional offsetting revenue of £114,000, of which £47,000 will be from European boarding charges, £27,000 from European tuition fees and £40,000 from Asian tuition fees. On the other hand, the Governor in Council has amended the European Schools Grant-in-Aid Rules, 1948, and the Indian and Goan Schools Grant-in-Aid Rules, 1945, so that with effect from 1st January, 1953, grant-in-aid will be paid up to fourth-fifths of the salaries of the approved teaching staff (plus four-fifths of the actual expenditure on reliefs, passages and provident fund contributions) instead of at the present rate of two-thirds. I wait for the hon. Members opposite to say "hear, hear" with the same vociferous manner with which a moment ago they cried "aham!" The proviso in rule 10/1 of the European Schools Rules which limited the grant-in-aid so that it did not exceed the amount by which the income of the school concerned from other sources falls short of the cost as approved by the Director will be deleted.

The net current expenditure cost of education to the taxpayer has risen from £484,782 in 1946 to £840,653 in 1950 and in 1953 to £2,125,765; which is some

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indication of the tremendous effort that is being made to improve and extend the educational system of our country and to hurry forward the advancement of our people. (Hear, hear.)

In these Estimates we have carried further the transfer of recurrent expenditure from the Development and Reconstruction Authority to the ordinary Budget, a process which I think hon. Members will agree is a wise and prudent one and which should be hastened as much as possible. The transfer this year amounts to some £100,000, mainly on account of the Agricultural Department Soil Conservation Services, £71,110 and the Veterinary Department, £18,600.

Now, Sir, with the acceptance of the principle of a Road Authority and the hypothecation to that Authority of certain groups of revenue the control of the amount of money that should be spent on roads, as distinct from services, has to a certain extent passed from the Treasury, and to a certain degree, from this Council. The sum of £822,670 appears in these Estimates as a statutory contribution to the Road Authority. In addition, there is an item of special contribution in 1953 to the Road Authority of £150,000. The Road Authority Committee, in its final report of September, 1949, recommended that consideration should be given to increasing the rates of motor vehicle licences. During the past year the Road Authority has recommended to the Government that increases in these rates should be made. The rates now proposed are in fact appreciably less than those which were recommended by the original committee. If these increases are accepted by the Council an additional revenue of an estimated £153,500 per annum will, with the exception of any moneys transferred to local government bodies, be paid to the Road Authority. The following increase is suggested: For motor vehicles with pneumatic tyres for every additional 250 lb. or part thereof in excess of 1,500 lb. tare weight—Sh. 20 as opposed to the present rate of Sh. 10. The necessary legislation will be placed before the Council in due course.

In so far as African poll tax is concerned, it is proposed that there should be no change in the rate for 1953, except for the Kiambu, Fort Hall and Nyeri

Districts of the Central Province. In view of the increase in the price of maize and the desirability of bringing these districts into line with the Nyanza districts, the rate in those districts will be raised from Sh. 17 to Sh. 18. This should provide additional revenue to the extent of £8,500.

The Colony has not yet progressed to the stage where it has provided anything in the nature of that particular section of social security which deals with old age. As hon. Members are aware the only Vote from which assistance can be given is that which appears as Relief of Distress. As a small measure of assistance and because of a desire to avoid disturbance of small family estates and businesses it has been decided to reduce the impact of estate duty, more commonly known as death duty, by exempting completely the first £5,000 and reducing the rate on the section £5,000 to £10,000 from 2½ per cent to 2 per cent. (Applause.) The loss of revenue entailed is difficult to assess, but it is not anticipated that it will exceed £10,000 in the coming year.

Some time ago the hon. Member for Uasin Gishu moved a Motion which was accepted by Government—that it should consider the advisability of removing customs duty and consumption tax on aviation spirit. Refunds of the duty and tax were arranged for the air charter companies and the Aero Club of East Africa. The International Air Lines are refunded customs duty at present but pay consumption tax on the aviation spirit used on that part of their flights which takes their planes from the airport to the boundary. The number of ex gratia refunds has now reached a level where it is considered that it would be more economical to remove both the duty and the tax. I lay on the Table a copy of a Bill to amend the Schedule of the Customs Tariff Ordinance which is designed to remove the duty together with a provisional collection order, the effect of which is to make the removal of the duty operative as from to-day, pending the approval of the Bill which will be taken through all its stages at the proper time. (Applause.) I also give notice under the provisions of the Provisional Collection of Taxes Ordinance 1951 of a motion to remove the tax levied on

[The Member for Finance] avigation spirit under the provisions of the Dangerous Petroleum Tax Ordinance.

I am sure that hon. Members who represent the Coast area will be glad to know that agreement has been reached with the Nyali Bridge Company, whereby the Company will, as from the 1st January, 1953, for one year, reduce by 50 per cent the tolls payable by the public. (Applause.) In announcing the agreement which has been reached between the Company and the Government I must say three things:

(1) The amount needed to maintain the 50 per cent reduction of the bridge tolls will be subject to annual review and negotiation between the Company and the Government in the light of the previous year's experience.

(2) The Council will, of course, realize that if it should at any time in the future, refuse to vote the £10,000 or whatever sum was regarded as the amount of subsidy necessary to maintain the tolls at the 50 per cent level, the Company would, perforce, have to reinstate the full toll charge. No blame could be attached to the Company in those circumstances and the responsibility would rest completely with the Legislature.

(3) It must be recognized that this agreement with regard to tolls is completely without prejudice to the position of either side in so far as the concession agreement and future action thereon is concerned.

I would like to express my thanks to the Company for its attitude during the negotiations I had whilst in London and for the frankness of the discussions which enabled us to reach this agreement. (Applause.)

Hon. Members will have realized by now that no major changes are proposed in general taxation for the coming year. (Applause.) The education fees are a charge for a specific service and fall upon the individual who benefits from the service, whilst the increase in road vehicle taxation is directed to a specific channel of expenditure. (Applause.)

Vote 9 shows Kenya's contribution to the cost of High Commission Services. Hon. Members will notice an increase in the recurrent expenditure of £76,620 and a decrease in non-recurrent expenditure

of £96,250, making a net decrease of £19,630. The Finance Member of the East Africa High Commission at the last meeting of the Central Legislative Assembly gave a forecast of the growth of High Commission expenditure, and I think hon. Members should have these figures before them because they outline to some extent our liabilities during the next three years. The Finance Member anticipated that Kenya's share of recurring expenditure would have risen to £737,000 by 1956 with the qualification that if expenditure not carried by Colonial Development and Welfare Votes had to be distributed amongst the East African territories our contribution would rise to some £829,000.

And now, Mr. Speaker, hon. Members, before I conclude, Sir, there are some general remarks that must, I think, be made. A study of the financial trends of recent years shows that in our national revenue there has been a movement to a greater dependence on tax as opposed to non-tax revenue, and on direct as compared with indirect taxation. In 1946 the proportion of direct to indirect taxation was as 1.00 is to 2.25. In 1951 it had become as 1.00 is to 1.60. The figures need some analysis because a proportion of the move is due to the collection of income tax arrears. Chart 3 of what I call the "Budget booklet" shows how tax revenue will be collected according to the Estimates now presented. Customs duties represent 40 per cent; excise duties, 11 per cent; African poll tax, 6 per cent; income tax, 28 per cent; others, 15 per cent. These trends need careful study. It seems that the public revenues are now more sensitive to changes in money income levels than in the pre-war years when not only a higher proportion of our revenue came from non-tax sources but also direct taxation was related to persons and not to their incomes.

We have to face an expanding Budget, for the demand for services will increase. The money to meet the cost of those services has to be raised. The Treasury must make certain that the impact of raising that money does the least possible harm to our economy so that it can expand and our wealth and resources keep pace with the demands upon them. Again, we need far greater knowledge of the relationship between the capacity of our productive trades and the demands that

[The Member for Finance] are being made upon them. Without a parallel increase in productive capacity as compared with development demand, our plans could be but idle dreams and the inflationary tendency could reach a danger point. (Hear, hear.) I have already instituted many enquiries for the collection of this, what seems to me, vital information, and I would appeal to hon. Members opposite, to business firms, and to the public to assist us in the collection of these statistics and this information in every way possible, for without it planning may be but largely dreaming and fiscal policy based on guesswork.

I have said already in this speech that our currency is tied to sterling, and it is on the stability of sterling that our financial security must rest. Measures taken to defend sterling may cause us inconvenience, may indeed lead to temporary upsets in our economy, but nevertheless these inconveniences and these upsets must be faced for sterling is the rock on which our financial stability rests. Hon. Members will be aware that there is a Commonwealth Conference taking place before the end of the year at which those matters of such importance to us will be discussed; although we shall not be directly represented, my hon. friend, the Secretary to the Treasury, is going to London to act as one of the advisers to the Secretary of State for the Colonies. (Applause.) What decisions will be made at that conference, what their effect will be upon our short-term or long-term economy it is impossible at this stage to forecast.

Finally, Sir, we are passing through a State of Emergency and the measures that have been and are being taken to maintain law and order have yet to be brought to financial account and placed before this Council. It is, however, almost certain that before the end of this year, I shall be putting supplementary Estimates before Members to meet at least part of this expenditure. Such things as ex gratia payments for compensation and the cost of emergency measures have to be met. Every £ which is spent on these things means one £ less for the progressive economic and social measures the Government has planned. (Hear, hear.) That is the cost we can assess. There is the unassessable cost of the harm done to our economy by the damage to our

reputation. (Hear, hear.) Our history, the progress we have been making in race relations and the settlement of our problems by negotiation, these things have played a large part in attracting industry and capital to our country. (Laughter.) And so in the provision of the money that has enabled us to achieve a record of expansion, economically and socially, since 1946, of which the Colony can well be proud, though not satisfied. The harm is indeed unassessable. If the present situation lasts but a short while and good will and good sense return to that portion of our population which has brought about this position, it is possible that no great damage will be done.

The 1953 Estimates, Sir, have been based on the assumption that now that the determination of Government to maintain law and order has been demonstrated the bad men will be kept under control and the good men prevail. It is my belief that this will be so, and in that belief and the belief that the policy which is expressed in these Estimates contributes to that end, I commend them to the Council. (Prolonged applause.)

THE MEMBER FOR DEVELOPMENT seconded.

THE SPEAKER: It is proposed that I do now leave the Chair.

MR. BLUNDELL (Rift Valley): I rise to move that the debate be adjourned.

MR. HAVELOCK seconded.

The question was put and carried.

THE SPEAKER: That will conclude the business on the Order Paper. I will interrupt business now instead of at 12.30 because it would be useless to go—

ADJOURNMENT

MR. BLUNDELL: I rise to move the adjournment of Council under Standing Order No. 12a to raise the question of the entry of undesirable persons into the Colony.

Mr. Speaker, I wish to take this opportunity to record the very deep concern which I feel at the impending entry into this Colony of a man called Fennell-Brockway.

I believe, Sir, that at the present time we shall need all the wisdom and intelligence that we have got to pilot this

[Mr. Blundell] country through the fissures in our social structure which may arise from the present emergency with which we are dealing. I am certain that the extraneous influence which Brockway will inject into our thoughts will make that task immeasurably more difficult.

Sir, I have spent the great part of the short time that I have been in politics in this country working towards better race relations in this Colony, and I believe that the success of any policy designed to improve our racial harmony—that success will be made very much more difficult in an atmosphere which is tainted by the views which Mr. Brockway holds. Further, Sir, it is my considered opinion that an element of responsibility must rest on his shoulders to-day for the events and the situation with which we are dealing in this country by reason of the ideas and the suggestions, the ideas and advice, the immoderate suggestions which he has made towards some Africans, some African citizens of our country—(hear, hear)—and, in particular, to some of those citizens who are now under arrest arising out of the present state of emergency.

Now, Sir, in order that the Council may be in no doubt as to the evidence upon which I base my views, I intend to give the Council some details of the record of Mr. Brockway. In 1929, in 1930, in 1942 and in 1946, he was engaged in what I would call "near subversive activities" in other parts of the Empire. In 1931, he was under temporary arrest in Poland with 300 comrades. In 1933 he attended a communist conference in Sweden. For many years he was a member of the Independent Labour Party.

Now, Sir, I must make it clear, in fairness to the gentleman that he has never—and states that he has never—been a member of the Communist Party. Let me recall, however, that he travels so far to the Left that he must inevitably be splashed by the mud from the wheels of communism.

Now, Sir, so much for the parts of the world which do not affect this continent of ours. Let us examine his record in so far as Africa is concerned. In 1943 he wrote a letter to the *Glasgow Forward*; these are some of the words which

appeared in that letter: "Slavery has been officially abolished in the British Empire, but what other term can describe the conditions of the natives in Kenya?" I should like to ask the hon. Member opposite who have had the responsibility of governing this country for fifty years if that is indeed their opinion of what their government has done for the Africans in this country.

Sir, quite recently a pamphlet was published in London and the foreword was written by Mr. Brockway. These words appeared, signed by his name underneath: "I am particularly glad that the Union of Democratic Control has published this pamphlet, bringing up to date the story of the way in which the Europeans have robbed the Kenya Africans of their land." Mr. Speaker, that is not only a lie, it is a damnable and near-seditious lie. (Hear, hear) (Applause.)

Mr. Speaker, again, quite recently, he made this statement: "In general, these European settlers in Southern, Central and East Africa form the spearhead of white domination. They often oppose, even indirect rule. They belligerently demand full, direct domination, the all-repressive colour legislation of which the South African system serves as a perfect example." Mr. Speaker, again, that is a damnable misrepresentation of the view which I hold, and my colleagues in this Council, in so far as this country is concerned. (Hear, hear.)

Lastly, Sir, I have a translation from a Kikuyu paper called *Inora Riri Wakikuyu* in which an appeal is made, an appeal is made on behalf of the Union of Democratic Control for the Kikuyu Africans to supply funds in order to aid Simon Zukas, a communist in Northern Rhodesia, in his appeal to the Privy Council. In that appeal these words appear: "The thing to note in this affair is that in any country where there are European settlers, as Kenya, a European, arriving with every intention of supporting Africans is given good pay, house, etc., by the settlers, and he eventually forgets his intentions and becomes an enemy of the African. The same applies in Central as in East Africa." Mr. Speaker, I do suggest that that is as near sedition as we are likely to get, and further, Mr. Speaker, I regret that the hon. Member for Law and Order has

[Mr. Blundell] seen fit, presumably, to issue a Visitor's Pass to this gentleman: (Hear, hear.)

The training, Sir, of a civil servant must of necessity be one which prevents him showing either emotions or convictions. My training is not that. We need not expect the hon. Member opposite to have to show emotions or convictions in so far as Kenya is concerned, but perhaps, Sir, he will accept the conviction that this man is a danger to Africa on behalf of his fell colleague, the Attorney General of Northern Rhodesia. Sir, that appeal is signed by Sir Leslie Plummer. I can only hope that the Kikuyus who have been misled into contributing towards this fund have their money better spent than the money that was spent on the ground nuts scheme! (Laughter.) Further, Sir, may I record that on the executive of this Union of Democratic Control is no less a person than the Brockway to whose entry I am objecting into this country.

Now, Sir, lastly, and in my submission the most damning thing of all, the cheque which paid for Mr. Brockway's passage to this country was signed by a man called Kenyatta. Kenyatta to-day is under arrest, and, according to information which I have read in the newspapers, has been transported to the Northern Frontier. That is the signature upon the cheque which paid for the passage of Mr. Brockway.

Now, Sir, those are the facts upon which I base my statement, that the entry of this person into the country is undesirable. I wish to state why and emphasize why I am raising the matter here.

Sir, this country of ours is growing up. We are achieving a nationhood of our own and I am not prepared to sit here, silent, while persons come from overseas who have the impertinence to state, in an interview in London, that they are going to see whether the measures passed before this Legislature were correct. That is an insult to this Legislature, and it is an impertinence to this Legislature. (Hear, hear.) (Applause.) I assure this Council that if Brockway was an ordinary citizen he would never have had an entry permit into this Colony, without doubt, with his record. It has probably only been granted—if it has

been granted—from the fact that he is at the present time a Member of Parliament. I wish to record that I resent—and I believe all my colleagues resent—that because the people of Eion and Slough return a man to the Mother of Parliaments, that man has immediately the right to interfere in our affairs. (Hear, hear.) We owe Sir, the United Kingdom a great debt. We owe them our traditions; we owe to them our defence. We owe to them a great deal of money from the Colonial Development Corporation, and for that we are grateful. But I cannot accept the right of the United Kingdom to indulge in the unwarrantable interference into our affairs in which Mr. Brockway indulges.

Sir, had a member of the great Trade Union Wing of the Socialist Party, a man of the calibre of Mr. James Griffiths, in whom we saw a person of statesmanlike outlook when he visited this country, had he expressed his intention to arrive in this country to look at our affairs. We would have welcomed it. We have nothing to hide whatsoever. (Hear, hear.) My charge against Brockway, Sir, is this, he is the arch embodiment of racialism and racial animosity. I, who have spent six years of my political life fighting racialism and racial animosity, am not going to be silent in this Council when I see that work about to be destroyed by the advent of the man whom I have been outlining to this Council.

Further, Sir, I wish to end by recording my very great regret that those responsible have not seen fit, under the provisions of our Immigration Ordinance, to refuse a Visitor's Permit to this gentleman.

Mr. Speaker, I assure this Council that it is going to be hard enough to bridge the gulf between ourselves and the people of Kikuyu land as a result of the present emergency, with all our wisdom, imagination, tolerance and understanding, without having our difficulties immeasurably increased by the advent of persons such as Brockway. Let us make no mistake about it. The danger of his visit is twofold. The first is, he will inevitably tend to encourage, in my view, subversive sections to further action. Secondly, he will as equally discourage a constructive approach to the problem by other communities. Sir, it is my view that the

[Mr. Blundell] Government should have prevented this "student of falsehood and misrepresentation" in racial matters from coming to this country. (Prolonged applause.)

Mr. MACONOCHE-WELWOOD (Uasin Gishu): Mr. Speaker, I also have a few comments to make on this matter, the most important of which is that we, the Europeans, are fully aware of the unimportance of the position of Mr. Brockway, both in the House of Commons and in the Labour Party but, unfortunately, we are dealing at the present moment with a crisis among ignorant people who are unaware of the unimportance of Mr. Brockway! The arrival of Mr. Brockway at this time, when the Secretary of State is also visiting this country, will inevitably impress those agitators who are causing murder and violence that their side is to be heard by this gentleman who has so repeatedly come here and made statements, which as my hon. friend has said, are near-subversive.

Worse than that, this Government appears to be absolutely powerless to prevent the entry of this man, because he is a Member of the House of Commons, despite the fact that these words that he has said and the attitude of life he has shown to ignorant people have been a contributory cause of the murder and bloodshed which is taking place in this country. (Hear, hear.) Men of his type, who have agitated without knowledge, who have agitated the ignorant people to whom they were speaking, cannot be held guiltless of the blood of the Chiefs and of those others, who have been killed as a result of this movement now going on.

We, as a people, the British, have an immense belief, and rightly so, in the value of the freedom of speech, but we are sometimes apt to forget, and the Government of this country is apt to forget, a truth proved not long ago in a speech made by one of the Government Members, that in point of fact, the freedoms which the British have grown used to over so many centuries of evolution are not freedoms that can be entrusted at this stage to this country to a people who live with the dark shadows of the life of primitive man so close behind them and in front of them the modern and difficult world.

It is infinitely difficult for them and they inevitably hark back at times to those dark horrors that went on in Africa in the past, as they have done again, recently. The talk of fools to the masses of the people is far too dangerous to be allowed. We are trying to help the African to bridge the gulf that lies between us and his near-past. Why, therefore, should we allow this ignorant man to come and make our task most difficult?

The Government of this country and the Government of the United Kingdom, continuously in the House of Commons, speak of "the trusteeship" which they have towards the African people. We also have a trusteeship to the African people and, in our submission on this side of Council, the admission of men of this type at this moment is the grossest betrayal of that trusteeship. Let us make no mistake about it; no political expediency in England can justify endangering the lives of men in this country. I am absolutely convinced, Sir, that one of the main reasons for the admission of this man is not because he is a Member of the House of Commons but because it is politically expedient in the United Kingdom that he should come to this country in order to give the appearance that everything may be said and done freely in this country despite the State of Emergency and, to my mind, and I am sure, Sir, to the minds of my colleagues on this side of Council, it is a tragic and distasteful thing that for political expediency in the House of Commons other lives may well be sacrificed in this country. The Europeans in this country have been very patient in the past with the weakness of Government in handling what we all knew was about to come about. I admit that at the present moment strong measures have been taken and I can only hope that these strong measures will continue and will be followed up, but I would say this—that the Europeans of this country cannot be so patient as to submit quietly to the admission of subversive persons on the theory of letting both sides be heard. The people of this country will not sit back idly and watch the hell that this country could become, paved with the good intentions of liberal opinion in England, in this country, or anywhere else. That, Sir, is why we felt this was a matter of

[Mr. Maconochie-Welwood] such importance that it was vital it should be raised in this Council, as the only place in which we could raise it, and as the most suitable place. We know that the gentleman who we have been discussing has come here under the privilege of one House, an older and more dignified House than ours, and all we have to fall back on is the privilege of this House, to bring the matter before Government. (Applause.)

Mr. OBEDE (African Interests): I cannot approve of the idea which is being expressed by the hon. Member who has just spoken. I do not agree that Mr. Brockway is trying to instil racialism into the people of this country. If he was doing that, what about the people who are saying that he is doing so? Are we to-day not having racial discrimination in this country? As far as I know, Mr. Brockway is one of the people who are trying for the world to get rid of racialism.

I think it is wrong to say that he is trying to instil that idea into the people of this country.

We must agree that we African Members are now really looking forward to seeing Government restoring law and order so that progress of the country can go on, but to say that someone who has been allowed by the British Government which practices democracy—to say that the person coming into a British Colony should not come in, I cannot understand, and so I oppose the idea.

Mr. AWORI (African Interests): I do not know Mr. Brockway personally, Sir, I have never met him, but I do not agree with what the hon. Member for Rift Valley says. The reason why I would personally like Mr. Brockway to come is because he has said quite a lot about Kenya and, if he goes on saying things about Kenya, at the present time it is quite right he should come out here and see things for himself, so that if he says anything about Kenya we shall know; that is why the Colonial Secretary is coming—because—

Mr. BLUNDELL: Will the hon. Member not agree that Brockway has already been here?

Mr. AWORI: He has been here, but he has not been here in the present conditions. I feel he should come and see the

country. At the same time, a friend of mine who knows about Mr. Brockway says that—in a letter he has—Mr. Brockway is not coming to see Africans alone but all three communities and get their views. So I feel it is quite right if Mr. Brockway comes that we shall tell him the truth. I do not know Mr. Brockway, I do not care what he has done, but provided he does something constructive, it would be quite inappropriate for Government to go and stop him from coming.

Sir, I must oppose the views of the hon. Member for Rift Valley.

THE SPEAKER: The half-hour has nearly expired. I will adjourn Council now until Tuesday morning, the 18th of November, at 10 o'clock.

Council rose at fifty-five minutes past Eleven o'clock.

Tuesday, 18th November, 1952

The Council met at Ten o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:—

Mr. A. M. Wilkie (Assistant Financial Secretary).

PAPERS LAID

The Public Works Department Annual Report.

(By THE MEMBER FOR DEVELOPMENT)

The Immigration (Control) (Exemption) (Amendment) Regulations, 1952.

(By THE MEMBER FOR DEVELOPMENT on behalf of the Member for Law and Order)

Schedule of Additional Provision No. 12 of 1949.

(By THE MEMBER FOR FINANCE)

The Ibbotson Report on the Marketing of Maize and Other Products. (Applause.)

The Maize Control Accounts, 1951.

The Agricultural Department Annual Report, 1951—Part I.

African Development in Native Areas.

(By THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES)

Report of the Committee on European and Asian Educational Expenditure.

(By THE MEMBER FOR EDUCATION AND LABOUR)

ORAL ANSWERS TO QUESTIONS

QUESTION No. 30

MR. COOKE:

Will Government please state:—

(a) The number of new bridges and culverts on the diversion of the Nairobi-Mombasa road between approximately mile 34 and mile 50?

(b) Why this work was given priority over the Simba and Kiboko drifts which are often impassable in the rains for several days?

(c) When the latter work will be undertaken?

THE MEMBER FOR DEVELOPMENT:—

(a) There are ten new bridges and culverts completed or under construction between miles 34 and 50 from Nairobi on the Nairobi-Mombasa road.

(b) Construction of these new bridges and culverts was given priority over the Simba and Kiboko drifts because it was necessary that all bridges and culverts should be dealt with at the same time as the reconstruction work on the portion of the road in question. The area traversed is all black cotton soil and serious dislocation has occurred in the past both as regards the road foundation and the waterways. While the Simba and Kiboko drifts have held up traffic during heavy rains, the road there has been passable as soon as the water in the drifts has subsided.

(c) The Simba and Kiboko drifts will be bridged during the latter half of 1953.

MR. COOKE (Coast): Arising out of that answer, is the hon. Gentleman aware that the drifts upon which the culverts have been made from mile 34 to 50 have never flowed within the memory of man?

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, Sir, the hon. Member's memory is longer than mine in this country, I was not aware of that, but I will look into the matter.

QUESTION No. 31

MR. COOKE:

Will Government state—the total cost to date (including any military contribution) of the approximately 50 miles of new road between Mackinnon Road and Mombasa: the reason of the long delay in reopening the section between Samburu and Mariakani and when that section is likely to be opened?

THE MEMBER FOR DEVELOPMENT: The total cost of the approximately 50 miles of new road between Mackinnon Road and Mombasa was £449,176 up to the end of July, 1952.

[The Member for Development] The reason for the long delay in opening the section between Samburu and Mariakani is that the contractor working on this section is behind schedule.

The section is unlikely to be opened before the middle of 1953.

MR. COOKE: Mr. Speaker, I am going to raise this matter during the Budget debate very strongly, so I am not going to raise it on the adjournment. I am going to spare the Council that. I am going to raise it during the Budget debate.

QUESTION No. 34

MRS. SHAW (Nyaraza):

(1) Is it a fact that Government has decided to take the proposed Kenya-Uganda Trunk Road via Eldoret-Tororo, instead of the previously suggested alignment via Kisumu-Busia, which has already been surveyed?

(2) Is it not a fact that the Kisumu Chambers of Commerce and other interested bodies have made repeated representations in this regard and if the answer to (1) is in the affirmative, did Government consult these bodies before making a decision?

(3) Is it a fact that the Kampala and Jinja Chambers of Commerce favoured the Kisumu-Busia route? If so, and if the answer to (1) above is in the affirmative, on what grounds did Government base their decision?

(4) What are the Road Authority's plans for the realignment and betterment of the existing Kisumu Road with special reference to the Kisumu-Ahero stretch, and what assurance are they prepared to give that these plans will be put in hand forthwith?

THE MEMBER FOR DEVELOPMENT:

(1) The answer is in the affirmative.

(2) Yes. The views put forward by the Kisumu Chamber of Commerce and by other interested bodies were carefully considered by the Road Authority and by the Government before a decision was reached.

(3) No representations were received from the Kampala and Jinja Chambers of Commerce. The second part of the question does not, therefore, arise.

(4) There are at present no plans for the early realignment of the road between Mau Summit and Kisumu. Extensive betterment of the road is, however, taking place and it is expected that, by the end of 1953, some 14 miles from Mau Summit towards Lumbwa Hill and 35 miles between Kisumu and Muhoroni will have been put in good order. The latter stretch of road includes the Kisumu-Ahero portion, work on which will be substantially completed by the end of 1952.

MRS. SHAW: Mr. Speaker, arising from the answer to part (4) of Question No. 34, could the hon. Member give me an assurance that the Road Authority will prepare plans for the realignment of that stretch of road from Kisumu to Mau Summit, as the present alignment is really hardly worth the money spent on betterment. It is a very bad and dangerous alignment and very narrow, and unless some of those corners are straightened out it is most unsuitable for a main trunk road.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker in replying to the hon. and gracious Member's supplementary question, I recollect a long time ago exactly the same remark being made about the previous alignment of the Kisumu-Mau Summit road. I will give the hon. and gracious Member an assurance that I will consult the Road Authority about this because I do know that a very considerable amount of research work on the ground was done before the present alignment was chosen, and that was considered the best alignment by the experts at that time, in all the circumstances of the case.

MRS. SHAW: Mr. Speaker, I do not know whether I am in order to ask a second supplementary arising out of the answer to No. (4). I would very much like to know if the hon. Member can give me any assurance as to the fact that we have heard that the existing betterment or the re-forming of the road from Kisumu to Mau Summit is to be tar-macadamized.

THE MEMBER FOR DEVELOPMENT: I am afraid the hon. and gracious Member's information is later than mine. I am afraid I am not in a position to give a reply one way or another to the

[The Member for Development] question, as I have not heard that it was to be tar-macadamized. On the other hand I have not heard it was not to be tar-macadamized.

MR. SHAW: Arising out of that rather nebulous reply, I should like to ask the hon. Member if he will find out from the Road Authority if such an assurance can be given. The first 15 miles collapsed regularly when it became a fish pond. The people were fishing up to 15 miles inland, I should like to know if it will be put into a condition in which every year it will not collapse.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, while I should be very sorry to deprive the fishermen of their livelihood and/or their pleasure, I will certainly do as the hon. and gracious Member requests. (Applause.)

QUESTION No. 39

MR. TAMENO (African Representative):

Will the Member for Law and Order please state the justification of the common practice (especially in some remote and backward areas) of impounding cattle as a means of effecting the arrest of an offender, even when the offender is not resisting, or to effect the production of stolen stock?

THE MEMBER FOR AFRICAN AFFAIRS: The hon. Member is referred to sections 7 to 11 of the Special Districts Ordinance (Cap. 45, Laws of Kenya). In these circumstances in which stock or other property may be seized in areas to which the Ordinance has been applied are fully laid down, either in restraint of a hostile tribe or members or sections of it, or in the event of a person absconding for whom a warrant has been issued. The justification of such action is the obligation of the Government to maintain law and order and to protect law-abiding citizens in the special circumstances which obtain in these special districts.

QUESTION No. 41

MR. TAMENO:

Will the Member for African Affairs please state whether Government recognizes that the progress of the Tugen (Kamasia) in the Lembus forest is hampered by their being under the

jurisdiction of the Forest Department, when they should rightly be under the Administration?

THE MEMBER FOR AFRICAN AFFAIRS: The Tugen (Kamasia) who reside in the Lembus forest by virtue of the Coryndon Agreement are administered jointly by the Provincial Administration and the Forest Department. The Government does not consider that their progress has in any way been hampered by reason of this joint administration.

Adjacent to the Lembus forest the Chief Conservator has already built a social centre which is of considerable benefit to the Tugen and schools have been established in other parts of the forest for the education of their children.

MR. TAMENO: Arising out of that answer, I have just recently been there, and I find that a social centre is not in existence, and these people are not allowed to put up any permanent building. I feel the answer is not quite satisfactory.

MAJOR KEYSER (Trans Nzoia): Would the hon. Member tell us, is not the presence of the Kamasia in the Lembus forest an illegal intrusion?

THE MEMBER FOR AFRICAN AFFAIRS: Answering the hon. Member for Trans Nzoia, the Tugen reside in the Lembus forest by virtue of the Coryndon Agreement which is perfectly legal.

LT-COL. GROGAN (Nairobi West): Would the hon. Member tell us whether the so-called Coryndon Agreement is not in open defiance of the Government's contract with me?

THE MEMBER FOR AFRICAN AFFAIRS: I should require long notice of that question.

MR. MACONNICHIE-WELWOOD (Uasin Gishu): Would the hon. Member give an assurance that no families other than those named in the original agreement reside in the Lembus forest?

THE MEMBER FOR AFRICAN AFFAIRS: The actual people who are residing in the Lembus forest are now being looked at, together with the names of those who were originally included in the Coryndon Agreement, to see that they are, in fact, Lembus, and descendants of those people.

MR. BLUNDELL (Rift Valley): Is it not a fact that the status of Lembus forest as at present is terminated by the Agreement with the hon. Member for Nairobi West in 1956, when the status will have to be re-examined?

THE MEMBER FOR AFRICAN AFFAIRS: The answer is 1957, not 1956, and the Government is already starting to consider that question.

MR. BLUNDELL: Long consideration!

QUESTION No. 42

MR. TAMENO:

Will the Member for Education and Labour please state whether there are any facilities for the upbringing and education of African orphans?

THE MEMBER FOR EDUCATION AND LABOUR: Government is not aware of any large number of African orphans who require special assistance in their education and upbringing. According to the custom prevailing in most tribes in the Colony, African children who are orphaned are automatically adopted by members of their family or clan.

Government has, however, agreed that the children of African askari who lost their lives on active service during the last war should be given free primary education, and provision for this purpose is included annually in the Colony's estimates under the item "Education of Dependents of Askari who died on Active Service".

The British Legion provides bursaries for secondary education to those who have shown themselves worthy of it.

In addition to the assistance given by the Missions and other charitable organizations, provision is made in the Colony's annual Estimates for the Relief of Distress. This Vote is used in deserving cases for helping distressed Africans on the recommendation of the district commissioner concerned, and assistance is also given from it, where appropriate, towards meeting the cost of educating African orphans.

COMMITTEE OF SUPPLY

THE MEMBER FOR FINANCE had moved: "That Mr. Speaker do now leave the Chair".

Debate adjourned.

Debate continued.

MR. BLUNDELL: Mr. Speaker, I shall wish to claim more than the half-hour.

In discussing the Budget this year, I should like to open by paying a tribute to the hon. Member for Finance for the clear and lucid way in which he put before us the Colony's financial position. (Applause.) Sir, it is all the more pleasant to us to pay this tribute because we know that the time available to the hon. gentleman has been extremely limited. He only undertook his office, I think I am right in saying, in February of this year. About July or August he was smitten by some slight ailment from which he proceeded on leave to the United Kingdom, returning here just in time to take part actively on the stage in the evenings in the Colony. (Laughter.) It confirms what we always thought about hon. Members opposite. They are grossly overpaid and underworked.

Reading his speech, Sir, I should like to emphasize what a pleasure it was to realize the very firm grasp that he has of our financial position and also to record that his ability and grasp of the problem has begun to move our financial policy off the tram lines of what I might call the Colonial Office viewpoint, and onto the road which a young and developing colony needs for itself.

It is also, Sir, very pleasant to us, and I think I speak for all Members of the Council on this side, when I say how nice it is to see the success he has made when, if I may so put it, he was nurtured and brought up amongst us on this side of the Council. (Applause.) (Hear, hear.)

Further, Sir, to deal actually now with some of the details in his speech, I should like to thank him for the form in which the Estimates have been presented. As hon. Members know, we have wished for some time to have a form in which block reductions were possible, and that has been prevented by our rules of procedure in the past. I believe, Sir, the hon. Member has shown considerable confidence in Members on this side of the Council in presenting the Estimates in the form that he has, and I wish to record that he may rest assured that the confidence that he has placed in us will not be abused.

[Mr. Blundell]

Again, Sir, I would like to welcome very strongly the remarks which he has made on the Estimates committee—on the proposed formation of an Estimates committee. Hon. Members will know that, at the present time, the Public Accounts committee is attempting to grapple with the problem of efficiency and economy within Government by the provision of a special investigation staff, which is investigating. It would seem to us that if this suggestion of an Estimates committee is accepted, it might well be the proper body to examine in detail the Estimates and thus satisfy the Council that the demands of efficiency and economy are indeed met. I believe that such a committee will remove a great deal of the suspicions which hon. Members have had on this side in the past over the growth of Government expenditure and relieve us of a large number of interminable wrangles on the problem. We, therefore, Sir, would support that suggestion very strongly.

Again, arising out of the earlier remarks in his speech, we shall support the suggestion that the Civil Contingencies Fund might be established to an extent of £200,000.

Now, Sir, turning to the Budget itself, I should like to compliment the hon. Member on his courage in attempting what I believe is a very full estimate of the revenue. I do that, Sir, because we have had the very strong suspicion in the past that a policy of underestimating has presented to the Council a false impression of the finances of the country. In this connection, I should like to remind Council of the very forceful debates which we had a year ago on what one might call, or what was called the Budget of the two gaps. In regard, Sir, to the capital gap—the capital gap, of course, can be any gap that Members like to make it, because it is solely conditioned by their ambitions and nothing else. So that, in effect, the capital gap is something we will not get rid of except by the most prudent braking of our wishes.

In regard, Sir, to what was called the recurrent gap, I would just like to underline how right hon. Members on this side of the Council were, because, not only has that gap been closed, but a very

large element of unforeseen expenditure has also been met and, on top of that, we have been able to place more than £500,000 to the surplus balance.

Now, I stress, Sir, £500,000 for surplus balances because of the just over £1,000,000 which has gone to the surplus balances £500,000 of that is entirely fortuitous and arises from transfers from pensions and the sale of capital assets.

The Budget, in my estimate, proceeds upon the form of previous years. It shows a steady upward trend in services and in revenue and the Member for Finance, probably due to the difficulty in which he found himself, has obviously not been able to consider his Budget in terms of the present Emergency through which we are passing.

Now, Sir, I cannot accept the Budget as it is at the present time, without trying to assess the implications of the Emergency upon it. I fully understand that the hon. Member opposite had to conceive his Budget before the Emergency was declared and before its implications could be assessed. Nevertheless, it would be quite wrong for us on this side of the Council to attempt to agree, or disagree with the Budget without at least paying attention to the effect upon it which the Emergency is likely to have.

Now, Sir, why I consider the present Emergency so vital in assessing our finances is for this reason. It is my belief, and I have said so for the last three years, that we have had a strong and buoyant revenue which has been partly based upon what I would call our real production and real wealth, which we are actually producing, and partly upon the great flow of capital moneys and development generally into the Colony. A capital project, once launched, immediately affects the revenue, in that the salaries of persons engaged in it affect the revenue both indirectly and directly and one can say that every pound of capital money makes the revenue more buoyant. Now, it is my estimate that probably 25 per cent of our revenue has been coming, not from what I would call the gradual expansion of our production generally in the Colony, but from the flow of capital, immigrants, etc., into the country.

[Mr. Blundell]

Now, in my belief, if that continues—the flow of capital continues to advance in the Colony; the flow of development sweeps forward—then it is my belief there is not a great deal of matter for alarm in the present Budget. There is—and I would like to stress this, Sir, strongly, and I am sure the hon. Member would agree with me, although I do not think his predecessors were fully conscious of it—there is in the Budget—in the revenue figure—a fictitious element. That fictitious element is one at least that we must bear in mind, because the moment the upward trend of development ceases or the wheel of economy turns from inflation to deflation, that fictitious element in the Budget will vanish. It is represented by those profits in industry which are conditioned by the inflationary element. It is best put down in this form: that a tractor bought, shall we say, for £6,000 five years ago, and now replaceable for £24,000; in the period during which the earlier tractor is being written off, the profits of the country are swollen fictitiously by that amount. There is also writing up in the book values of stocks and goods during an inflationary period, all of which help to swell the revenue. I must stress that, because it is an element in our Budget which I view with a certain amount of alarm.

Having said that, Members will see at once why I consider that we must take into consideration the present Emergency, because the present Emergency is, without any doubt, cutting off that element in our revenue which is presented by the flow of capital. I can assure hon. Members that both the flow of capital to this country and the flow of immigrants, who bring capital, has been arrested by the Emergency.

Now, Sir, on the question of immigrants, provided the immigrants are of a right and suitable type, I must stress, Sir, that, whatever political bodies in this country may think, they are essential, because every immigrant does one of two things, or both; he either brings capital himself, or, with his energy, he creates capital values in the country, either his technical energy or his professional qualifications, or just his human resources. And a certain class of immigrants brings both. That being so, the

immigration into this country is a vital factor in the upward progression of our revenue. As I have tried to show, if that stops, there is quite a large ceiling in the revenue, or large element in the revenue which will, in my view, be lost to us. That being so, Sir, I would urge the Government to take the most swift, drastic and effective action over the Emergency. (Hear, hear.)

Now, I see at least one hon. Member, Sir, smiling at me, and no doubt he thinks, in his heart of hearts, that that swift, drastic and effective action has been taken. I think I speak for a great number of Members on this side of the Council, when I say it has not been drastic, swift, or effective enough. In that connexion—I know the hon. Member will forgive my saying so—the present Emergency—the present lawlessness—will not be stopped by the hon. Member for African Affairs singing "Come into the garden, Maud", or the hon. Member for Law and Order patting his chest and saying, "We do not want to go! you, but, by jingo, if we do". It will only be stopped by actually effecting drastic and speedy action. And I would like to stress upon hon. Members—I think I speak for a large majority on this side of the Council when I say we would like to see that action more drastic, more speedy and more effective.

Apart from the effect which the Emergency must have upon our Budget position, I would like to draw the hon. Member's attention to a further, rather disquieting, point. From my own information and the information I have secured from others, it is obvious, I think, that the great upward surge of profits in local industries has probably now stopped, and I think the hon. Member will have to realize that in future years the revenue arising from income tax, certainly from companies, will be reduced. I am well aware of that trend myself, I expect the hon. Member is, but I wish to underline it. And I also wish to say we have accepted on this side of Council his courage in making what I should say was a very full estimate of the revenue. I would like to assure him that if his courage is not rewarded by the revenue meeting the targets for which he has hoped, he will not receive abuse or lack of confidence from this side of the Council. We appreciate the fact that

(Mr. Blundell) he has made a genuine attempt, in the light of the knowledge he had at the time he made his Budget, to present a true picture of the revenue figure. (Applause.)

The third general point, Sir, in the Budget, to which I shall return, is the Budget shows a tendency, which has been going on for some years, a tendency to have a larger and larger element in what we in this country call "social services". In a more mature economy they would not be referred to as social services, but I am thinking particularly of the Education and Medical Votes, in particular the Education Vote. I am alarmed at the constant rise and increase in that Vote and I will deal with it now at this point solely in relation to the Emergency.

Unless the Emergency is dealt with, then, Sir, it is my view that we cannot support the growth in the social services which this Budget presents to us, and which indicates what will be the growth in the future. That is because the Emergency will chop off from us that share in the revenue to which we have referred earlier, arising out of capital development and, of course, the actual cost of the Emergency itself which must be borne.

Now, Sir, I consider that Members may not realize the very serious impact of the reduction in the flow of capital to this country, but it has already, in my view, been arrested to the tune of millions. I certainly have evidence of one firm who have held back their investment in this country to an extent of £3,000,000, and there is slight evidence—I should like to emphasize, only slight evidence—that capital is also leaving the country. That is that process continues, if the Emergency is not dealt with drastically, as I have urged, the immediate effect must be felt upon what we call "social services", as the hon. Member himself has envisaged in his speech.

To turn, Sir, to the cost of the Emergency, we have no figures on this side of the Council, and I would like to ask the hon. Member, in his reply, to give us an estimate of the cost of the Emergency in the first month. My own personal estimate, which I do not think will be found

very far out, is that it is £300,000 in the first month.

Now, Sir, I want to underline what that means in actual terms. It is three quarters of the capital cost of the Technical College, which all our young people are so anxiously awaiting. But for the Emergency, we could have had three quarters of an additional Technical College, which nobody will deny we want.

If hon. Members will turn to the Development and Reconstruction Authority Estimates, they will see there is provision for an African secondary school at Fort Hall and a second African secondary school at Nyeri. We have already spent on the Emergency the cost of three such schools. I underline that unless every citizen is prepared to throw his weight behind Government to deal with the Emergency and stop the lawlessness, then it must have an immediate effect to stop our capacity to produce African schools, whether in Fort Hall, Nyeri, or anywhere else. (Applause.)

Having said that, I would like to turn to what I believe is a matter to which we must give the greatest consideration. It is what I would call the aftermath of the Emergency period. I hope the hon. Member will in his reply, possibly, as the Emergency will have run some time, perhaps he will be able to give us an indication of his line of thought. It is obvious to me that if we are to recover the ground which we have lost, if we are to go forward once more with our developmental programme and to produce that element in the revenue which, I am certain, comes from that capital flow, it is obvious that we have got to undertake measures designed to attract capital once again to this country. Nothing is more timid, nothing is more cowardly than the flow of capital once confidence is destroyed. Whereas in the past we were a country that could sit back, open our mouths, roughly speaking, and see the capital flow in, it is my belief that as a result of this Emergency, we shall have to take measures designed to attract capital once more to our country. (Hear, hear.)

Now, Sir, I wish, and I am afraid to some Members this will be "teaching my grandmother to suck eggs", I wish to speak for a short period on the way in

(Mr. Blundell) which capital develops the country. It seems to me that we can develop our country by the flow of capital from outside, and by the flow of capital which is engendered, or built up, within the country. In both cases, we shall have to take measures, in my view, to stimulate them. And we immediately come, therefore, to the conflict of development by the state and the development by the individual. That is obviously envisaged by the hon. Member in his speech on the Budget, where he says that it is important to see that the impact of taxation falls where it does the least harm to the general economy, production, real wealth and expansion of the country. Now, I am delighted to hear, to have that so clearly stated, because it is my belief that our taxation programme, in the past, has been one which tended to be inimical to the development of the country. The hon. Member has already referred to the ratio between direct and indirect taxation and I would like to draw his attention to the very wide difference between that ratio and the ratio recommended in the Plewman report. I would also like to endorse what he has said on the undesirability of getting the ratio between direct and indirect taxation too close in a country that is developing as fast as our own. I am certain that direct taxation has reached a point where it is harmful to our economy and harmful to the development of the country. I would like to give two illustrations, I have given them before, but it is a matter that needs hammering home, and needs underlining.

An individual with an income of £40,000 loses £32,000 in direct taxation. He has, thus, left £8,000 from which has to be removed his cost of living and the balance is all that is left in his hands for development. The state has taken from £40,000, £32,000, which is available to the state, either for development or for the general framework of society. Now, Sir, I submit that in a young country, taxation of that degree is penal. I believe it is essential that we shall leave in the hands of individuals a larger amount of their direct wealth for development in the country. (Hear, hear.)

Mr. Speaker, I am not raising this because I happen to be a capitalist, or

because my income is at any particular figure. I am raising it from a simple, straightforward financial point of view. My submission is that both the state and the individual have a joint part in the development of the country, and it is absolutely vital to see that the state does not take too much from the individual, so that the individual's part in development is hamstrung and hampered.

Again, Sir, on an income of £10,000, hon. Members will find that something like £4,980 are absorbed by the state, or close on 50 per cent of the income available to the individual is taken, and is thus denied to the individual for the further expansion of our economy. I would like, therefore, in view of the effect which the Emergency is bound to have on our economy and upon our revenue position, I would like to ask the hon. Member to examine very carefully changes to make (a) the flow of capital to this country more attractive, and (b) the collecting of capital in the hands of the individual in this country itself for further development easier.

Now, Sir, in that, I would like to put up one or two suggestions. I would stress this, that the moment the wheel turns over from an upward inflation towards a deflation, it becomes all the more necessary to stimulate the capital in order to arrest the effect that change in our economy has upon the Budget. I do not know if I have made that clear, but it is obvious that in a moment of rising prosperity, such as we have had in the last five years, we can afford not to realize the necessity for promoting our own capital resources to carry on development, but the moment we enter a deflationary period, then we have got to release into the economy of the country as much money as possible to stimulate it and steady the downward trend in our revenue figures.

Now, Sir, the first point I would like to state, the hon. Member to consider—we would urge him—and I think I speak for all my colleagues, we would urge him to consider raising the point at which surtax enters the income tax scale. We believe that would be a measure that would be attractive to the overseas capitalist, and, secondly, would leave more capital in the hands of the local man for the development of his own country.

[Mr. Blundell]

Secondly, Sir, it is a difficult point where I will not go into detail, we would recommend that he should examine very carefully the possibility of leaving, by some form of non-taxable reserve, capital in the hands of the individual for further development. We have not got a mature, immense economy capable largely of generating its own wealth behind us. We are still a country with the whole of its future before it, and the whole of its development, or a great deal of its development to be achieved. Now, it is our belief that the present income tax and surtax is hampering the capital which can be left in the hands, especially of the small private business man for the further expansion of their businesses. We would like to see if it is not possible to stimulate the expansion of our existing businesses by some form of relief or reserve from income tax, which is placed on one side against further development.

Lastly, Sir, I would like to congratulate the hon. Member again on his courage in raising the death duties, or the estate duties on smaller incomes.

LADY SHAW (Ukamba): Reducing.

MR. BLUNDELL: Reducing the estate duties.

Now, Sir, I know that every Chancellor of the Exchequer must always have one phantom before his eyes—if he gives an inch, he is asked for an ell. But with regard to what I have said as to the necessity of encouraging capital from overseas, I would urge the hon. Member very deeply to consider the extension of the benefits which he has given to owners paying estate duty. My reason for that is I believe nothing would make this country more attractive to overseas capital than the knowledge that estate duty was entirely eliminated or largely of no account.

Sir, the third point in the Budget, to which I have already referred, to which I wish to speak now, is the great growth in what we in this country call the "social services", and here I want to put before Council a matter that alarms me. It has alarmed me for some time, and I would like to say that there is no intention on our part—again, I am speaking for all my colleagues—not to undertake

what are the duties of those who are either luckier, more energetic, more intelligent or more capitalized than others. It is my firm conviction that 17,000 income tax payers cannot possibly raise the standard of living of 5,000,000 inert people more than an infinitesimal amount. Unless it is clearly understood by everybody, the only effect will be the 17,000 income tax payers, who are those who generate the wealth (a) for direct taxation, and (b) through indirect taxation by the payment of salaries and wages, will be so strangled, that they will be largely useless to the state. Income tax always starts on the same path. The first one is a laudable attempt to raise revenue. Time passes and it then changes into a slogan of soaking the rich and when the rich have been so soaked that their function of generating wealth in a young and developing country is largely nullified, then income tax spreads its tentacles and strangles everyone. In other words, income tax, having started as a laudable, revenue raising measure, then turns itself into a social adjustment for the underprivileged against the privileged and finally ends in soaking everybody, because, of course, the growth of demand for the people cannot be stopped. I believe it is impossible for 17,000 income tax payers, which is the present figure, to raise, substantially, the mass of the 5,000,000, largely peasant African citizens which we have. Why I say it is impossible is this, if we raise income tax and surtax to such a rate that we can indeed provide all the social services which we are asking for, then we shall dissipate all the flow of capital. No capital will come from overseas. The capital which is available to us in the form of savings will be absorbed by Government to pay for social services. Therefore, we are faced with the fact, fortunately, that we have an automatic break upon direct taxation. I want to ask the hon. Member to consider strongly what I have said about reducing it. Nevertheless, the demand for social services continues. We have got to find a method of meeting them. I want to put forward a suggestion. I am not putting it forward at all as a European or from a racial angle. I believe we have failed in some way to strike enthusiasm from the Africans to produce the wherewithal for his development. I think that to

[Mr. Blundell]

many Africans the fact of services passing through the revenue and out again, the cost of carrying them out and implementing them, becomes entirely ethereal as far as the African is concerned. I should like to suggest that we should make a real attempt to enlist African enthusiasm. There is an indication of that in the Government's intention of a recent announcement on district education boards. I believe possibly such things as African education authorities, where the African can himself be a part of the process of raising (a) the money, and (b) the implementation of his education programme, will help us. From that, Sir, I would like to proceed and suggest to the hon. Member that the Government should, once again, consider the report which was presented to the Government on the graduated poll tax. (Hear, hear.) Quite frankly, I believe it is absolutely vital that we should broaden the basis from which we draw our revenue. I believe unless we do that, we cannot sustain the mounting cost of social services which are envisaged in this Budget. If we cannot sustain them, we thus only meet them by direct taxation; as I have already said, which will impinge upon our development. Therefore, if we are to have those social services, we have to broaden the basis from which the money is drawn. That takes me to export taxes.

My colleagues and I have not altered our opinion that an export tax upon an organized industry with balance sheets is wrong. The industry itself is already taxable, as the hon. Member knows, through income tax and any other tax he likes to put on what is assessable through a balance sheet. We consider that realism might dictate to us, as it has in Tanganyika, that export taxes are a proper method of taxing a peasant industry which has not a balance sheet or organized finance behind it which can be taxed in other ways. We would support export taxes on that basis, especially in view of the rise in social services and our very firm conviction that it is vitally necessary to broaden the basis from which taxation is drawn.

Sir, there are two smaller details to which I would like to draw the hon. Member's attention, they are these. I

agree with him that it is necessary to release the £8,000,000 surplus balances so that they do become what I would call a free entity. I think I would not be far wrong if I said to-day that although we show £8,000,000 surplus balances, a large element of them is already bespoken or locked up in underwritings, guarantees, cereal finances, etc. I believe it is essential that the hon. Member should use the great flexibility of mind with which he has been endowed by nature, towards getting those £8,000,000 freed once more for their proper purpose. I ought to be talking to the converted, because when the hon. Member was still freshened by the life-stream of blood of this side of the Council, I remember his saying that he hoped some of that £8,000,000 could be used as a tax equalization fund against the turn of the wheel to which I have already referred.

The second point, Sir, to which I wish to refer is this. My colleagues and I consider the time has come when we should seriously consider removing the Development and Reconstruction Authority Budget as a separate Budget to the revenue and expenditure of the Colony. We believe that we have an expanding economy and developing country, therefore, we have the Development and Reconstruction Authority with us for ever. It is illogical and wrong to put it forward as a separate Budget and in particular, Sir—a personal view of my own—I do not believe that, until the Development and Reconstruction Authority "passes through" the normal Budget under normal Treasury control, we shall see one of two things: (a) that the money is properly expended with proper efficiency, and economy, and (b) that the recurrent implications of our Development and Reconstruction Authority programme are properly assessed. We would urge most strongly that in the 1954 Budget, the Development and Reconstruction Authority is absorbed within the Budget proper and becomes what it is, actually a transfer from revenue towards capital development. (Applause.)

Now, Sir, I would like to end by saying this. I have had to stress that in my view, the Emergency must condition our outlook upon this Budget. I would go from that, Sir, to say that we, my colleagues and I, have complete faith in

[Mr. Blundell] this country and its economy. (Hear, hear.) WE have that faith, provided that the Government deals with this Emergency on the lines to which I have already referred, and we are of the opinion that all moderate opinion, including moderate African opinion, will be solidly behind the Government in taking the necessary painful, drastic and nasty measures necessary to deal with those who are disrupting our law and order at the present time. The impact of this Emergency upon our Budget is referred to by the Member for Finance, he referred to it in the closing part of his speech, but I wish to record that we want on this side effective action. We do not want any looking over the shoulders of Government at the opinion of anyone else, either to the United Kingdom—(Hear, hear)—or to a section of our community. What we want is action taken to deal with the Emergency. We are the people, whether the United Kingdom like it or not, we are the people who are suffering from the Emergency. In regard to that I ask the hon. Member for Development to make a statement in this Council, giving the Government's intentions on the programme for tightening the action against those who are lawless, their medium-term policy immediately they have the stress and strain of the Emergency in hand and lastly, their proposals to prevent a recrudescence of the trouble. If the hon. Member will do that, I have confidence, Sir, that we can make this Budget a reality and not what it may well become if we do not deal with the Emergency, a mirage. (Applause.)

THE SPEAKER: It is nearly 11 a.m. and to save interrupting you in the course of your speech, we will now suspend business for 15 minutes.

Council rose at eleven o'clock a.m. and adjourned until fifteen minutes past eleven o'clock.

MR. CHANAN SINGH (Central Area): Mr. Speaker, with the concurrence of my colleagues here, I request your permission to speak for more than 30 minutes.

Now, Sir, I associate myself with the hon. Member for Rift Valley in congratulating the Member for Finance for

presenting to Council a very clear Budget and a clearer speech. The Budget booklet which has been introduced this year will, I hope, be followed by fuller booklets in the years to come. I specially hope that it will develop into something like the economic survey that has been presented in England every year. That is information about economic conditions in this territory which is not available to the ordinary man, and I think it should be brought out and made available to people who are interested in public affairs. That purpose will be served by an economic survey.

Now, Sir, there are one or two suggestions which I wish to make with regard to the form that I think the Budget should take. My first major suggestion is—and that is based on one of the recommendations of the Plewman Committee; of which I was a member—that the Budget should be clearly divided into two parts, the capital and revenue Budget. This is a subject—the division into two parts—which has been discussed in the other countries of the world for many years. It is true that not all countries have adopted this procedure, but some have—and to great advantage. Sweden has definitely adopted a double Budget and, in view of recommendations by a committee which gave careful thought to this question, I think we might also make a clear division between the capital Budget and the revenue Budget. Some sort of attempt has already been made to arrive at a division like this—a double Budget—with the Development and Reconstruction Authority and the Road Authority Estimates, but in my view that does not go far enough. There should be a clear-cut division. The Development and Reconstruction Authority Budget contains many items which are of a revenue nature, and the Colony's ordinary Budget contains many items—quite big ones—which are definitely of a capital nature.

There is nothing revolutionary at all about the suggestion. This is a system which, in common accountancy terms, is called the "double account" system. The Railways—an undertaking which employs a large amount of capital—already follow such a system. They separate their capital accounts from their revenue accounts, and I am sure

[Mr. Chanan Singh] the Central Government can adopt the same procedure with advantage.

The whole idea is that the money spent on creating durable assets or on improving the value of durable assets should be kept separate from the money spent on the running of Government machinery. The Budget to-day, Sir, is nearly £16,000,000 but not all of it will go into the pockets of officials, although the common man may get that impression. A big proportion will be used for erecting buildings and water supplies, and these items could very clearly and easily be kept separate. Then, taxpayers will know what part of the money they are giving to Government is being utilized for creating durable wealth and what part of it goes into the running of the Governmental machinery. And the Government will also be able to tell the taxpayers: "We are not squandering all the money that you pay us. Here is what we have got in return for at least part of the money that you give us".

While on this, Sir, I have another suggestion to make, and that is that the cumulative total of money spent on capital assets should also be made available from year to year. If a start is made now, I think that will be possible; otherwise if we let the matter linger on, very soon it will become impossible, as it has become impossible in the older countries of the world. A list, I think, should be made of the existing capital assets and this should be kept up to date by adding to it the amounts which are spent from year to year.

Now, Sir, the Railways are not a small concern. They follow the procedure and there has been no difficulty. They have a list of everything that they own, and I am sure the Government can do the same. Such an inventory will be useful for other purposes. The people of the United Kingdom have given this Colony a lot of money in the past, and they should know what that money has been used for. We can tell them: "This is what we have got in return for the money that you have given us". Similarly, the Government can tell the people in Kenya what the Government has created out of the money that the taxpayers have paid. Even for the purpose of a revenue Budget, such an inventory will be useful.

Sir the reason is that the cost of running the Government is not only the amounts paid in salaries, or amounts spent on the purchase of current goods, it is also the cost in terms of depreciation of the capital assets, which the Government owns. I think account should be taken of that depreciation. If an inventory is once compiled and is kept up to date then it will be possible to calculate the cost of depreciation of that capital. That depreciation, Sir, as is common commercial undertakings will be the first charge on the revenues of the State. The balance left over should also, I think, be further classified.

The present classification splits up the revenue into various heads, administration, social services, agriculture and so on, but I think it is necessary further to split up those totals. It is necessary to show how those totals are made up. I think at least two divisions should be made here. One division should show the amount that is paid out to people in Kenya, and the second division should show the amounts that are paid out to people living outside the Colony. I think such a division of Government expenditure is very necessary.

Now, Sir, the amount paid out to people in Kenya is paid out in terms of salaries, or for the value of goods purchased locally, or in transfer payments. So far as payments made to overseas countries are concerned, they may be for pensions, or for goods which have been bought from overseas, or repayment of past loans, or payment of interest. If such a division of Government revenue and expenditure is made, that is, division of the revenue side of the Budget, I think that will be useful later on in compiling the balances of payments statistics. I am sure an attempt will be made, sooner or later, to compile such a balance of payments because every country should know what its financial position is as compared to the financial position of other countries and as compared to the indebtedness of the country to other countries.

Now, Sir, I wish to say a few words with regard to taxation. Frankly, I do not agree that there is anything wrong with income tax as a matter of taxation. I think there is no alternative to income tax as a fair method of taxation. After

[Mr. Chanan Singh] all, taxes can only come out of income, and from my way of thinking, that tax is fair which is related to the income of a man. As income tax is the only tax which is related to income, which is based on the income of individuals, I think it is the only tax which can be called a fair tax. And, in any case, in this Colony it is not the only tax levied; it is not a single tax; there are other taxes also. Taxation here is very widely diffused, but I think income tax is very essential and the only tax which can be called a fair tax. Now, Sir, the principle that a fair tax is a tax related to income has not always been kept in mind. The export duties which were imposed last year are open to objection on this ground. I think the section on which export duties are levied is quite prosperous these days, but there are certain other sections of the population which are also prosperous. If other sections of the population can get away only with paying income tax, there is no reason why the farming community should be expected to make a special contribution in addition to income tax. If they are making profits, they are paying income tax on that; why should they be made to pay a special tax?

There are countries in which agricultural incomes are exempted from income tax. If that was the position here, there would be every justification for imposing a special tax on farmers, but as farmers are subject to all the other forms of tax in this country, I think this special tax has no justification.

The big book of Estimates that has been presented to the Council lists the export duties as an indirect tax. Is it the view of the Government, Sir, that the tax is not borne by the people who actually pay it? Is it ultimately borne by somebody else? The definition of an indirect tax is a tax which is paid by one person but is ultimately borne by another. If export duties are ultimately borne by the farmers, who actually pay them, I think they are a form of direct tax. They are not indirect at all. It is quite possible that the export duty on one or two commodities is passed on to the foreign buyers, but I am not sure if that is possible in all cases. After all, these commodities are sold on a competitive world market. I am sure three or four pounds, or whatever the amount is per

ton, realized from the farmers cannot, these days, be passed on to the foreigner.

If that is so, then export duties are a direct tax. They are paid by farmers and they are borne by farmers. If in some cases export duties are, in fact, passed on to the foreigner then I think that makes export taxes still more objectionable. It means that different classes of farmers are being treated on a different basis. Some of them have to pay this tax out of their own pockets, others pass it on to foreigners.

As I say, I am not aware of any conditions under which farmers these days can recover export duties from foreigners.

The illustration in the Budget booklet of the Member for Finance shows a big ship with the figure of £310,000 underneath it. The ship, undoubtedly, carries the commodities away but I am sure it does not carry the tax away. I think the illustration should have been a different one. There should have been shown a representative of each economic class in the booklet with an income tax man following each, but two men following the farmer. (Laughter.)

I must admit, Sir, that there is nothing new about export duties. They are as old as the principle of taxation, as old as the Government itself. Export duties were imposed in India many centuries before Christ; they have been imposed in England from time to time; they have been imposed in other countries of Europe. In those days, we did not have income tax. Now there is a general form of taxation which is income tax and that tax is paid by farmers as well as by others.

I feel, Sir, that export duties are definitely inequitable. If we apply the same criterion to some of the other taxes, Sir, and they have been brought into discussion by the hon. Member for Rift Valley, I think some of the other taxes that the people pay are open to the same objection. I feel, Sir, that in the presence of income tax there is no justification for any special tax. If more money is needed, the income tax rate, or the method of levying income tax should be revised.

Now, Sir, in social services we include mainly the hospital services and schools.

[Mr. Chanan Singh] We have a special hospital tax. I think that again is a wrong tax. First, because it is raised—it is levied—in addition to the income tax and, secondly, because it is levied on a racial group.

Now, Sir, Europeans are allowed to group themselves into one community for the purposes of hospital services. Tomorrow a rich section of the Indian community may come forward and they may say, well, we have nothing to do with the poorer classes of our community, we want to build our own schools and hospitals and let us do that. And if the policy which the Government has adopted for some years past is taken to its logical end, then the richer classes of the Indian community will be perfectly entitled to separate themselves from the poorer classes and to tell the Government: "We will raise money ourselves to build our own hospitals and to build our own schools, and we do not care what happens to the poorer classes". I think, Sir, that is a wrong policy. It is true that in these days we cannot prevent people from building their private schools and private hospitals; but my contention is that the Government itself should not associate itself with any policy like that. The taxation policy of the Government should not encourage sectionalization on these lines.

The same remarks apply to the proposal regarding the formation of an education authority for the African group. That will mean, Sir, that there will be one authority to look after the educational interests of one racial group, and they will get some part of the money they need from the Government; the balance they will have to raise from the group which they represent. I think that will be tantamount to legalizing or encouraging the levying of racial taxes. And I think that will be entirely wrong. If the Government concedes that demand, it will, in fact, be saying to the poor people that the rich people, who can pay taxes, do not want to have anything to do with the poorer sections of the population; they want to organize their own social services; and the poorer sections which have no money, therefore, cannot join with the richer sections to take advantage of the facilities which they provide for themselves.

The Government will, in effect, be telling the poorer sections, "as you have no money, you must either go without education and hospital facilities or you must save from whatever meagre amounts you have available for food, clothing and housing; and contribute that in taxes so that the Government can build schools for you also".

Now, Sir, it is generally true that in this Colony, although we are three racial groups, we are in effect three economic classes. There is some overlapping, admittedly, but generally speaking, we are three classes which are divided on economic lines. It has not happened in any country of Europe that the richer classes have been asked to build their own schools and hospitals, and the poorer classes have been told, "you either get money from wherever you can, or you go without social services". Why should that happen here?

Now, Sir, while on taxation, I have another suggestion to make, and that is in relation to personal tax that is paid by the immigrant races, and the African poll tax. The personal tax that is paid by Europeans and Asians at the present time is not a tax to which no objections can be raised, but it is less open to objection than the African poll tax. I think, as a first step, the Government should link up these two different taxes. That was also one of the proposals of the Flewman committee, but it has not been implemented so far. I think this can be done quite easily and quite usefully, so that there will be one personal tax which will be paid by members of all races and the racial element will disappear.

Then, Sir, I have a few remarks to make with regard to the Civil Service of the Colony. While going through the Estimates, we find a large number of entries for senior posts. The number of senior posts in the Government departments has quite naturally been increasing over the past few years. We are living in a developing country and it is only natural that the number of senior posts, as well as the number of junior posts, should increase. But, in the past, the non-European officers of the Government have been deprived of an opportunity for promotion to the senior posts. I think that is a matter which needs very clear and frank examination now. At the

[Mr. Chanan Singh]
 present time. Sir, the few Asians who are in the so-called unified services, receive 60 per cent of the salary of the corresponding European grade for doing the same work. I think, Sir, there is no justification for that state of affairs. If a person is expected to do the same work, there is no reason why he should not get the same salary. It is quite possible that the Government thinks that some of those officers do not have the same qualifications as the corresponding European officers, but I do think that, in the matter of qualifications, the Government can insist that senior posts shall be open only to those officers who have the requisite qualifications and no concessions will be made, either to Asians or to Africans. But, if the qualifications are the same, if the non-European officers have the requisite experience and knowledge of the duties required of them, then I think they should be paid the same salary as would be paid to Europeans occupying those posts. Not only that, the other rights and privileges which belong to senior officers in the European grades should be given to the non-Europeans occupying those posts.

Here, Sir, I wish to make it clear that I am not asking for any special privileges for Asians or for Africans. All I ask is, if two officers are equal in the matter of qualifications, in the matter of knowledge of the duties, then they should not be treated differently in the matter of salaries and other rights and privileges. I ask for equality for equals, not for equality for unequals.

I think all the posts in the unified service should be thrown open to all races on equal terms and they should be filled by open competitive examinations so that only those candidates who come up to the mark will be appointed.

There is another class of civil servant, Sir; I refer to the subordinate staff—the staff who are below the unified services level.

A circular has recently been issued by the Government which makes it possible for those Asian officials who have reached the European standard of efficiency to be appointed to European grades, that is, to be promoted to "A" services, and it also makes it possible for those Africans who have reached either

the Asian standard of efficiency or the European standard of efficiency to be promoted to "B" or "A" scales.

I must congratulate the Government on deciding to implement this part of the White Paper on the Salaries Commission. It is indeed a very good thing that they have done this, and I am sure the whole Civil Service is grateful for this step that the Government has taken.

But, I think a further step is here due, and that is this. The Civil Service—that is, the subordinate ranks of it—has already been divided into three classes, "A", "B" and "C". I think recruitment to these three classes should be made by open competitive examinations and members of all races should be allowed to compete. If an Asian or an African wishes to compete for entry into the "A" services, they should be allowed to do that, and if he is successful in the examination, as well as at any interview that may be held later on, I think he should be appointed straightaway to the "A" grade.

Similarly, if an African wishes to take the competitive examinations for "B" posts, he should be allowed to do that. That is the next logical step to the principle that the Government has already admitted, and in fairness to the people who have made this country their home, or who belonged to this country originally, this step is now due.

Then, Sir, I come to the problem which is, and which has been for a few weeks, uppermost in the minds of the people of Kenya, the problem that has been created by lawlessness in certain parts of the Colony. With regard to the measures that have been taken, we have—in fact—all sections of this Council have given Government our full support. I believe the Government is the best judge of what should be done, and it is in view of that that we have given our full support to the measures that the Government has taken.

But, there is one thing here, and I am sure the Members on the opposite benches also agree, that wholesale arrests, the closing of schools and the closing of papers is not a long-term remedy. It is an unpleasant remedy for the short period and I am prepared to agree that this remedy is necessary at the present

[Mr. Chanan Singh]
 time, because the Government thinks so, and the Government alone is in possession of the facts. But we must think of what should be done in the long run, and it is here, Sir, that I have one or two suggestions to make. As soon as the Emergency is over, I think this matter should be thoroughly examined. My suggestions are two: one is with regard to encouraging the educated and enlightened sections of the African community. The second is in regard to the system of education.

My feeling is, Sir, that the Government has, in the past, given undue encouragement to the tribal institutions and customs of the African community and they have not given as much encouragement to the educated young African as much as they should have. I think there is no need at all to have separate governmental bodies or institutions for the African community. There is, in effect, no need for separate African courts; there is no need for separate African district councils. I think the African community should be allowed to participate in the general institutions of the community, whether such institutions are political in character or economic or social. I think that is the way in which salvation lies.

One thing is quite clear, Sir, that fundamentally in this country and in the other countries of the world, the future lies in the hands of people who have imbibed the traditions of democracy, who have received modern education. I am sure it is not the view of Government that the tribal institutions of the African community will last for ever. They may think that Government should not do anything actively to uproot those institutions, but it cannot be the view of anyone that they are the institutions which will continue to exist for ever. Ultimately the African society must come on the same lines as modern societies in other parts of the world. If that is so, Sir, the leadership of the African community will pass ultimately into the hands of those people who have had the advantage of modern education, who have studied and understood the institutions and the demands of democracy.

This has been clearly proved by what has happened in other parts of Africa.

In West Africa, Sir, political progress has been made at a rapid pace, but even there the leadership is in the hands, not of tribal chiefs, not of headmen of villages, but of young men who have received Western education and here, Sir, I must say one thing more. Whatever we may say about the standard of living, about economic conditions, about the economic structure of society, I think from the point of view of the subject people, the ruled, the only measures that will satisfy them will be measures political in character. We can, if we want, and if we have the necessary resources, build double-storey houses for every poor man in Kenya, and we can give every one of them sky-high incomes, but I am sure, with these reforms, the demand for political rights will increase still further. I think the basic remedy is on political lines, not on economic lines.

That is one direction, Sir, in which I think progress should be encouraged after the Emergency is over.

I have indicated two ideas, Sir. One is that we must encourage the building up of the African society on modern lines. Secondly, we must place full confidence in the educated African young man.

The second suggestion that I wish to make, Sir, is in regard to education. I am frankly of the view, Sir, that the mission schools have done very good work in Kenya and there is no reason to discourage them, but I also feel that there is no reason to discourage schools which are built and started by the African community themselves. I refer to secular schools; schools which are not affiliated to any religious society, but which are independent of them. It may be necessary in the present Emergency to close down some schools, but that is a matter which I think, as soon as the Emergency is over, should be given more thought and we should try to see if any mistakes that have been made in the past cannot be avoided in the future. There is scope for non-mission schools, and while everything should be done to keep education separate from politics, I think we should not give suspicion to the African people that the Government does not want to encourage schools which are not connected with missionary societies.

[Mr. Chran Singh]

The independent schools that are started should, without doubt, follow the lines of modern education; should follow the syllabuses laid down by the Government departments; and should be subject to close supervision by the Education Department; and, in addition, I think they should receive the same form of grant as other schools do. If we do that, Sir, I think the African leaders, who have taken an interest in the education of that community, will feel encouraged and they will be able to contribute more to the political and social health of the Colony as a whole.

With these remarks, Sir, I beg to support the Motion.

MR. MATIU (African Representative): Mr. Speaker, I should like to associate myself with the remarks made by my friend, the hon. Member for Rift Valley, in congratulating the hon. Member for Finance in the best way in which he has produced the Budget. (Applause.) I must say, Sir, that on the whole, my hon. friend, the Member for Finance has presented this Budget in, I think, for the first time the very simplest language that I have had the opportunity of studying, when Members of Finance have presented the Estimates to this Council. I should like to go on straight away and make my comments on the economic survey of the country, as he himself did, and I wish that, Sir, I should like to make comment on what he called the "real volume of production".

Now, he has, Sir, given the development in regard to non-African agriculture, and was absolutely silent as far as the African development in agriculture is concerned, and before I go any further in this matter, I should like to quote a statement which his predecessor made before this Council on the 31st October, 1951. He said this: "Although progress in this direction has been made, it is not yet possible to give statistics in relation to African agriculture, but it is hoped that we shall be in a position to quote some figures next year." Meaning this year, 1952.—"At the moment, therefore, we are compelled still to rely upon a general appraisal. All the indications are that African agriculture in no way lagged behind the general expansion."

Mr. Speaker, I owe you an apology. I intended to ask leave to speak for 30 minutes, can I ask that now, I mean to do that immediately before my remarks.

THE SPEAKER: Yes, you will be interrupted at half-past Twelve, in any case.

MR. MATIU: Yes, Sir.

Now that statement, Sir, which we made this time last year, was a statement that I had hoped would be, or rather I promise in that statement would be carried out.

Now, my hon. friend has not carried that promise out and I think I shall be to dwell a little on this in order to place certain things on record.

Let me say straight away, Sir, as far as non-African agriculture is concerned to which my hon. friend has given due prominence—that its development is as without very direct assistance of the African people. He says, Sir, that a substantial part of the increase has been due to greater output from non-African agriculture—greater output. I suggest, Sir, that at every point in non-African agriculture, there is direct African assistance in the way of labour, in fact, the whole labour is African, and I think it is a side of the picture which the public of this country would like to see emphasized, and in particular the African community who do contribute this will get encouragement when they know that their services in the increasing of the national income of the country are getting recognition. (Hear, hear.) (Applause.)

Now, Sir, I had to wait until the 15th November when His Excellency the Governor of this country, Sir Evelyn Baring, held a Press conference, and is reported to have said this: "The Government also have very much in mind the development of African agriculture. It had often been said that Africans in Kenya were not allowed to grow the more valuable plantation crops—coffee, sisal, tea and pyrethrum. We are coming out of that stage now, the figure for the sale of surplus African cash crops in 1946 was £1,377,000. In 1951, the figure was £3,268,000." Now that, Sir, works out as an increase of nearly 138 per cent between 1946 and 1951; and I do suggest, Sir, that that is a very tremendous effort

[Mr. Mathu] of a community which is, on the whole, poor, to increase their output and contribute to the revenues of the country to the tune of an increase of 138 per cent approximately; and my hon. friend, the Member for Finance, was absolutely quiet about that!

Sir, as far as the plantation crops are concerned, I do think that if those who had the figures did give us them; they would show that as far as coffee is concerned, in particular in the Meru district, as far as the quality was concerned, it was as high as any quality in the whole world produced by Africans, and I have been given that from people who know that this is so.

MR. HAVLOCK: Hear, hear.

MR. MATIU: I am glad to hear my hon. friend, the Member for Kiambu, agrees with this. My hon. friend, the Member for Finance was absolutely silent. (Laughter.) I can also cite the contribution that is being made by the African in the production of maize, in the production of sisal and in the production of tea. This time last year I criticized the policy of the Government in that although they have allowed Africans to grow these special crops, the restrictions which have been imposed as a result of certain rules go sometimes too far in that they stifle the enthusiasm which these African growers would like to exercise in order to contribute very materially to the economic wealth of the country. And I would like to say, Sir, that we still have a long way to go in encouraging these Africans to grow sisal, to grow coffee on a larger scale, and to grow tea, similarly to grow pyrethrum, and I did raise the question of growing sisal on a plantation scale, particularly in the Wakamba country which is particularly suitable climatically, and I do not think the Government then, and even now, is very prepared to allow Africans to grow sisal on a plantation scale. I would like to suggest that this is a matter Government should consider encouraging so that these people can help in the development of this country.

Sir, I would like to pass from agriculture, and to say, Sir, that the African community, like other communities, has made a contribution in building up the

trade of the country and in the commercial life of Kenya, and that aspect of the story, I think, Sir, I should like my hon. friend the Member for Finance, who knows better than I do in these matters, because he has all the facts at his disposal, to let the country know where the African stands. Now I do not want anybody to imply that I am treating this particular part of the Budget on a racial basis, but I think hon. Members will agree that that omission which my hon. friend made could not with justice be allowed to pass unchallenged.

Now, my hon. friend, Sir, has something to say about the cost of living; I should like to make a few remarks on should like, Sir, He says, Sir, that the purchasing power of the pound in June this year, as far as Kenya was concerned was Sh. 14 and he compared this figure with similar figures in other parts of Africa and said we are not very far behind the rest of the country. But what I want to emphasize here, Sir, is that the cost of living in relation to the rise in prices in Kenya has hit the lower income groups very hard indeed, and the very poor in this country find it extremely difficult to live on all this. (Hear, hear.) And so, Sir, although he says that greater production and, I entirely agree with him, greater wealth and I entirely agree with him that all should contribute to these ends; I do suggest the higher income groups and the middle income groups have a standard of living which is perhaps too high in comparison with countries of the same standard of development as ourselves. I do feel, Sir, that somehow we must endeavour to relieve the distress of the very poor. There are many ways of doing that, Sir, and I shall have a few words to say on that presently when I come to deal with the population. But let me say here, Sir, that as far as the African poor are concerned, and these are, Sir, as you know, in very large numbers in the country, we will have, I think, to do something very quickly either to raise the wages of the working people of those classes, or to subsidize certain of the foodstuffs which are absolutely essential for the life of the workers, and I refer in particular to the *posho* price, which I think is almost now prohibitive—not letting people have more than one decent meal a day. In that connection, Sir, I should like to refer very

[Mr. Mathu] what his Excellency the Governor said on the 15th as far as the Government African servants are concerned. He is reported as having said that consideration had also been given to the position of African Government servants. The main issues would perhaps have to be discussed with the other East African Governments. In the clerical service, there were at present three grades and most of the Africans were in Grade C. An inquiry was being made in Government departments to be set if Africans and Asians could be promoted.

My hon. friend the Member for Central Area, Mr. Chanan Singh, did remark on this, but I should like to underline one very important factor, and it is this; that the time has come definitely, has come, for the Government to give the African community opportunities to occupy positions of responsibility in Government departments. Well, it is true that I will be told that we have to go very slowly in order to make sure that we do not make mistakes. I submit, Sir, that before any people can be responsible they must make their own mistakes, in order that they may stand firm. I do say, Sir, that the time has come; that a trial should be made to give openings to fully qualified men in the senior posts in Government service.

I welcome, Sir, that an inquiry is proceeding to see whether promotion could be made to higher grades from clerical grades of the non-European community, and I hope that something will materialise very quickly because I feel, Sir, that what we want particularly during this period of tension is that we should get our allies on the side of Government, and this is one of the ways of doing it.

Sir, I should like to comment on the question of population. My hon. friend the Member for Rift Valley was very vocal on the question of encouraging the flow of capital and the immigration of suitable people with money and with energy. I have no quarrel with that, but I do not think he has any quarrel either. My hon. friend, the Member for Finance, said that the increase of non-African immigration between 1946 and 1951 was 50 per cent. Now that is, I

think, a very high figure and it is mainly from natural increase, it is by immigration, so I do not think a Government should be criticized for having encouraged people to come here. In fact, I think the encouragement is too much.

THE MEMBER FOR FINANCE: No African.

MR. MATHU: As far as the attraction of capital is concerned, I would suppose my hon. friend the Member for U Valley in that we should have conditions which would attract people to live here and I am extremely sorry that we are in the state where we are, and it is right—that certain capital has been arrested from coming into this country, as a result of the Emergency—I say I am extremely sorry this had to be the case. I do hope that when the Emergency is over, there will be created conditions which will encourage money to come into the country, but coupled with this, Sir, I would say that here also, we have some other investment which we must make, and that is the investment in human material which we have in this country. So, if it is a question of labour I think we should have social services which would enable these people to use their energies more intelligently in a field of production so that they know what they are doing and, therefore, the can increase their output. I think the investment comes through education through medical services, good employment conditions, incentives and so on, and I do think we have to take the matter on both sides, that is not only to look at the capital without thinking of labour and the conditions under which they will come to work.

Now, my hon. friend, the Member for Finance is a bit disturbed, I think, or I do think, over the migration of a large number of Africans to urban areas. Now, I do not think, Sir, that it is altogether a very disturbing phenomenon because it must come. In fact we want it to happen because if we could have conditions which would attract a large number of Africans from rural areas to townships, so as to relieve the pressure on the land, I think that is a healthy step. On the other hand, I admit there are problems which this migration creates when they come to the towns, in the way

[Mr. Mathu] of demands for more houses, more facilities for education and medical attention and so on. But these are problems which are not peculiar to our own Colony, they are the problems which face the whole world. And in this connexion, I should like to say that the recent proposal by the City Council of Nairobi to spend £2,000,000 on African housing, is a decision which can only, I think, receive the applause of the whole country. I would like, Sir, to take this opportunity of congratulating the Nairobi City Council for the decision they have made with regard to the housing of Africans in Nairobi. (Applause.)

I should also like to say, Sir, that I entirely approve of the policy of Government in regard to this matter as outlined in this Press conference, at which His Excellency expressed his views. He said that the local authorities were to build houses and rent them to Africans, any loss being shared by the local authority concerned and the Government. Two allowances to assist employers for African employees, and three, assistance to Africans in the way of materials, loans and grants to build, or purchase that any houses. Now, I do not think that anybody would quarrel with that policy. I would say, Sir, is that all we want is speed, because unless we act very quickly we will not be able to catch up with the housing problem, and the evils that result from people not being properly housed will always give us headaches. I would like to emphasize here that what I should like is a stable family life in the urban areas of our own country. (Hear, hear.) Without that, I do not think we shall ever feel very comfortable with our own people in the urban areas, and anything, Sir, we can do to make the African feel that he has a permanent home in an urban area, we must do. Housing, of course, is one thing, and, of course, owning a house is another. Those who are in employment should have superannuation schemes so that fellows who feel, when they retire from employment, they will not have to go back to rural areas, they will stay in the towns, because they have a stake in it, and will live comfortably without botheration. That must be a policy that must be pursued with vigour and with determination, and anything that the African Members of the

Legislature could do in this matter to assist, I know we shall do our utmost to give the co-operation that the Government requires in this matter. (Applause.)

Now, I have a few remarks, Sir, to make on certain suggestions that have been made by my hon. friend, the Member for Finance, in his speech. The first is to support the suggestion he has made for the appointment of a Select Committee on Estimates on the lines of the House of Commons. I think, Sir, this is definitely an improvement and a stage further forward in the control of public finances in this country, and I, therefore, would like to give my support to it.

The other suggestion he has made, Sir, is the raising of the Civil Contingencies Fund to the tune of £200,000. I would like to support that, too. The third suggestion he has made is the creation of an Economic Research Unit. I am interested in this one, Sir, because if his difficulty in not producing statistics in African agriculture is because he has not got the staff, then I would welcome a research unit of that kind, which would produce the figures we want in this regard. I hope, Sir, it will not be a duplication of the arrangements which the Government has made with the East African Statistical Department to do some of the statistics we require for ourselves. If it is not a duplication, I think it is a recommendation which will help us to place before the public the facts which we all require in order to place our development plans not merely on guess-work but on facts which we can show.

Now he has suggested, Sir, the creation of a Local Loans Authority, and I am interested in this in that I feel, Sir, that the development of this country politically will mainly be made stronger by a very strong and healthy local government system—(Hear, hear)—and the transferring of £1,800,000 from the Development and Reconstruction Authority to the Local Loans Authority has definitely my support, and I give this because I take it that it will be all local authorities of all communities here, and that they will all get the facilities which are proposed here.

I would like to make a few remarks, Sir, on the question of taxes. I supported the inauguration of the export taxes, and I should like to support that they should continue. They affect all communities

[Mr. Mathu] who have anything to do with the products which come under this form of taxation, and I do not think they are inequitable at all.

MR. HAVELOCK: Question!

MR. MATHU: Now, my hon. friend talked about the productive capacity of the country and its general development, and I should like to say, Sir, that the development of this country must be regarded as a joint effort of all those who live here—(Hear, hear)—and that joint effort should be recognized, and any party in this joint enterprise which does not pull its weight towards healthy development of this country, I say, should have a smack on the back. (Laughter.)

I suggest, Sir, that we must all pull our weight in the rapid and healthy development of this country. That is why I suggest, Sir, that any production or any development which has the leadership of any one particular party should not disregard the contribution of the other party—it may only be a small part, not a very large contribution, but the fact remains that that little contribution goes to enhance the development in that direction. (Hear, hear.)

THE SPEAKER: I will ask the hon. Member for Development whether it is intended to resume this debate to-morrow.

THE MEMBER FOR DEVELOPMENT: Yes, Sir, it is.

MR. COOKE: I think perhaps you misunderstood me, Sir. I said I was not going to raise that question on the Adjournment, because I did not want to interrupt the debate, but I would raise the point about roads during this session, the Budget session. I think perhaps you misunderstood me.

THE SPEAKER: Evidently I have misunderstood you.

If you will go on, Mr. Mathu—until a quarter to one.

MR. MATHU: Now, Sir, I should like to say a few words on the speech made by my hon. friend the Member for Rift Valley. On the whole, Sir, I think my hon. friend made a very moderate and

very constructive speech, and I should like to congratulate him on that. (Hear, hear.)

There are, however, a few remarks which I should like to comment. I have already done so in regard to what he would contribute when there is capital available in the country, and I say, Sir, that his not very encouraging remarks as far as the social services of the African people, particularly education, is concerned, would have been better if they were made in an encouraging tone, because that is, I think, one of the ways which will help the quick development of this country, and without it I do not think an illiterate community can be a very much, really, in the long run contribute very materially to the development of the country. I think, therefore, Sir, I feel that we cannot, without endangering our future, refuse as much money as possible to be spent on the education of those who have not been so privileged as a result of history.

He was commenting, Sir, on the question of income tax, and said that 17,000 income tax payers cannot raise the standard of living of 5,000,000 people—mostly African peasants. Now, Sir, my hon. friend seemed to imply that the 5,000,000 African peasants were passive, all that they were waiting for was to have the 17,000 income tax payers coughing up the money and they would continue to do the consumption. That is far from the truth. The 5,000,000 Africans are contributing at the same time towards the national income of the country. That was the point, Sir, I felt he laid too much emphasis on those who pay income tax—and in any case, African people are liable to pay income tax. (Laughter.) They must pay income tax. Therefore, if they are not included in the 17,000 of the income tax payers, that is because they have not been able to earn income, in order to pay income tax in that way.

HON. MEMBERS: Oh!

MR. MATHU: I think my hon. friend the Member for Finance should answer that cry, because he ought to know why they are not assessing the Africans, if they are able to pay the income tax like that. We have never raised any objection to it, and we do think income tax is the only equitable system of taxation, which

[Mr. Mathu] should be supported. Even if they do not pay income tax, Sir, surely the poll tax that the African is contributing should also be recognized; they are paying it. They are not only waiting for the 17,000 income tax payers to pay for all their services, they are also contributing through indirect taxation, because through the consumer goods they buy they contribute very materially. I should like my hon. friend the Member for Finance to indicate how much they contribute in that direction. I do not think that should be lost sight of. Similarly, they pay for licences, like other people, and so on. I do not think we should lose sight of that. They are really doing their best.

He raised the question of graduated poll tax. I served on that committee, Sir, which made the recommendations for graduated poll tax, but I think the difficulties of assessing and the difficulties of differentiation are too great to make the system of taxation in this way profitable, and at that time I think our idea was that the administrative costs would perhaps be more than the actual income, the actual revenue that they would get from that. My own view is that it is not graduated poll tax you want, it is income tax you want, and people should be got up if they have the income which is taxable.

Now, two final points, Sir, I would like to raise. The first is what my hon. friend the Member for Rift Valley said, that we are not perhaps endeavouring to get African enthusiasm behind the Government and behind everybody. But then whose fault is it? Surely, it is not entirely the African's fault. It is what we have been trying to say in this Council, give the African encouragement to come forward. When he builds a dam, encourage him to do so. I will give you one example, Sir. Just across on the border, Sir, a fellow put a dam across a river without depriving anyone of any water, from the riparians down below, and he had plenty of water for his cattle and for the neighbours nearby. But somehow there was a law which did not allow that to happen, and the dam was demolished. There is now no water.

MR. HAVELOCK (Kiambu): It is the same with the Europeans.

MR. MATHU: I say that is not harassing the enthusiasm of the people, it is discouraging them. When I see people take the initiative like that, I do feel that what the Government and those in authority should do is to encourage this positive action, and the initiative of the people. I think we are inclined to disregard that and I say, Sir, the African can be enthusiastic—what he wants is encouragement. That is what we have been asking for in this Council for a long time. It is the same with these schools that my hon. friend, Mr. Chanan Singh, has been referring to. There again there was some enthusiasm. Why should we not exploit that enthusiasm, put it in the proper channel; if it has been misdirected, direct it into the proper channel. That is what I think we should do. I do not think we are doing that.

Finally, the question of the Emergency. I feel, Sir, that this Emergency must come to an end as quickly as possible, and I agree with my hon. friend the Member for the Rift Valley that Government should be supported one hundred per cent. Now, since the declaration of the State of Emergency, Sir, on the 20th of last month, the African Members of the Legislative Council made it public in the Press that they supported the Government in carrying out these measures, and we will understand by that. We have offered our services in whatever way we can to the Government in this matter. I know we are in a difficult position, because we are not Government officials, but in whatever capacity we are, we are prepared to help in any manner that Government thinks we can be useful. One way of doing it, we have suggested, Mr. Speaker, was to have meetings with our own people, either in small groups or in large groups, and tell them where they are entirely wrong. That suggestion has not been accepted by the Government yet, and we hope that they will in due course make use of us in the best way they can. (Hear, hear.) At the moment we feel that we are being left out and in fact that the Government tends to ignore any suggestions we make, and it makes our position extremely difficult, difficult with the Government and difficult with our own people. I should like to say, therefore, openly, that we will do what is possible, what we can, to assist the

[Mr. Mathu]
Government in bringing this State of Emergency to a speedy conclusion, because it is only when that is over that we can then get on constructively together, altogether in this country to develop this country, where we are all going to live, together here; and our desire is that we should live in amity and in friendliness and not with bitterness and racial hatred.

Mr. Speaker, I support the Motion. (Applause.)

MR. HAVELOCK: Mr. Speaker, could Council now adjourn?

ADJOURNMENT

THE SPEAKER: Yes, if nobody wants to start—it is your time.

Council will adjourn until 9.30 a.m. to-morrow morning.

Council rose at forty-two minutes past Twelve o'clock.

Wednesday, 19th November, 1952

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

[Mr. Speaker in the Chair]

PRAYERS

ORAL NOTICE OF MOTIONS

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to give notice of the following Motion:—

(i) The Sugar Consumption Tax Ordinance (Cap. 271)—(Continuation of):—

"BE IT RESOLVED that the Sugar Consumption Tax Ordinance (Cap. 271) shall remain in force until the 31st day of December, 1953."

(ii) Adoption of Schedules of Additional Provision:—

"BE IT RESOLVED that the following Schedules of Additional Provision be adopted:—

Nos. 10, 11 and 12 of 1949;
Nos. 7, 8, 9 and 10 of 1950;
Nos. 5, 6, 7 and 8 of 1951;
Nos. 1, 2, 3 and 4 of 1952."

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to give notice of the following Motion:—

The Increased Production of Crops Ordinance, 1942—(Continuation of):—

"BE IT RESOLVED that the Increased Production of Crops Ordinance, 1942, shall remain in force until the 31st day of December, 1953."

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to give notice of the following Motion:—

The Voluntarily Unemployed Persons (Provision of Employment) Ordinance, 1949—(Continuation of):—

"BE IT RESOLVED that the Voluntarily Unemployed Persons Ordinance, 1949, shall remain in force until the 31st day of December, 1953."

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to give notice of the following Motion:—

The Crown Lands Ordinance (Cap. 156)—Setting aside of Land:—

"WHEREAS the Governor considers it desirable to set aside the area of Crown Land situate in the Highlands and described in the Schedule hereto as a

[The Member for Health, Lands and Local Government]

Native Reserve for the purpose of satisfying the economic needs of the Suk tribe:

AND WHEREAS the consent of the Highlands Board to the setting aside of such land has been given:

BE IT RESOLVED that pursuant to the provisions of section 55 of the Crown Lands Ordinance this Council approves the setting aside of such land for the aforesaid purpose.

SCHEDULE

A portion of land adjoining the Kerio Native Land Unit in the Trans-Nzoia District of the Rift Valley Province and known as L.R. 2112/R1 comprising approximately 366 acres, more particularly described as follows:—

Commencing at a beacon on the north-east corner of L.R. No. 2037;

thence on a true bearing of 11° 28' 56" for a distance of approximately 4,735 feet to a beacon;

thence on a true bearing of 136° 51' 50" for a distance of approximately 8,259 feet to a beacon;

thence on a true bearing of 101° 52' 51" for a distance of approximately 6,734 feet to the point of commencement.

These boundaries are more particularly delineated and edged red on Boundary Plan No. 178/7 deposited at the Survey Records Office, Survey of Kenya."

COMMITTEE OF SUPPLY

Motion in the name of the Member for Finance that Mr. Speaker do now leave the Chair.

Debate adjourned.

Debate continued.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I have but a few points to refer to which have already been raised during the course of the debate but, first of all, Sir, I should like to congratulate the hon. Member for Central Area, Mr. Chanan Singh, on his excellent maiden speech—(Applause)—the content of which and the manner of its delivery showed that in him we have a notable

addition to the debating strength of that side of the Council. (Applause.)

Now, Sir, Mr. Chanan Singh, during the course of his remarks, raised objection to the European Hospital Tax system, taking basic policy as the ground of his objections. As I understood him, Sir, he raised objection to any form of sectional taxation for social services as being opposed to his fundamental theory that social services should be financed from a common pool, and that all who contribute to that common fund—to however small a degree—should be entitled to equal benefit from the fund.

Well, Sir, however attractive that social economic theory may be, when we are dealing with a homogeneous society, with a common general economic standard, I do not think it in the least degree practicable in a community such as ours, and that was the conclusion reached by the Select Committee on European Hospital Services in their working report for 1949, and whose recommendations were adopted by this Council, and upon those recommendations the existing law was founded.

The committee, in paragraph 12 of its report, expressed the theory on which they based their recommendations, in words more apt than I can myself use so, with your permission, I should like to read that paragraph, as being an indication of the policy that has been adopted by this Council, and the policy upon which the European community has based its scheme:—

"We had to bear in mind the reason for the institution of a scheme of this kind which covered the European community only. After investigation we believe that the initiation of the European Hospital Services Scheme was due to a desire on the part of the European community to gain a standard of hospital treatment and a social service in that respect beyond the capacity of the general revenue to provide for all races, and for this reason the European community accepted the additional financial burden. We have had to recognize that those laws of finance which can be applied to social services in a homogeneous community cannot always be adhered to in this Colony at the

[The Member for Health, Lands and Local Government] present stage of social and economic development; otherwise, in the opinion of some members of the committee, the progress of social schemes of this kind might in the case of the more advanced communities be delayed beyond the time when those communities are ready to accept such responsibilities. Those members believe that such delay should be avoided, not only in the interests of any community which has reached the point where it is prepared to accept such schemes with their accompanying financial and moral obligations, but also because any achievement of progress by the part must tend to inspire the whole to greater effort."

Now, Sir, in the adoption of the scheme proposed by that committee, and approved by this Council, the European community, in my view, set a fine example of civic responsibility and of self-help—an example that might well be followed by other communities. I have a feeling that the hon. Member was raising his standard well in advance in anticipation of the production of an Asian scheme of a similar character, on which he is well aware that some of his colleagues are at present at work.

The hon. Member went on to speak of the building up of African institutions on sound lines, and suggested that the time had come for the passing of control to younger men who have had the advantage of Western education. Well, Sir, that tendency is no doubt inevitable and right so long as those young men of education possess also the essential qualifications of high character—(Hear, hear)—and sound integrity. Those things are fundamental to any real leadership. We want men in leadership in our African communities who have as their sole aim the true interests of their people and of the Colony as a whole. It would, however, be deplorable, in my opinion, if, in the process of the development of young leadership, the old men—the older men of character and integrity, of wisdom and experience—were to be frozen out. (Hear, hear.) I am thinking of such men as that great Chief Waruhiu, whose loss we all mourn, who knew very

little English, but who had a fine, stalwart character.

What we need, Sir, is co-operation between the wisdom and the experience of the old with the energy, the enthusiasm and the education of the young, but all to be controlled and inspired by high character, by lofty ideals and sound aims.

The hon. Mr. Mathu, made what I should like to say was an excellent speech—(Hear, hear)—one of the best that I have heard him deliver in this Council—I share his view that the best investment we can make in this Colony is in the human material in our midst. The true wealth of any nation lies in its people—happy, contented, industrious, well-meaning people.

Our first task to-day is to restore law and order and to allow nothing to stand in the way of that restoration at the earliest possible moment. Having restored it then we have to maintain it. Any maintenance of order that is based solely upon fear is being built on a shifting foundation. We must go deeper and build more soundly than that. We can have no illusions, Sir, about the length of time that it is going to take to establish, on a permanent foundation, law and order in this country. We have had thousands of young people in the African schools, the Independent African schools, who have had drilled into them day after day, year after year, for the past two or three years, a policy of bitterness, mistrust and hate. It will be no speedy task to re-educate those youths and to get them to see the light of reason and to enter into a spirit of co-operation into the tasks that lie before us as a Colony. It is a truism to say you cannot destroy ideas with guns. Bad ideas can only be destroyed by the implementation of better ideas, and that is the task that lies before the African people, and in this task we must enlist the services of all Africans of goodwill, for the rehabilitation of the African youth must come by the efforts of Africans of goodwill themselves.

This Government, Sir, is not going to be deterred by the Emergency from going ahead with the expansive programme of social welfare that is set out in the Estimates before the Council. The

[The Member for Health, Lands and Local Government]

hon. Member referred to the migration of large numbers of Africans from the rural areas into the urban areas. I think, Sir, he misquoted my hon. friend, the Member for Finance, when he said that the Member for Finance had referred to this as a disturbing influence. I think I am right in saying that the word which was used was "important" and no doubt it is very important. That migration, whatever opinion we may hold as to its desirability, is valuable in two ways. First of all, it does provide for the advancement of the industrial development of our country on which we are just embarking. It does provide for the Africans to take their part, and a very worthy part, in the furtherance of that development. The other way in which it is of value is in providing relief for the land in some of our more congested areas, but the problem is a serious one and one that has come upon us with tremendous impact and rather suddenly. We have not been able to keep pace with the social services required for meeting that emergency. I refer particularly to the housing, the water and the education problems. Housing comes within my own purview and I can assure the hon. Member and the country at large that vigorous and speedy action is being and will be taken to catch up on this housing need, particularly in our larger centres of Nairobi and Mombasa. The Government's first task is, of course, to provide for its own staff and that is being done with vigour and enthusiasm by the Public Works Department under the guidance of the Member for Development and the Member for Labour. Action is being taken, too, on the three lines indicated in the Vasey report, which was accepted by the Government as the foundation of its housing policy. First of all, providing help to local authorities to build houses for renting. Secondly, to help with the provision of land and the encouragement by loans for employers to build housing for their own staffs, and finally and most encouraging, to help with the provision of loan funds to Africans for them to build their own houses or for them to acquire their own houses on a tenant purchase system. By this means we hope to build up a stable family life in our urban areas and to

relieve pressure on the congested areas in the native lands. I join with the hon. Member in congratulating the Nairobi City Council on its courage and enterprise in proposing to embark on a £2,000,000 housing scheme to be carried out during the next few years. The Local Loans Fund to which the hon. Member referred will be available for local authorities in all areas, African areas as well as in the Highlands, and we hope it will assist local authorities to embark on progressive development in their areas for the good of all. The Housing Fund has already been re-established as a revolving fund. Before long proposals will be brought before this Council for an amendment to the law in order to provide wider powers to the Housing Board and to give greater facilities to those who desire to take advantage of the funds that will be available.

Finally, Sir, I would join with my hon. friend in the plea that people of all races throughout the Colony will put behind them bitterness, mistrust and fear, and should co-operate with one accord in the great tasks of development that lie before us for the good of the Colony as a whole. He said that anyone who did not co-operate deserved a slap on the back. Well, I suggest, Sir, that the lower on the anatomy that that is administered—(laughter)—and the more vigorously it is administered the better it will be for everybody.

MR. A. B. PATEL (Eastern Area): I join the previous speakers in congratulating most heartily the hon. Member for Finance for the able and lucid presentation of the Budget. In my opinion that was one of the best, if not the best, speeches which I have heard on the Budget for a long time. He has, Mr. Speaker, shown a great deal of ability in dealing with financial matters in this country. The Budget as presented to this Council does not follow any new principles. It is based on the policies which have been in the past approved either by the Government of this Colony or this Legislative Council. It has one bright feature, however, that it has given due share of expenditure for social services, in particular education, and I believe, Sir, that this recognition of the need for improvement of the standard of health and skill of the people of this

[Mr. A. B. Patel] country is very welcome, because one has often heard arguments in this Council to the contrary, and I most heartily welcome the provision made by the hon. Member for Finance.

Sir, "man does not live by bread alone" and in modern life education and social services must receive priority, because in the long run that will help in the development of any country. I am glad that this Budget has, by provision of a big sum for education, adopted that view. Broadly speaking, Sir, I am in agreement with the Budget as presented. However, I do not necessarily support all the policies on which this Budget has been framed. I would like to say, Sir, that there are certain policies to which I have taken exception in the past and I am not convinced even now that those policies are right. I would like to give instances of some policies to which I have never agreed and I believe are not right. One was referred to by my hon. friend the Member for Central Area, Mr. Chanan Singh, the payment of three-fifths of the salary to the Asian employees of the Government. He has very ably put forward that the salaries should be paid not on grounds of race but on the grounds of qualifications and merits of the persons concerned and I hope, Sir, that this Government will, at an early date, take steps to make a start for giving equal salaries to those people who possess professional qualifications taken in the United Kingdom. I also do not like, Sir, any form of taxation which is based on racial lines. I appreciate the arguments which have been put forward by the hon. Member for Health and Local Government in defence of the hospital tax which the Europeans have levied for their hospital scheme. At the same time, Sir, it is necessary that steps should be taken to see that we introduce such taxation in such small number of cases as possible. If expediency in this country, on account of different communities living here, makes it necessary to introduce a tax of that nature, it should not be done lightly. I would like to give an instance. Sir, that the time has come when the African poll tax should be related to the personal tax in order to abolish one tax at least which is based on racial lines and that will meet what was said by the hon. Member for

Rift Valley for the introduction of graduated poll tax for the African community. If the African poll tax is related to the personal tax in my view it will serve two purposes, one of abolishing racial tax and another of introducing a form of graduated poll tax up to a certain limit. Further, Sir, I do not also like the provision of a school and medical facilities on racial lines, but I do not propose to take the time of the Council on this at this stage. I wish to make my point in Committee of Supply when the Education Department will be discussed. I also disapprove, Sir, of the policy of not allowing non-Europeans to rise to higher posts if their qualifications and merits justify it. It hurts me, Sir, that my community has no scope, as it has in Tanganyika Territory, of engaging in agricultural production in this country. When I visit the Rarnisi Sugar Estate and the Mewani Sugar Estate, I immediately see what has been done under the management of Indian owners, whereas those very estates were in a very poor state under the former European management. That convinces me, Sir, that the step of Government is regrettable in stifling the scope of the Indian community in that direction. It also hurts me, Sir, to see that provision is made for county councils, etc., in the framing of the scheme in respect of which, and in regard to the presentation on which county councils, the non-European representatives have no say.

I would not like to take the time of the Council longer by enumerating other instances of policies where I do not agree. However, nobody will be able to deny that these policies, with which I do not agree, are reflected in this Budget because these policies have been approved by the Government and the majority of the Members of the Legislative Council. To me these policies, Sir, are not acceptable, but, however, the hon. Member for Finance has inherited these policies from the past, and he has obviously based all his Draft Estimates on the basis of those policies.

Now, Sir, I think one would view with a certain amount of anxiety the Draft Estimates of this year in regard to our revenue. As hon. Members of this Council are aware, the prices of some of the important raw materials have already fallen and are falling. Similarly,

[Mr. A. B. Patel] the prices of certain imported articles also have fallen and are falling. The trade profits in this country are falling, as is well known to many Members of this Council. Further, the present unfortunate Emergency has dislocated business in the Central Province of Kenya to a large extent, and, as the hon. Member for Rift Valley very ably expressed it, the capital in this country to-day is thinking of, to some extent, diverting itself to other places, and it will deter new capital from coming in.

All these factors make one anxious in regard to the realization of the revenue regarding customs and income tax. Let us hope that these fears will prove unjustified and that the expectation of the hon. Member for Finance will be fully realized. However, these factors need very careful note.

Sir, those who are responsible for the Emergency have done the greatest harm to this Colony and also to the African community. (Hear, hear.) (Applause.) It is likely to hamper the progress of this country and it is likely to hamper more the orderly progress of the African community. One cannot condemn the action of the people who are responsible for the situation in stronger words than my friend, the hon. Member for Rift Valley, did, and I entirely agree with him that Government should take very drastic and effective action for the purpose of bringing this Emergency to an end.

I also agree with the hon. Member for Health, Lands and Local Government that, as soon as the Emergency is over, it will be necessary to consider what measures are necessary for a change of heart. (Hear, hear.) A mere spirit of vindictiveness will not help. Sir, if we desire that there shall be no repetition of these things, we will have to apply our minds very carefully, and study the needs of the African community, and also study the grievances under which they suffer. It will be necessary to apply our minds to remedy those grievances—all the legitimate grievances which may be found after careful investigation, because a mere show of strength is not the final remedy.

I support, Sir, the appointment of the Estimates Committee, but I would like to reserve my right to quarrel over the

membership of that committee when membership will be decided. (Laughter.)

I support also the Civil Contingencies Fund as suggested by the hon. Member for Finance, and welcome his suggestion that whenever there be doubt in regard to this matter he will consult leaders of the various groups on this side. But, Sir, a commission will be necessary to decide how many groups there are on this side, because on occasions we are told we are four groups and on other occasions we are told we are five groups. It is done according to how it suits some Members of this Council. I hope that question will be decided by the arbitration of the hon. Member for Rift Valley.

I support also, Sir, the export duties, and I do not agree with my hon. friend the Member for Central Area, Mr. Chanan Singh, in regard to the opposition which he took to them. Sir, the hon. Member for Rift Valley very eloquently, and rightly pleaded that, for the progress and development of this territory, it is necessary to have more capital and more skill coming to this country. But I regret to inform this Council that the present administration of the Immigration Laws does not allow even technical skill to come into this country, which is very essential. I am not going to raise the issue of immigration now, Sir, in this debate, because I am going to reserve my observations and remarks for the occasion when we discuss the Immigration Department, where I propose to show what defects have been already disclosed in the administration of the Immigration Law. But I would like to say this on this question of technical skill coming into this country for industrial development, that even where it is not possible to have this technical skill in this country even for ten years more; the Immigration Department is willing only to give a pass of two years for entry of such persons. For an entry of highly technical person in any industry, they say the person will have a pass for two years. As it does not permit the person to bring his wife here, they are not prepared to stay in this country. As soon as they come here they want to go back. Now, that is not encouraging the technical skill coming into this country for the purpose of industrial development.

[Mr. A. B. Pate]

I am very glad; Sir, that there are no two opinions on the question of the need for more housing in this country, and I congratulate the Government for the very welcome policy which has been adopted by them for the purpose of encouraging African housing. I would like to make one small complaint in regard to housing in small centres where the Asians have settled as traders. I had the occasion to visit some small places in the Western Area and wherever I went I found that, for the last six or seven years, when these traders had money to build, they were not allotted plots. It is only now that the plots are being allotted when, owing to trade recession, they have not got that money which is now necessary to build. It is in my view, Sir, that in delaying to issue plots in those small centres the Government has not only delayed building of the houses but, perhaps, destroyed all chances of building in the near future.

Now, Sir, on one point, I strongly disagree with my hon. friend, the Member for Rift Valley, when he stated that the 17,000 income tax payers are bearing the burden of social services in this country. I am sorry I cannot agree with him in that view, because in this country all the communities are working, and must work—if they are not—in a spirit of joint adventure. There should be joint adventure between capital skill and labour and whatever production is made is the joint production of whoever is engaged in the economic production of this country. If somebody is fortunate enough to initiate schemes and supply capital, because he has capital available, and other persons supply skill and labour, that does not mean that the production of this country is the work of 17,000 people. In my view the income tax paid by these 17,000 is the income tax paid on the wealth produced by the people of this country. Therefore, that spirit of always suggesting that only a few people are bearing the burden of this country, is, in my opinion, not justifiable.

I have one point on which I am going to raise a quarrel with my hon. friend, the Member for Finance. That is in regard to the raising of school fees. That, again, I shall raise when the Education Vote will be discussed. I am not going to discuss it now. I merely wish to lodge

my caveat at present. Excepting that, and excepting the remarks which I make in regard to the wrong policies on which this Budget is based, I, Mr. Speaker, accept broadly this Budget.

I hope, Mr. Speaker, that the Emergency will be soon over, and all the representatives and leaders of the various sections will begin to approach on various problems in a constructive manner, forgetting all the ill will which may have been generated during the past two or three months and forgetting also the racial bias which often lifts its head in this country, while discussing common problems for all.

I also hope, Sir, that this country will continue to develop, making it possible to raise the standard of living of the great number of African communities and also it will make possible to supply social services on a large scale. I hope, Sir, that the policies which we will pursue in future for the good of this country will have less of racial bias or racial turn, and more of mental attitude which will accept the merits and qualifications and the progress which other communities will increasingly make.

Mr. AWORI (African Representative): Mr. Speaker, before I say something about the Budget, I must make it clear that I am not going to speak very much, as I hope I will get a greater opportunity during the time when we will be discussing this matter in Committee of Supply. I congratulate my hon. colleague, Mr. Mathu, on the way in which he spoke yesterday on this matter and I do not think I am going to repeat what he said.

Now, Sir, the hon. Members who have spoken before me have had to congratulate the hon. Member for Finance and I think even if they did not do that I would have done the same. Now the hon. Member for Finance—the way I should like to congratulate him is on two things. First, I have known him for some years, when I have been in Nairobi, as a very successful business man, and I think it is a great pride for us to have him in the Council. Sir, to advise us on finance. The second point is that when I was reading the little booklet—it was put in a dramatic fashion, and since he has got something to do with the

[Mr. Awori] theatre, I think it is really good that he has presented this Budget in a fine manner. (Applause, laughter.)

Now, Sir, before I go on to say very much about the points raised by the Member for Finance, I must say, and I must agree with the hon. Member for Rift Valley, who spoke first in the Council about the Emergency. I believe that the Emergency has got something to do with our Budget, because so long as the Emergency lasts, so long we shall spend a lot of public money, and I agree with him that the quicker the Emergency is done away with the better. However, Sir, I agree that without capital, in this country, we shall not get all the services that we require, but I must warn anybody who thinks that we must have all the capital we can, either from Britain, or from America, or from Australia, or New Zealand, that capital alone will not make a success of this country. It is not that. I agree when he said that since the Emergency started about £300,000 have been spent, and that is a great deal of money, and we need all the money we can get for the progress of this country. But we must take precautions, Sir, so that when we get capital in this country, it is not abused. We do not want people who only want to benefit, who only want to be rich by themselves. We do not want people who put up sky-scrapers; we want people with a spirit behind them, people who want to make this country safer; people who want to bring friendship into this country and bring in harmony. We do not want people who will bring in capital to this country and take away the profits. Of course, I agree that nobody would be prepared to bring capital into this country if he knew that to-morrow, or the day after, he would lose all that money. He must have safeguards.

Now, I understand from reading from the Press recently, and after talking with some high officials, that there are a number of projects coming, and I appreciate, particularly, the Shell project which is anticipated will start in Mombasa. I think that will do an awful lot in this country, particularly from the African side, because I believe that it will provide employment for the masses of Africans who, at present, have no employment. It will give good housing,

education and other social services, and such capital we admire, and would like to come into this country.

Now, Sir, I come to the next point. I was perturbed by what my hon. friend from Rift Valley said about social services. He said he thought there was too much money being spent on social services. This is my own suspicion; perhaps he thought that all this money was going to the African. But then with the Budget in this country, I feel that Kenya—

Mr. BLUNDELL: Would the hon. Member allow me to make an explanation? I appear to have given some misunderstanding. There were two points. I wished to establish. The first is this (a) that the Emergency was eating into the moneys which we have available to us for social services. I am not against the scale of social services. The point I was making is they cannot be nourished if money has to be wasted on police and troops. The second point I wish to make is this, if the social services are to expand at the rate they are expanding, then the basis from which the revenues are drawn must also be expanded to nourish them. I was dealing entirely and solely with the financial impact of those social services upon the Budget, and there is nothing racial at all in my interpretation. I have no objection to the scale of social services—Africans, Asians or Europeans. It is solely the financial aspect of them in the light of our revenue and the Emergency that I was considering. (Applause.)

Mr. AWORI: I am glad, Sir, my hon. friend from Rift Valley has made the position clear.

The reason why I think we need a lot of money to spend on social services, particularly education, is that the majority of Africans are ignorant and illiterate. He mentioned yesterday that, so far, about 17,000 people pay income tax, and I think most of those are non-Africans. Now, I feel that the time should come when the people who pay income tax are Africans and not non-Africans, because the population of Africans is greater; and I think that we shall be rendering this country greater help if the majority of Africans pay income tax. But then, they can only do that if they have the money necessary.

[Mr. Awori]

If we capexote more money on education, particularly, we shall get lots of these people having a good income by which they can help the country.

Now, Sir, quite a number of Africans, say, who own cattle, they believe in that, they do not believe like other people in investing money in the banks or in business, but they will not be able to sell their cattle until they have got the necessary education to know about the way of investments. Therefore, Sir, I think the more money we can spend on education and health, the better for the future of this country.

The other point, Sir, I am one person who believes—I do not believe that we must always expect Government to do everything for us—I believe there must be self-help; we must be able to do something on our own without calling upon Government. I believe that if any initiative comes from any community, it should have the credit of the country, Sir, this matter is very important, and particularly about education. I know quite a number of Africans in various communities in the African field who have tried to do something on the education side, particularly in the Central Province. Now, I am not going to challenge Government or to say that Government has been wrong in criticizing the African education, particularly that one adopted in the Independent schools, but then I have got a great fear, particularly, during the present Emergency, when a number of schools have been closed, and I feel that it is going to be a great burden on the country if these schools, perhaps, will remain permanently closed. I feel that where they have been wrong, they should be told to put right what has been wrong, so that we do not have a great burden on the mission schools and on the Government schools. We should have schools also run independently, in which case the African himself can support these schools. And I think that Government should take a great interest in seeing that these schools are able to open and are shown the proper lines on which they should be run, because, in that case, if we have all these schools run by Government, with the shortage of money in this country, it will be a great burden on the taxpayer. I agree with the Government, Sir, that quite a number of

these schools have not followed a proper procedure, but I believe that where they have been wrong they should be put right, so that in the educational field, we shall find the African and the Government co-operating in seeing that our people are well educated.

Now, Sir, I come to another point, and that is what the hon. Member for Finance said on the non-African agriculture. Now this point was made clear yesterday by my hon. colleague, Mr. Mathu, so I will not repeat it, but I would like to endorse what he said, that the part played by the African was not mentioned in his speech on the Budget, and I feel that the whole country should know that it is not only the non-Africans who have made it possible for us to get money, but the African labour has done a great deal, because the machines, tractors and other things, by themselves, would not be able to do anything. So there is, all the time, co-operation between the non-African farmer and his African labourers, and so the African should also have the credit for all this.

MR. MATHU: Hear, hear.

MR. AWORI: Now, Sir, I feel the African has been blamed in many circles about the poor African agriculture. I do not think the African is really to blame. There is ignorance behind it and there is the lack of capital, and I feel that the African who has got initiative, if he was given all the facilities of the Land Bank, etc., he would be able to make good in this country.

Now, Sir, when talking of this point, I have had a chance of talking to quite a number of high Government officials, including my hon. friend the Member for Development, when he was the Acting Governor, and I have also had a chance of talking to the present Governor on this point. I believe that in this country we do not want one community alone to provide all the services we require. I believe it should be shared by all who live in this country. Now on this question I thought for once that the African is not getting his proper share. I feel he does not get the facilities of banks that other people get. For that matter, I propose, and my colleagues on this side endorse it, that we should have a bank which can cater solely for the African trader and the African farmer.

[Mr. Awori]

There are a number of Africans running shops in the land units. Now, these people might have used about Sh. 20,000 to put up a shop, but they cannot get a loan from any bank because they have no title and they have no proper lease, so no bank in this country would cater for them. I would propose to the hon. Member for Development and even to His Excellency and my colleagues here in this Council, let Government establish a bank on a fifty-fifty basis; let Government provide 50 per cent of the capital and let the Africans buy shares, also on a 50 per cent basis and let this bank particularly cater for the Africans. Then all these people who put up their buildings spend all the money they have and when they start the business, they have perhaps, only £10 to buy the goods, they would have the facilities as other races do. I am sure in that case, we would be able to get a lot of money out of this country because we would find there would be a number of Africans who are well-to-do who would be able to pay income tax and increase the revenue in this country. Now, if such a scheme were adopted, I am quite sure this country would have more money than it is having at the moment and I think from what my colleagues and the high officials on the Government side have said, they have been sympathetic to this question and I believe, and have great hopes, that next year such a scheme will be experimented.

Sir, I come to the next point. During the course of the speech of the Member for Finance, he mentioned something about one part of the revenue—minerals. Now, Sir, I feel that Kenya is the poorest of all territories I know regarding minerals and I would like more surveys to be made to see if we can get minerals in this country. So far I think the biggest mineral revenue comes from soda ash. Now, I am perturbed about that point because we export soda ash in this country but it is to the detriment of getting salt; particularly, which is used by the African. I feel that the Masadi Soda Company concentrates more on soda ash than on salt since we have to import salt into this country. I would like, of course, soda ash to be encouraged but at the same time, to see that the people get enough salt instead of this country importing salt from outside. I

think that perhaps in due course we shall be able to have more minerals in this country so that this country does not depend upon the farm produce alone. There is a great contrast when one compares Uganda with the greater projects like the Owen Falls and the Tororo projects—where they anticipate getting a great output of mineral; so I think this country should not depend upon the farm produce alone such as coffee, sisal, tea, etc.

Now, Sir, the other point I would like to make clear, and this was made by the hon. Member for the Central Area, Mr. Chanan Singh, and it was mentioned by my colleague, Mr. Mathu, is higher posts for the African. I feel that in this country, which is multi-racial, we should see that we have confidence on both sides and that confidence alone will not be gained by having one colour on one side and the other colour on the other side. We must mix the two colours and I feel that the time should come when the hon. Member for African Affairs should have an assistant who is an African on that side—

MR. MATHU: Hear, hear.

MR. AWORI: —because quite a lot of misunderstanding has come up and suspicion, when we cannot trust each other. But if we had say, for instance, my colleague here, Mr. Mathu, on the other side, whom I have known very well indeed—I would trust him better than perhaps I would trust another man.

MR. HAVELOCK: Question!

MR. AWORI: I think that is very important indeed. I feel that we can get more co-operation if the African in this country could be given higher posts. I do not mean an African who is incapable, but only a few who are capable. I do not mean—and I must stress this—that if we had an African assistant on the other side, that the other man should retire or resign, that automatically the African will become the Member. No, we can still have another man, the European, but that African will be training until such time as he will be in a position to hold the office. Now, Sir, that is very important for the development of this country, because it is a country in which we must trust each other and we must see that everybody in this country

[Mr. Awori] takes part in developing, particularly if we wish to see that there is going to be no trouble in the future.

Now, Sir, my colleague, the hon. Member for Rift Valley, mentioned the Emergency and the drastic measures that Government should adopt. Now, as the hon. Member for Local Government mentioned, it is not only by the gun that we shall be able to stop this. I do not believe in it; I believe in goodwill. This thing that has happened in Kenya is not phenomenal. I think the former Governor, His Excellency Sir Philip Mitchell, predicted what would happen in this country. If I remember rightly, in his Despatch No. 44 of 1946, he predicted that the time would come when troubled people, ill-politicians, would come from the African side and make a mess of the country, and I think he was right, he knew, and he said that unless there was a great change in the country, such a thing would have to come. I do not support lawlessness, Sir, I do not support violence, but such a thing was bound to come in the future. Even my colleague, the hon. Member for Rift Valley, mentioned in July that perhaps there would be a revolution in this country in the next nine months, but I think his prediction was wrong as it came sooner than he predicted. Such things are not unusual. Circumstances forced them, and I feel that we all in this country are to blame for the present situation. It is not one man, not one community, but everybody is to blame. We should have taken precautions against such things. So I am one person who will not blame one single community or one single tribe for what has happened. I feel I am to blame, everybody is to blame for what happened. We should have been realistic in approaching the development of this country in the future. I feel, Sir, we are trying to hide an awful lot. We do not come forward and speak the whole truth. There has been trouble and history is repeating itself. It happened in the Gold Coast in 1948, it happened in India—in every country that I can think of—in Uganda in 1949, and such things are bound to happen. But we do not want them to happen, we must make the atmosphere and the situation in the country so good that they will not happen. (Hear, hear.)

It is making a mess of the whole country, everybody is suffering and particularly the guilty are triumphant and we do not want it to go on as it is. It is our duty, Sir, to make this country safe for all the communities that are living in it.

Now, Sir, I come to my final point. During the Committee of Supply I ought to be able to talk more on such an aspect but from looking at the Budget I feel that the Member for Finance, in suggesting the amount of money which is to be spent on the African services, nothing was done about the African Press. A short time ago we debated this point here about African editors who cannot differentiate between what is sedition and what is not sedition. I think something should have been done about that in the Budget. I think that only by taking people abroad, chiefs and others, I do not think we can achieve very much but we should spend more money on educating some of the young people who are willing to learn, even if it means staying in Britain for three or four years, who will come back and work instead of taking old people who will only go and be surprised to see what wonderful stuff has been done in Britain—the Underground and anything of the sort. They come out here and all that they do is to talk about the marvels they have seen. I have met most of these people who have gone to Britain and as far as the country is concerned, they are doing nothing at all, they are not doing anything constructive, all they do is to talk about the surprising stuff they have seen in Britain—nothing more than that. So I feel the money is being ill spent on that side.

Now, the hon. Member for Rift Valley mentioned about graduated tax.

Mr. Speaker, I am very sorry you have cut me short but it has come to that. As my colleague, Mr. Mathu, mentioned am going to elucidate that point. I do not favour graduated tax; I favour that time should be when all of us should pay income tax instead of graduated tax. I do not favour any tax which should be applied to one community.

Finally, Sir, I would talk about the multi-racial community in this country.

Mr. Awori] believe, as I have said, this country should remain multi-racial, but it cannot remain multi-racial if we have not confidence in each other. That was a point which was emphasized by the hon. Member for Local Government. I feel we must trust each other if we have to make this country strong and safe for all of us and our children and grandchildren to live here. My colleagues would endorse it, that I do not believe that any one of us would be pushed out of this country at all. We shall all remain here but we cannot do anything to achieve the success of this country unless we trust each other and that is my point, Sir, that I have, all the time, been trying to emphasize to my fellow-Africans and to my European and Asian friends, that we must remain here in harmony. That cannot be achieved if we are suspicious of each other. We must have great confidence in each other. We must try to achieve something that people who will read history in years to come, will see that the hon. Member for Rift Valley did something to achieve something, the hon. Member for Kiambu or the hon. African Member or the hon. Member for the Eastern Area did something which made this country safe for all of us to live in.

Mr. Speaker, I support the Motion. (Applause.)

MR. HAYLOCK: Mr. Speaker, it will be convenient for speakers on this side of the Council if we can adjourn for a quarter of an hour now.

THE SPEAKER: It suggests a certain number of domestic arrangements; I prefer it should sit until 11 a.m.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, in the first place I should like to deal with the remarks made by the hon. Member for Rift Valley regarding the contribution by the African community towards revenue, from which social services have to be paid for.

Now, he said, I think, in the first place that he thought that the African community ought to make a greater contribution towards the revenue of the Colony, and referred specifically towards the cost of education and the contribution which they make towards that. I am certain that the Member for the Rift Valley

would be the last person to do any injustice to the African people in this respect, and I think perhaps he and other Members may be unaware of the very large contribution which the African people are making at the present time towards the cost of their education system. (Applause.)

Now, Sir, I shall be saying more about this when we debate the Education Head, but for the present I should like to say this: that for this purpose you can conveniently divide African education into the following groups:—

- Primary and intermediate schools;
- Secondary schools;
- Girls' boarding schools;
- Teacher training and post-secondary education and supervision; and other miscellaneous items.

Of those, the easily the largest item is primary and intermediate schools. Now, in respect of those, I will not give all the details, but I will give them later on. At the present time, of the total cost of primary and intermediate—the recurrent cost of primary and intermediate education, the African people are meeting approximately 55 per cent of the total recurrent cost and if you take primary and intermediate together the percentage is about 35 per cent; so that towards recurrent expenditure I think it is true to say that a very substantial contribution is already being made by the African people. That leaves out altogether the consideration of unaided schools, which come outside this consideration altogether.

With regard to capital expenditure, the arrangement is that in the townships for the primary and intermediate schools the buildings are provided by the African people themselves. The policy is that the local community meets the cost of those schools, with the exception that an £80 grant for equipment is given to each primary school, and a grant of £100 is given towards the building and equipment in the case of the intermediate schools. Of course that is a very small fraction of the total cost of building those schools.

The estimated cost of one hundred primary schools which were to be built in townships is £600,000, which is £6,000 for a school, which sounds a good deal of money but, of course, is not high edu-

[The Member for Education and Labour] pared with the cost of European or Asian primary schools.

The African community is expected, through its own efforts, to provide, in accordance with the Beecher Plan, for the expansion of African education, to provide £2,000 for such schools in the native land units. Of course, it is not right to multiply that number by 66,000, because obviously the type of school they build there will not cost that amount of money. But nevertheless I maintain that that is a very large contribution by the African community towards the capital cost of the expansion of their education programme. (Hear, hear.)

Now, Sir, the other point which the Member for Rift Valley made about the general contribution by the African community towards the wealth of the territory, and thereby towards the Government revenue—which, of course, depends on that wealth. Now, Sir, I think some Members on our side—the economists on our side—will be listening with nervous shudders to what I am going to say. I can assure them it is going to be perfectly innocuous. In 1946 Sir Wilfrid Woods, who had spent the whole of his life on these problems of colonial finance, wrote a report, and I should like to read a paragraph of it which is entitled "Special Importance of the Non-native as a Taxpayer in East Africa". This is what he said:—

"It is the case, however, that the non-native has a position of importance in East Africa in relation to taxation which is out of all proportion to his numerical significance in the composition of the whole population. It is the non-native element of the population which organizes production, commerce and industry in such a way that individuals or companies can attract to themselves incomes sufficiently substantial to enable them to maintain a standard of living far above the ordinary African standard. It is the right, and indeed the duty, of the State to seek from these aggregations of wealth, wherever they may be, contributions to its revenue proportionate to the size of the aggregation in each individual case, but the aggregations have to exist before any toll can be levied on them by the State. Without

the small but highly significant native element of the population, aggregations of wealth would be fewer and smaller because the wealth would be much less, and aggregations would take those form like herds of cattle, from which it is difficult for the State, especially a State deriving its authority from an external source, to draw substantial revenue itself. I believe the importance of African development of this element of the population can scarcely be exaggerated. It is the hard core area which African economic development under the fostering care of the State can be built up with a rapidity before all comparison with what would be possible without it. Without for a moment forgetting the importance of other non-native elements from that point of view, I find in the European farmers of Kenya a striking example of the way in which the non-native producer can add enormously to the total wealth of the country, by solutions for local agricultural problems which others can adopt, and at the same time contribute three times as much to the revenue of the State.

Now, I agree with the Member for Rift Valley and Sir Wilfrid Woods that it is important that the Africans should make a much bigger contribution towards revenue. I believe that, if the African community is ever to have good services of a kind and on the scale we want—naturally and rightly—then we must make a very substantial contribution, both in money and in staff, towards providing those services.

MR. COOKE: All must work.

THE MEMBER FOR EDUCATION AND LABOUR: But, Sir, anybody who has experience of other colonies must be struck on coming to East Africa by the very great difference in wealth between the indigenous community on the one hand and the immigrant communities of the other hand. It is not surprising that that should be so, because 60 or 70 years ago, when the Europeans and Indians came to this country, they were already civilized people with resources of wealth and technical skill, whereas the African people were at that time a primitive society, without any money, economy or any of the arts of civilization.

[The Member for Education and Labour] But, Sir, I think the Member for Rift Valley will agree that, if the African people are to be able to make any substantial contribution—a much larger contribution than they do at the present time—towards the wealth of the country, and towards its revenue, then they must be helped and encouraged to build up their economy, and to become richer, so that a bigger contribution can be made by them, both to the wealth of the country and to the revenue of the State. (Hear, hear.)

Now, Sir, the paper laid by the Member for Agriculture—I think yesterday—shows that his departments are already making great strides in that direction. Similarly, the Education Department has, under previous Members for Education, and the same policy is being continued now. We have very greatly expanded both formal and technical education, which will in due course equip the Africans to produce more and make a bigger contribution towards the revenues of the State.

I should like now to turn to another point, and that is the part which the African and Asian communities are able to take in public service. What I am going to say in this connexion is perhaps to some extent coloured by the fact that the greater part of my service has been spent in a territory where the process of indigenization of the public service had already gone a very long way—(HON. MEMBERS: Oh!)—the employment of indigenous people in this country had already gone a long way! Something had been a third and a half of my colleagues were Sinhalese. I was accustomed to working with them and under them; during the latter part of my service under Sinhalese ministers. I have therefore had experience in a country in which the indigenous people of the country played a very full and increasing part.

As regards the Africans in the public service, I believe that the process of employing the Africans in superior and more responsible posts in the public service is being carried on as rapidly as it can properly be carried on. I honestly believe we are not going too slowly in employing Africans in responsible posts. I should very much like the African Members—I know they disagree with my

views on this matter—to go and look at some other territory in which this process has been carried further, and they will see the very great difference which exists between the indigenous people in those places and the African here. I am not saying that in a critical way at all, but in my opinion the African people have not yet reached a stage where they can fill a very large number of senior posts in the public service. But I feel that the extent to which a number of responsible posts for Africans have been increased is often not appreciated, even by the people in the public service themselves. Recently the new Director of Establishments has prepared a note for the use of the Whitley Council, and particularly the African people in the Whitley Council, which shows the extent to which that has been done. I am not going to read the whole of this, but I will read some of the figures from it. For example, in the scale of African assistant inspector of police the number of posts has increased from 67 in 1948 to 84 in 1952. In the next grade which is down here, clerks, chiefs, hospital assistants, artisans and other people on a scale running up to £172, the number has increased from 349 in 1948 to 660 in 1952. The next group has increased from 7 in 1948 to 49 in 1952. The next, on a scale of £154 to £268 has gone from 46 in 1948 to 800 in 1952. The next, on a scale £162 to £270, from 11 in 1948 to 26 in 1952; and so on. Another increase, from 56—this is a Makerere scale—in 1948 to 80 in 1952. Thus I think it is true to say that as Africans become fitted for the higher grades in the service, so the strength of the upper grades has been increased and people have been promoted to them. Moreover, dealing with the bulk of the Africans in the public service, I do not think it is generally appreciated that at the time of the salary revision in 1948 the terms of the great group of people, the minor employees, were improved out of all knowledge. They were placed on a regular salary scale which carries cost of living allowances, and they were given various other privileges and regular conditions of service—

MR. BLUNDELL: Pensions?

THE MEMBER FOR EDUCATION AND LABOUR: Not pensions—which they formerly did not enjoy. Similarly

[The Member for Education and Labour] another big group, which is the people below the minor employee level, casual labour, were also given a very great concession, which is this: if they have served continuously for a period of 12 months, they then became entitled to the terms and conditions of the minor employees; that means that a large number of people have been translated to regular terms of service, carrying various privileges which they had no opportunity of getting before.

Turning to the Asian group—

THE SPEAKER: Would you mind leaving the Asian group until 11.15? Council will adjourn for 15 minutes.

Council adjourned at Eleven o'clock a.m. and resumed at fifteen minutes past Eleven o'clock.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, it is disappointing to have so few people on the other side of the Council but, fortunately among them are the hon. Mr. Patel and the hon. Mr. Chanan Singh, two of the principal opponents of the three-fifths rule. I was going to start talking about prospects of the Asian community. It is convenient to consider them in two groups. Now, Sir, the three-fifths rule was, as Members know, a feature of the report of the Salaries Commission which reported in 1948 on an East African basis. It was debated fully in the Legislature of all the territories and accepted by them and it is now an essential part of the salary structure, and therefore it can only be altered, so far as I can see, that it is to be altered, by a similar means, that is by some kind of general revision of salary structure followed by a debate in the Legislature. Now, Sir, I think it obvious that so long as that rule persists, it is not to be expected that Asians outside the service, who are professionally qualified, such as doctors and lawyers and people of that status, will seek employment in Government service for two reasons: firstly because we know, as Asian Members have frequently said that they object on principle to the differentiation, and secondly from a purely economic point of view, their prospects of earning are so much more attractive outside Government service. Before I leave the three-fifths rule I would like to say this to the opponents of that principle, who think that every-

body, whether he is a European or an Asian, or an African, who enters a higher grades of the public service should be paid at the same rate. Although officially that is an attractive proposition, I believe that if you study the matter carefully, there is a great deal about it. The fact is that the scales of salaries which are now provided for the higher grades of the public service are on the supposition that you have got to draw people from Europe, mainly from England, to posts in the public service here and if you are hoping to recruit a doctor or a surveyor or a solicitor to serve a Kenya, then you have to take into account that he is leaving his own home and is being separated from his family to come into a foreign country and you have got to make it attractive. There is I think that on that ground there is a great deal to be said for having separate scales. If I may again be permitted to refer to Ceylon, it is interesting to note that in that country up to the year 1931, the salary scales were the same for everyone; that is to say a European such as myself had exactly the same salary scale as a Sinhalese who was recruited in Ceylon and whose home was in Ceylon. The only difference in the terms of service was that the expatriate officer received leave passages which the indigenous officer did not enjoy. As the public service became increasingly "indigenized"—(Laughter)—the Legislature of the Government woke up to the fact that local people were being employed on a scale of salary which was designed to attract people from outside and in 1931, when a ministerial system of government was introduced, the first step they took was to appoint a select committee to the Legislature to advise on an entirely new set of salary scales based on local standards. If it was necessary, and it frequently was, to recruit people from outside, usually from the United Kingdom, then there was a special salary scale, designed to attract that type of person. These scales were higher than the local indigenous scale. There was a case of a Government which, having obtained a large measure of control of its affairs, took a step in the opposite direction from that advocated by some Members here. In other words it devised its own lower set of indigenous salary scales.

[The Member for Education and Labour]

Now, Sir, leaving aside for the moment the higher grades of the service to which the three-fifths rule applies, and considering the clerical and allied groups of the public service, I believe that if the Member for Central Area or the Eastern Area would inquire from the people actually in the public service, they would agree that since the time of the salary revision, their terms have been improved to a very, very large extent, mainly in these ways. Firstly, opportunities for promotion above clerical level has been provided. Some Asians have already reached what is described as the unified service level. The policy of Government is to elevate others to that level as they prove suitable. Secondly, Asian posts (I think the number is about 25 to 30) which are filled by Asians, about 30, have been provided for people who, although not of the unified service level, but are still performing duties above the clerical level, duties more difficult and more responsible than those of the clerical level. The policy of Government is to increase the number of posts of that kind as necessary, when it arises and suitable people present themselves.

I believe that if the Asian civil servants themselves can be asked they will agree that substantial improvements have taken place within the present salary structure.

I have only one other point to deal with, Sir, and that is the one raised by the hon. Mr. Awoti with regard to the closure of certain Independent schools. He said that the Independent schools movement represented laudable self-help on the part of the African community. With that I entirely agree. I think that self-help is a thing to be encouraged, and we want more. But in this particular case what happened was that the Independent schools which have come into being and have existed for many years were subverted to evil purposes by wicked people and, therefore, were acting in an illegal and subversive way. Therefore, it has been necessary for Government already to close a number of their schools, 35 to be precise, and, before the end of the year, a further batch, numbering about a hundred, will have the alternative of becoming District Education Board schools or being closed. Becoming a District

Education Board school is not the same as becoming a Government school because, as the African Members know very well, the District Education Board, although the District commissioner is chairman of it, has representatives on it of the African district council and representatives of the missions who are conducting schools in the area, so that there is a large measure of what might be termed African self-government in the running of these District Education Board schools. Moreover, each of these schools will have a committee which will interest itself in the running of the school, and thereby the Africans of the area will be able still to exercise self-help, to take an interest in their education and to participate in it. What, of course, is essential is that for the future there should be much closer supervision by the Education Department over these schools and that is going to happen. (Applause.)

I have only one other point to make, Sir, which I forgot to mention before, and it has already been made to some extent, indeed almost wholly by Mr. Patel. I am quite sure, when the hon. Member for Rift Valley was referring to the 17,000 income tax payers, he did not at all mean to overlook the contribution which, approximately, four hundred thousand Africans—

MR. BLUNDELL: Would you let me make that point, Sir, as the hon. Member raised it? I should like to make it clear. My point was that the great expansion of the social services could not be met by the tax payers, collectively speaking, few income tax payers. I did not mean that they should not pay income tax. I merely meant it was a physical impossibility for them to meet the expansion.

THE MEMBER FOR EDUCATION AND LABOUR: Since I entirely appreciate that, I am quite sure that the Member for Rift Valley did not mean to overlook the very large, in fact, essential, contribution which is made to the economy of the country by the 400,000 Africans who are employed either in agriculture or in industry somewhere outside the native reserves.

MR. H. SLADE (Aberdare): Mr. Speaker, several speakers in this debate

[Mr. Slade] have touched on the question of merit and ability as bearing on Budgetary questions, more particularly salaries and productive capacity. I fully agree with them, Mr. Speaker, as to the importance of that aspect. Indeed, if we are ever to grow up away from political struggles based on racial conflict, we have got to keep merit and ability more and more in front of us as our aim. It is going to be our guide out of our troubles.

I need only give two examples where I fully agree with speakers who have pointed out its particular reference to Budgetary questions. One is that mentioned by the hon. Member for Eastern Area, who said that, where you have in Government service, two men with equal professional qualifications then they should receive the same salaries. Now, again, they may have equal professional qualifications without necessarily equal merit and ability, but I do agree entirely that, where you have the equal merit and ability, there is no kind of justification for different salaries, and I thoroughly disagree with the hon. Member for Education, who suggested that because someone is recruited from overseas, for that reason alone he should be paid more than a man who is recruited from this Colony where he has his home. It may be that you have to go overseas for people because you cannot find men of their merit and ability here. That is a different matter. If that be so, then pay them more by all means, but not just because they come from overseas.

THE MEMBER FOR EDUCATION AND LABOUR: Will the hon. Member give way for a moment, Sir? (Laughter.) I do not think he has completely understood me. My point was this. If you establish a set of salary scales which are designed for expatriate officers, they are going to be at a higher level than you would have to pay for local officers; therefore you will find yourself saddled with a public service which is very expensive and you can afford to employ less officers than we are able to at the moment. If he will look at other territories where the local staff is employed, he will find that is why they are able to employ much larger staff.

MR. SLADE: I fully understand the hon. Member for Education and Labour. My point is, you should not have a special salary scale for expatriate officers. You do not want to build up a system of expatriate officers. You want to build up on a system of getting the best man for the best job. And you want to pay according to capacity. If you get a man for the job locally, take him and pay him the same as the expatriate officer. That is my point.

The other one of importance—If men and ability as a guide to what we do is on the issue of wages, wages is labourers. Now, that is frequently put before us and it has been pointed out a less frequently, I think, that you cannot just increase wages without increasing production. And there again is the issue. We must be prepared to pay for adequate service, and we have not been prepared to do so enough in this Colony so far. I think it was last year, speaking to the general meeting of the Royal Agricultural Society, Sir Philip Mitchell said that as farmers must realize that, in the labour that they employ, there are differences of quality and that some of their men are capable of greater output than others and they must not be treated as one mass all of the same capacity. When one man is found capable of greater production he must be paid according to production. Where one man is found incapable of the required standard, he must either be dismissed or have lower wages. I could not agree there must be a huge all-round increase of wages, but I do insist that where merit and ability is found, even in the most unskilled labourer, it must be rewarded according to merit.

I must emphasize two qualifications to this principle of merit and ability. The first is that, just as merit and ability must be recognized regardless of race, so the converse, that you must never keep a man out of a position because of his colour when he is found suitable for it. (Hear, hear.) The converse is, that you must never put a man into a position because of his colour when he is found unsuitable for it. (Hear, hear.)

The second qualification is this, that merit and ability, as I see it, cannot be judged by absolute standards. It must always be related in some way to some specific standards that you have before

[Mr. Slade] and my submission to this Council is that the standards that we have to set here by which to judge merit and ability are the standards of British civilization. This is a British Colony, we have brought British civilization to this Colony. No country can be developed on a mixture of civilizations pulling in different directions. We have set ourselves to develop this Colony according to British traditions and ideals and we must continue to do so, and we must judge merit and ability according to assimilation of those traditions and ideas.

Subject to those two qualifications, Mr. Speaker, I ask everyone always unswervingly to think and act on the basis of merit of the individual. (Applause.)

LT.-COL. GROOMAN: Mr. Speaker, I only have a few—I trust inoffensive—(Laughter)—observations—to make on this position.

First of all, I would join in the general applause in favour of my hon. friend, the Member for Finance. Never have I read a more suave, seductive, narcotic presentation. (Laughter.) The only trouble is this, Sir, that, after long experience of suffering under a bureaucratic rule, I have become allergic to every form of bureaucratic opiate. I think, Sir, that we are entitled to assume that the hon. Member for Finance is a very great patriot. That he should undertake this task here, this opportunity of studying finance, of learning the principles of finance, and, as far as the arithmetic of our local finance is concerned, I give him full marks for having made unbelievable progress. (Laughter.) I think, Sir, that we can assume that he is a very great patriot, because, undoubtedly, in assuming this task of learning finance, at our expense incidentally, he is quite obviously inadequately paid. If, on the other hand, he had used his capacity—and anybody who could produce a prospectus like that of a company obviously heading headlong for financial disaster, could have built up for himself untold wealth in his capacity of a principal in a bucket shop. (Laughter.)

But, I will give him this, Sir, that he was very much handicapped in his task because of the work of his predecessor, who was also pitchforked into this job

and given an opportunity of learning the principles of finance, and he did involve us in whole series of troubles, quite unrelated to the facts of Africa; probably because the gentleman in question was entirely ignorant of Africa, and possibly even more ignorant of the principles of finance, and quite obviously was, at that particular juncture, quite obviously was, to all intents and purposes, at the peak of a period of inflation—and anybody could look over the edge and see the downswing of deflation—and bring in a series of export taxes on plantation products, must, of course, have been quite ignorant of the structure of society.

Our unfortunate friend here is tied up with the residue of these monstrous taxes based on no sort of principles, inspired purely by greed, which is rather inclined to affect the minds of bureaucratic gentlemen when they have an idea that someone is making little more than they are themselves. There is no other possible justification for these taxes. They are quite obviously totally unjust in implication without any sort of... (Inaudible); more especially in respect of industries that have suffered from a long period of financial destruction.

The thing that struck me so much at the time was that the one agricultural industry which was in more or less the same category, after a long period of disaster, and had a temporary period, when they might put themselves right, first with the banks, secondly with their creditors, and thirdly with their adjustments, and so on, and so forth—the coffee industry—was swept out. Whether it was due to the flashing eyes of my colleague on the right, I cannot say. But, if it comes to any sort of question of principle and equity, then quite obviously the omission of coffee in this particular connexion was a proof positive of the lack of consideration of any principles of equity, justice, sociological relations, development of the country or anything else.

MR. COOKE: Hear, hear.

LT.-COL. GROOMAN: Now, it may be, Sir, that my hon. friend, the Member for Finance, may have been inspired by practice, that seems to be prevalent at the present time, copied from—the

[Lt.-Col. Grogan] methods of the cutfish—a very interesting example of the . . . (inaudible)—these things with tentacles which absorb all forms of life at sight and absorb it; seeing the menace of impending disaster, thought it advisable to disappear in a cloud of iridescent ink. (Laughter.) He may possibly have been inspired by the methods of his late chief.

Passing, Sir, to what has been said on this side of the Council, I could not agree more with the observations by the hon. Member for Rift Valley in respect of the Development and Reconstruction Authority. Now, the Development and Reconstruction Authority, I can claim, I think without equivocation, of having, in one of my more benevolent moods, sown the seed of the Development and Reconstruction Authority. For many years I was on that ineffective machine called the Standing Finance Committee; it used to be more or less effective but it has ceased to be now. I pointed out year after year the incredible folly of, in every case where there is an unexpended balance of a vote of a department—roughly around about Christmas you could find the whole streets of Nairobi infested with excited bureaucrats moved to unbelievable forms of activity—(Laughter)—talking about with *kipitipis* trying to buy up all the junk they could find in the streets of Nairobi. (Laughter.) That, quite obviously, Sir, to me was not very sound finance. (Laughter.)

Therefore, I suggested that any unexpended balance should be automatically carried forward to the next year. Precedent, of course, made that very difficult; the Colonial Office made that still more difficult; common sense, of course, did not enter into the picture at all. (Laughter.) However, eventually, argument, reason, did prevail, because you see these intelligent bureaucrats said, "There is our opportunity," and just about that time when the principle was accepted, I was pushed out of the Council—probably quite advisedly—and left the scene of these incredible activities. When I came back, to my amazement, I found that this little seed I had planted had grown into an enormous mass of oases growth, the Development and Reconstruction Authority. (Laughter.)

In other words, the little seed I sowed you see, had grown into a monstrous abortion; a second Government; a second Secretariat, and I entirely agree that this huge absciss, this cancer, should be re-absorbed into the body politic and the simple principles upon which it is based should be carried forward, and that is, that any unexpended balance of a vote should be carried on to the next year.

As far as the growth of the State is concerned, there is nothing very mystic about the 31st of December.

I was rather interested to listen to my African friends on this side, because I thought the two speeches of the Africans that I listened to, and even despite the fact of an expiring battery here, which involved the necessity of going quite close and listening to what they had to say, I did think their speeches were very good ones. But the underlying current of it all, of course, was the old anthem of what the Americans call "the great order of the 'Gimmes'", "gimme this, gimme that, gimme the other, do not charge me with it". (Laughter.) That, of course, is the trouble with our African friends. Mind you, it is not confined to them. (Laughter.)

I am quite sure there are quite an important number of people who are entirely unconcerned with the structure of society and the origin of wealth, because it is quite natural, you see, to people who draw salaries, and there is a very large number of our friends opposite that have never had the occasion of growing a radish, or even of making a rabbit hutch—those complicated procedures of production. Still less have they natural experience in the very, very much more complicated modern processes of production. Therefore, you have, in fact, got two entirely different mentalities. What, in one of my more abstruse moments, I described as the endodermic mentality and the ectodermic mentality; and as the multi-cellular society multiplies they become more completely differentiated, until eventually they get so completely differentiated that they become even mutually antagonistic, and when you get those two factors in life mutually antagonistic, you can be quite certain society has reached a very dangerous stage. We have already got

[Lt.-Col. Grogan] that feature here in the increasing sense of hostility between the urban, mainly consuming, and the rural, mainly producing element, and the function of our people really is to try and keep proportion between the two.

Now, we have had a certain amount of talk about income tax, which has always been a particular irritant to me, possibly as hon. gentlemen will remember. But I will put it to all you gentlemen on the other side who, probably for the greater part of your life, have been salaried people and income tax can be merely an irritant to a salaried person. If you happen to be a civil servant, of course, you have this enormous advantage, you can probably rig the position a little bit, a cost of living allowance, a little surreptitious adjustment of salary, when the whole impact of income tax is neutralized. For the rest of the community that does not apply. More especially it does not apply when you come to the great industry, the basic industry, that is, the development of the land, because the development of land is an entirely different category to any other form of human activity. A salaried fellow may get the sack, he may not, if he is a civil servant he is all right, he is under the oak umbrella; if things go badly he can push out his juniors and stay put. (Laughter.) When it comes to the complicated process of the land, then you are in an entirely different category. Let us never forget it is the foundation of all society in the long run. It is very, very difficult indeed for anybody who is merely a salaried person to realize that probably the urban element, and more especially, the land element, are not the greedy savages they are often supposed to be by the gentlemen who sit in Nairobi and have the opportunity to go to the cinema six nights a week; if things are bad they have to cut it down to five. We people of the land, we are subject to all the incredible accidents of God Almighty—we do not know whether the locusts are coming to-morrow, we do not know whether there is going to be a drought, we do not know whether it is going to rain when we do not want it, and so on. And we simply must have left to us for our social task, sufficient margins to go on developing our properties.

A lot of this stuff is copied from England. Now, the farms of England, and I know something about the farms of England—I have operated quite a lot of them myself—are the ultimate residuum of 2,000 years of active development. There is not one acre of the whole of England that has not, at the whole of another, been developed, some time or another, been developed, labour with incredible application of labour, time, money and soil. And, as a result of the vicissitudes of prices, this, that and the other, has gone down, the agriculture of England has gone down, sometimes it has gone up. It is only a very little while ago, after war number one—they tried to resurrect it during one they sold the of the farmer, they put up all his wage levels, and removed the security of his prices. I was one of the victims. The whole of the farming of England sank down to nothing at all in two or three years. After all, if things go bad, you can shut up a factory; you can put a dear old lady with a broom inside to keep the place clean, grease the machinery, lock up the thing and walk off and leave it. You cannot do that with a farm.

I do seriously submit to my hon. friend opposite that the whole of this income tax application must be seriously reconsidered so that the people on the farms, who try and develop the land in basic products, must be allowed to have, if they ever have any margins, which does not happen very often, they can use them for the further development of their farms. I think there ought to be very special attention paid to that factor, because although my friend opposite has achieved an amount of this thing, he has still, in my humble opinion, got to learn the implications of inflation followed by deflation on the general currency and finance of the country, and, still further, study the sociological reactions of these things.

I do beg of him to look into this matter very closely indeed.

That is all I have got to say, Sir, except this. I do think, first of all, we are faced with what, to me, is quite obviously the beginning of a recession. If England can only balance its Budget

[Lt.-Col. Grogan.]
 this year—there is a deficit in its general Budget of £500,000,000, which has temporarily checked the deflationary measures introduced by Mr. Butler. If they can actually achieve a balance in their Budget, then I think there is no question whatsoever that we are going to be faced with a very, very, serious deflationary question in this country. We have also got to meet the enormous costs of this Emergency which, in my humble opinion, is being totally inadequately dealt with, because most gentlemen opposite have really no experience of Africa, and no experience whatsoever of the mass psychology of the African tribes. Therefore, I think the steps that have been taken are inadequate. I think they are fooling. I think they are going to lead to a general, maybe a temporary, disappearance of the explosion of this happening, but it is going to go on spreading if we do not deal with this matter definitely and for good. It is going to spread from one end of Africa to the other. That means to say that this Budget is a mere dream of a morphoniac. The essential thing, to my mind, is that Government should appoint a high level committee at the earliest possible moment; dominated by ourselves on this side, who have got to foot the bill, a complete revision of the policy of this country so as to see to what extent we can pull in our horns and protect ourselves against the implications of the things that are going to come to us in a very short period. (Prolonged applause.)

Mr. RIDDOCH (Nominated Member):
 Mr. Speaker, I should like to make a few observations on the Budget which has been so clearly presented by the hon. Member for Finance. I am afraid I feel very diffident at doing so, after those brilliant and devastating remarks made by the hon. Col. Grogan. However, I will venture to proceed.

In his speech yesterday, the hon. Member for Rift Valley made reference to and laid great stress upon the need to encourage as much as possible the inflow of capital into this country. And with the observations made in that connexion, I completely agree.

The hon. Col. Grogan has just painted a very gloomy picture of the possible

economic situation with which this country may be faced in the near future. I cannot say I agree with his pessimistic forebodings but, undoubtedly, there are certain things we must pay close attention to. Now the buoyancy of revenue, to a very large extent, does depend on the state of this country being maintained at a level by which our customs, our exports, or rather our imports, will yield the customs duty expected of them; and, at the same time, yield sufficient profits to farmers, business men and others to pay the very high income tax rate demanded at the present time by Government.

Now to maintain that, we have to rely on export prices remaining at a remunerative level, we have to rely on, of course, the inflow of capital and the expenditure of capital created locally, in the building up of still further enterprise within the country itself.

Now, as the hon. Member for Rift Valley has rightly said, the turn of the wheel is taking place. We are facing, undoubtedly, a downward trend—we have faced, in fact, a downward trend in the prices paid for a large number of our main exports. In addition to that, prices for many of our imported articles have also fallen so that if we are to maintain our level of customs duty and income tax, we must depend more and more on the development of industry and agriculture in the country. That depends, of course, in encouraging new capital from without and making more capital available from within. This is a point which I wish to make and stress. In his speech the hon. Member for Finance did draw attention to the need for collecting statistical information regarding the relation, indeed the equation of our further development with the capacity of the country to meet the needs, the demands, of that development. Hitherto, since the war, we have allowed development to take place far too rapidly; we have allowed it to take place higgledy piggledy without any control whatsoever, with the result that Government expenditure has been competing acutely with other kinds of expenditure performed by private enterprise. That has resulted, in my mind, in forcing up internal prices to the level which they are to-day. Undoubtedly, it

[Mr. Riddoch.]
 has had a very important effect on the cost of living which exists to-day in the country. If, as a result of this statistical information, something can be done to regulate the inflow of capital, and the expenditure of it, without undue competition taking place between the different holders of capital, I think it will be a good thing.

Now, Sir, apart from encouraging capital from outside, we have to depend to a very great extent on building up our resources from savings out of local industry in all its forms. That is the only way, in fact, how capital can be produced; it is always the result of savings.

Now, Sir, although we do not have the same rates of income tax (taxation as the United Kingdom), we are undoubtedly at a very high, almost penalizing level now, here. I am not going to say that those rates should be reduced, because the income expected of them is very necessary to cover the Budget this year, but I am sure of this, if income tax was collected efficiently from all sections of the community, it is my belief that not only would a large increase take place in the revenue obtained from those sources, but it would enable Government to review the actual rates charged to-day. I believe they could, in other words, reduce this very onerous rate of taxation to enable the entrepreneur to plough back his profits to a far greater extent than they are able to do now.

Yesterday, I was impressed very much with the speech made by my hon. friend, Mr. Mathu. I thought it was a very moderate one and I agree with him, as other speakers have done, that, undoubtedly, when we think of the wealth in this country, we must bear in mind the very important part played by all sections of the community, especially the African. At the moment, of course, at the present stage of development, they are only able to take part in the more humble spheres of activity. As time goes on, if they learn by experience, I am quite sure they will play a more and more important part in the higher branches of production.

Mr. Awoi did make the special plea for some sort of bank to make loans available to African traders. Well, that is

something I have had in my own mind for a number of years. The difficulty is, undoubtedly, first of all, that Africans are not able to provide adequate security against such loans, although very few yet—I do not know of anyone who is able to conduct a business of any magnitude justifying loans of a substantial quantity.

THE SPEAKER: I observed just now when the hon. Member, Mr. Riddoch, was making his maiden speech, and I could not interrupt him, that the hon. Member for Commerce and Industry walked right across between the hon. Member who was speaking and the Chair. It was, therefore, a breach of order, and I would like him to acknowledge it and apologize accordingly.

THE MEMBER FOR COMMERCE AND INDUSTRY: I am very sorry that I did, Sir, I hope my apology will be accepted.

Mr. Speaker, I do not wish to detain the Council long in the few remarks that I have to make on the debate as it has gone so far. I do, however, wish to make what I consider to be, next to the preservation of law and order, the most important issue that has arisen in this debate so far. I would define that issue as being the necessity to continue the flow of capital investment into this Colony and Protectorate.

Now, Sir, I was very glad my hon. friend, the Member for Rift Valley, referred to this in his brilliant speech yesterday. I was glad that my hon. friend, the Member for Nairobi West referred to it, and also that other hon. Members have been speaking, because, Sir, if this flow of capital dries up as a result of the continuance of this dastardly attack on life and property in this Colony, every person living in this Colony will suffer. In my estimation: First, this country, in common with all new countries, is under-capitalized. The degree of capital investment, for instance in farming, in this country, as the Member for Nairobi West pointed out, is comparatively small; the degree of investment in basic services such as railways, harbours, roads, water supplies, soil conservation, forestry and industrial development

[The Member for Commerce and Industry]
again, Sir, is very low indeed. The whole of our progress, the whole of our hopes for better social services, more education, more hospitalization and, indeed, the continuation of that basic development without which all those social services are so many airy dreams, is largely dependent on this flow of capital.

The hon. Member for African Interests, Mr. Awori—I am sorry he is not here, because he made an observation that calls for some reply—he stated he hoped capital would come to this country and that there should be some security for it. So far, so good. He also went on to say that such capital should not be of the kind that comes here and takes away its profits and is what might be termed exploitation capital. Well, Sir, capital comes to those countries which give it an opportunity to fructify. It is by that process that the Member for African Interests, my hon. friends sitting on this side of the Council, in fact all hon. Members, all the population of this country find the means to live and to progress. Of course, the law must see that capital is honestly and properly used, but let us make no mistake that our biggest need in this country is more capitalization in every direction, through bank credits, such as my hon. friend has mentioned, through new investments in industry, through new investments in farming and the like. It is by that process, and only by that process, ways providing the framework of law and order is preserved, it is only by that process that our aspirations can be realized.

Now, Sir, a further point was made that requires an answer, and the point was this. One hon. Member remarked, "Was it a fact that only capital was necessary? Was the contribution of labour—what that contribution being ignored, what about the contribution made by natural resources?" Now, no one in their right mind could possibly suggest that application of capital without labour and natural resources could have any result whatsoever. That is the equivalent of burying gold bars at Fort Knox in America. They do not increase, they are of little use to anybody. I would make one observation, and only one to my hon. friend who raised that point. Just as

capital without labour and resources is useless, so labour and resources without the catalyst of capital is equally useless. I will give an example.

One of the richest areas in the world, in terms of labour and of natural resources, particularly of the latter, is the Amazon Basin. It is also one of the most undeveloped countries, because there has not been the capital to improve navigation, there has not been the capital to make roads, there has not been the capital to make railways, and there has been in that area a failure upon the part of human resources in that territory, human resources which have been very largely decimated by disease, and capital is needed for the elimination of those factors which reduce the value of human element.

I think my hon. friend must agree that it is only through the importation and formation of capital that the best results from the natural resources available in this country, can be expected to flow. (Hear, hear.)

Now, Sir, there are one or two further points that should be dealt with—none of them of the slightest importance compared with the creating of those conditions in which the fructifying flow of capital can continue.

One of my hon. friends asked, why does not Magadi Soda produce more ash and less soda? Well, you extract soda ash from the liquor and you let it evaporate in the sun and then you get ash. So unless you produce soda ash, you cannot produce ash.

In regard to minerals, a very important point was raised by one of my hon. friends. He rightly remarked that in Kenya we have not got all the minerals that we would like to see. Now, in 1945, one-tenth of Kenya had been surveyed geologically. By 1947 the Geological Department was recruiting new geologists, a crop of new geologists takes three or four years to become available. At the present time, about one-eighth of the country has been surveyed, and the Geological Department's survey is going on at just about the highest priority. In addition to that, great opportunities are being given to the very useful efforts of private prospectors because when the basic work has been done, in my experience, admittedly it

[The Member for Commerce and Industry]
was in oil, in my experience, it is very often the private prospector who goes out and looks for a mineral who finds it. That is how many of the very valuable minerals already being worked in Kenya have been found. Kyanite is one, it is very valuable to-day and growing in importance. We have found most important deposits of asbestos which are being worked, and capital is forthcoming. We are developing important deposits of graphite in the Coast Province, in addition to the gold industry of Nyanza where we have not been able to do all we would like to do to help, because some of the factors are outside our control. There are developments of base metals, of copper and lead. I suggest to my hon. friend that to say there is no mineral wealth in Kenya—he has merely to look at the returns for the last three or four years and notice—

MR. AWORI rose—

THE SPEAKER: The hon. Member must not rise and begin to speak. He must attract the attention of the hon. Member who has got the floor at the time, and must endeavour to get him to give way. Until he does give way, the hon. Member must not speak. Only one person may speak at a time in this Chamber.

MR. AWORI: It was not my contention there were no minerals in this country, but they have not been developed. In my own area of . . . (inaudible) we have iron and steel so far undeveloped. (Laughter.)

THE MEMBER FOR COMMERCE AND INDUSTRY: I am very glad they have not only got iron, but steel, in the ground. It must be unique! If the hon. Member will pass on the information he has to the Geological Department, I am sure they will be most interested. I do not wish to labour this point, my object is to deal with the suggestion that there is little mineral wealth in Kenya.

In view of the fact that so much of the country has not yet been surveyed, I would refute any suggestion that there is not much mineral wealth here. We have every reason to believe that we will go on discovering minerals—we have hopes. I would not put it higher—of finding mineral oil.

I would like to refer to one or two of the remarks made by my hon. friend, the Nominated Member, sitting on our side of the Council. I should also like to congratulate him on what I believe is his first important speech. (Applause.) I thought, myself, Mr. Speaker, he demonstrated that we were not wrong in our expectations of contributions of a very high level, from the hon. Member. (Hear, hear.)

He did, however, make one remark which perhaps at a later stage, or on another occasion, he may wish to expand. He referred to the regulation of the inflow of capital.

Now, Sir, in my view that can mean something that most of us would agree with, or something very dangerous indeed, very dangerous indeed. Who is to judge whether capital is best applied? Is it to be the entrepreneur who takes the risk, or to use the words of the hon. Member of Nairobi West, is it to be the bureaucrat who does not?

In my view, provided there are proper regulations as regards the honest use of capital according to the law, provided that the law is fearlessly applied, then, Sir, I believe that the best judge of the use of capital, with due regard to social considerations, such as the growth of cities, then, Sir, I believe that the best judge is the investor of capital. He takes the risk, he may lose the money. Having said that, I do not wish to pursue the point further, because I do not believe that my hon. friend, in referring to regulation of inflow of capital, meant what another person using that particular phrase might have meant, and something with which I would have found difficult to agree, I believe, at a later stage, he will wish to refer to that matter again.

Now, Sir, I would like to congratulate my hon. friend, the Member for Nairobi West, upon some of the remarks that he made. On others I would find it difficult to agree, but nevertheless, I do believe this should be borne in mind by all hon. Members on both sides of the Council, within the matrix of his temperament, and, shall I say, his sense of humour—one which I greatly appreciate—there were embedded some diamonds of truth, and diamonds of truth which are very relevant to the Budget which is laid be-

[The Member for Commerce and Industry] fore this Council for consideration. He referred, and I, as an economist by profession have very great admiration for him, because he was uttering truths of economy when a great many Members of this Council were in their cradles, some not born—he referred to one very profound effect upon this Budget, and that, Sir, is a very obvious fact, though sometimes ignored, the very obvious fact, that we are passing over the peak of inflation. I do not believe the hon. Member wished to suggest, in referring to that peak of inflation, that we were now looking down into an abyss, because if he does, then I would have to refer him to the statistical position in regard to some of our major exports such as sisal, pyrethrum, coffee and so on. There has, of course, been a decline, with the exception of the second item that I mentioned, a decline from those very high prices prevalent during the Korean crisis, and during that period when the world as a whole took a somewhat exaggerated view of the inflationary effect of the rearmament programme in America and in the United Kingdom.

LT.-COL. GROGAN: They build up high costs at the same time.

THE MEMBER FOR COMMERCE AND INDUSTRY: What I was going to say was that costs went up in sympathy with those movements. I believe that consumer demand will continue. What I do not believe will continue are the very high prices that we have experienced. I may be wrong the hon. Member may be wrong, but I think he will agree with me that barring some catastrophe, for some time we can expect a continuation of a reasonable if lower price level, which, provided it is met by a decline in the cost of necessities for primary producers, then it will be no bad thing, even if somewhat inconvenient from the immediate, though not the medium- or long-term budgetary position. I think the hon. Member would agree, or rather he would go so far as to say that he hopes that is my right.

Well, Sir, I do not feel I should detain the Council any longer. I have made certain observations and I would return to my first point because I believe it is the basis of many of our problems. The first requirement is law and order, with-

out that there can be no confidence without confidence there cannot be the flow of capital, and without that, Sir, our dreams of progress, our hopes of economic progress—and it is possible through this that other things are possible, then our dreams of progress, whether it be economic or political, in the social services, are merely pipe dreams. (Prolonged applause.)

THE SPEAKER: I appreciate that the hon. Member wishes to start something, and that you would all like to adjourn.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, there are one or two matters which have been raised in the course of these discussions which I would like to comment on.

The first one is the allusion made by the hon. Member for Rift Valley to the drop in the Colony's financial resources occasioned by the necessity to provide what is really short-term finance for crops, the purchase of crops, crop finance generally.

I think, Sir, that it is necessary under the circumstances of the world in which we live to-day to provide stability in agriculture and that does necessitate in my opinion a guaranteed price and the purchase of crops. That has been found necessary not only in small countries such as this, but even in the big Dominion which I recently visited, the Dominion of Canada. But, Sir, I do agree with the hon. Members, and although this is really more a matter for the Member for Finance than for myself I do most heartily agree with the hon. Member for Rift Valley that we must try and find a method whereby these moneys can be provided under a short-term financial arrangement rather than out of the surplus balances of the Colony. (Hear, hear.)

While on that subject, Sir, the next speaker, the hon. Mr. Chanan Singh, made one allusion in the course of his discussion which is really more a matter for the Member for Finance than for me to comment on, and he did suggest that we have obtained and do obtain very large sums of money from the United Kingdom. Now, Sir, whenever that question is raised, I always feel that I must do my best to put the matter in

[The Member for Agriculture and Natural Resources] its right proportion. In point of fact, this Colony and, indeed, most colonies, has received extremely little money from the United Kingdom, except in the way of loans, loans which carry a rate of interest and which are repayable and have been repaid. Admittedly, under the Colonial Development and Welfare Act, moneys have been received by this territory and are now accounted for under the arrangements which have been criticized during this debate under the Development and Reconstruction Authority. But, Sir, it is only too easy for a statement of that kind to be misinterpreted overseas, because as it so often happens in the United Kingdom, people often honestly and truly believe that the whole of the economy of this country rests on the British taxpayer, and I think it is most important for a developing country that that misapprehension should be destroyed.

Now, Sir, the hon. Mr. Mathu and his colleagues representing African interests alluded to the failure, in their opinion, of my colleague the Member for Finance to have expressed specifically in his speech in actual terms the production that has taken place from African areas. Now, Sir, I do not think the hon. Member for one moment meant to overlook developments that have occurred in African areas, or that my hon. friend—obviously he was not, from his speech—was in the least unconscious of the part played in the increased economy of this country by labour and African effort. It is, of course, more difficult to express in detail increases that have taken place in the African production for the last few years, and it is for that very reason that I did lay out in the Table of this Council yesterday a few notes which I thought might be of interest to hon. Members, especially to those representing African interests, notes showing what we are trying to do, what Government is trying to do in African areas in order to encourage African agricultural development.

Now, Sir, on page 7 of that document, I have tried to lay out as far as it is possible the increase in the sale of surplus African cash crops that has taken place between the years 1946 and 1951, and the figures that I have given

there are as follows: £1,377,742 to £3,267,588, and those are to some extent comparable with the figures given by my hon. friend the Member for Finance in his speech, when he spoke about non-African agriculture. Of course, that £3,500,000 represents only part of the money received by Africans on the sale of their crops, because it does not, of course, include sales and exchanges between Africans at markets, nor the large volume of hawking in towns of produce such as fruit, vegetables and so on.

Now, Sir, those hon. Members who spoke also said that we were rather strangling the enthusiasm, stifling the enthusiasm, of Africans in regard to the growing of coffee, tea, sisal and so on. I would like first of all to say that I can think of nothing more disastrous than encouraging Africans to grow these rather difficult plantation crops, save under conditions when I think that their chances of success are considerable, and that has been—at any rate for the past few years—the policy of Government. But I cannot agree with the hon. Members that there has been in any sense of the word a stifling of legitimate African efforts in this direction. Now, by the end of 1951, 8,208 Africans were growing high-quality arabica coffee on a total of 1,735 acres. That is only a beginning, because this enterprise of encouraging Africans to grow high-grade arabica coffee is comparatively new. Nurseries are being established in seven districts to distribute properly grown coffee seedlings to African farmers, and these nurseries are being increased as and when we can increase them with the money available to enable 2,000 acres of coffee to be planted each year in African areas. Of course, we try and regulate the efforts of these African supervisors in order to ensure a high standard of cultivation and minimize the risk of the spread of disease and to ensure, if possible, to a good deal, the quality.

As regards pyrethrum, by the end of 1951, 766 acres had been planted in the Kiambu, Nyeri, Meru and South Nyanza districts.

As regards the planting of pyrethrum, it is being increased.

[The Member for Agriculture and Natural Resources]

As regards tea, an experiment in the growing of tea by Africans started in 1951 near Karatina, and the early plantings appear to be doing well. But this project will cost no less than £70,000 for nurseries and the factory to serve 500 acres of tea.

As regards tobacco, I think it is well known that we have developed an African tobacco-growing industry in Fort Hall, Embu, Kitui and Meru. I will not weary the Council with figures about sisal, pine-apples and other high-priced crops, but I am only trying to explain that we are by no means trying to stifle the efforts and enthusiasm of Africans to try and grow these high-priced crops.

In that connexion, I would like to say that far from desiring to stifle Africans in the growing of higher-priced crops, the policy of this Government is undoubtedly to try and increase the standard of living of the African by trying to teach him to get more out of his land than he has got in the past. In the past he has been only too prone to be contented with a very poor subsistence type of agriculture, and we are endeavouring, and I believe with some success, to try and induce Africans to try and engage on a very much more progressive and intensive form of agriculture.

I would particularly like to draw the attention of any hon. Members who have time to read this document to page 6, where I have given an example of precisely what we are trying to do in regard to the raising of the standard of the living of these agriculture farmers, these small farmers. I have tried to show there that by a better method of farming the same people on the same land can not only feed themselves and their family properly, but can obtain an income of some Sh. 2,000 a year, whereas at the present time some of them are probably getting less than Sh. 100 a year and their standard of nutrition is very poor. That is the sort of thing that we can do to improve the standard of living of the masses.

Now, Sir, the hon. Mr. Mathu has another example of the way we were frustrating the enthusiasm of certain

individuals; he suggested that it was deplorable that a man who built a dam on some watercourse, a dam which according to the hon. Member, was able to provide water for his neighbours and cattle of his neighbours, was destroyed. Well, I am sorry, but I do not know, of course, the facts of this particular dam, but it was only last year that I introduced into this Council a very arbitrary, perhaps almost socially-biased, Bill, the Water Bill. I maintain that if we are to develop this country—which is very short of water, that we have got to guard and protect riparian areas by means of very drastic legislation. We cannot for a moment tolerate any person, be they European or be they African, building dams on their own in a watercourse simply because in their opinion it does not affect the flow of the water further down. (Hear, hear.)

Now, as regards what we are endeavouring to do in African areas, it is against merely protecting existing streams. I would refer the hon. Member to section 12 of this document I have laid, and then later on to page 16. The Agricultural Department, as the hon. Member is aware, operates three heavy mechanical dam construction units, which I had a good deal to do with the creating of, and at the time was considerably criticized because they were considered by certain persons as being rather too big. Now, all those three heavy mechanical dam construction units in 1951 and 1952 built large dams, storing 71,000,000 gallons of water, which were constructed in Nyanza, and 17 large dams were constructed in Machakos—both native land units. Two out of the three units operate for the most part in the native areas. A large number of dams have been constructed by local effort or by contract machinery under the guidance of the Soil Conservation Department, which is part of the Agricultural Department. The total amount of dams in African areas now amount to 1,200, and I do submit that it is more important to press forward with a carefully organized scheme for producing increasing water supplies in native areas than allowing individuals, possibly, to do harm to their neighbours further down a watercourse by uncontrolled building of dams. (Hear, hear.)

ADJOURNMENT

THE SPEAKER: Order, order. It is now quarter to one. Are hon. Members always intending to go on until 12.45 every day, or are we going to follow strictly the Standing Order of interrupting business at 12.30, and if there is no adjournment matter, stopping at that time? I would like to receive some indication of that matter in due course.

Council rose at forty-five minutes past Twelve o'clock p.m.

Thursday, 20th November, 1952

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

[The Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

QUESTION No. 40

MR. TAMENO:

Will the Member for African Affairs please state whether there is any intention of extinguishing the rights of the Tugen (Karnasia) in the Lembus forest after the expiration of the Grogan Forest Concession in 1957?

THE MEMBER FOR AFRICAN AFFAIRS: The Government is examining the question of the future of the Lembus forest when the Grogan Concession expires.

QUESTION No. 45

LT.-COL. GHERSIE:

In view of the confusion which exists in the minds of a large number of the public regarding the reporting of crime, will Government please state whether or not a person may make a report to the nearest or any police station regardless of where the crime took place or the district in which the informant is resident?

THE MEMBER FOR LAW AND ORDER: As some members of the public believe that they should report a crime only to the police station for the area in which the crime was committed, Government wishes to stress that any person who knows of a crime should report it to the nearest or any police station, regardless of the place of the crime or the residence of the informant, and further wishes to stress the importance of such reports, which should be made at the earliest possible moment, and the value of the co-operation of the public.

LT.-COL. GHERSIE (Nairobi North): Arising out of that reply, would that also apply to any incident which should properly be reported to the police?

THE MEMBER FOR LAW AND ORDER: Certainly.

MR. HAVELOCK: Also arising out of that reply, would the hon. Member give

[Mr. Havelock] an assurance that Government will put that over and publicize it through the Press Conference?

MR. HARRIS (Nairobi South): Also arising out of that reply, would the hon. Member also undertake to see that the police at sub-police stations in Nairobi receive that instruction from Government?

THE MEMBER FOR LAW AND ORDER: I am afraid I cannot accept the implication that they have not got such instructions, but I will see that they have them confirmed and made abundantly clear as to what they should do.

COMMITTEE OF SUPPLY

Debate continued.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, yesterday I gave certain particulars and drew the attention of hon. Members to the paper which I had laid on developments being carried out in African areas, only in order to refute suggestions that are so constantly made in this Council—rather lightly made in this Council, if I may say so—that very little or insufficient was being done. I think it is important to refute these suggestions because, especially at the present moment, sometimes it is erroneously suggested that so little is done that there is a good deal of excuse for frustration and disappointment on the part of Africans.

But I would like here and now to say to hon. Members, especially those representing African interests, that, although in my refutation of—I may call them accusations—I may appear to be somewhat complacent and pleased with what Government has done, I would like to give the most sincere assurance that that is very far from being the case. We know perfectly well that a tremendous amount remains to be done. We know perfectly well that we have by no means overcome all the difficulties which face us, and I am only too happy to receive suggestions, especially from hon. Members representing African interests.

Now, Sir, Mr. Awori touched on the necessity for providing finance for

assistance to African farmers and African traders and so on. That is a subject which is being examined very fully and I think, as hon. Member know, as far as farming is concerned we have, I think, made some progress, but it is very easy to suggest the establishment of a bank to lend money to Africans—on what particular form of security is not stated—only it is not so easy to provide a sound basis of financing Africans by such as, for instance, the Land Bank, which only lends at 60 per cent on a first mortgage. However, be that as it may, provision of lending money this year to Africans and I may say that last year we had in the Kikuyu reserve alone £6,000 Government loans—256 to approved individuals.

MR. MATHU: Just one point regarding the security the hon. Member refers to: Is it not a fact that we have preferred to get Government to go into the details of land titles in areas where individual tenure obtains, so that they can offer these as security? What is Government doing about that?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Well, Sir, I raise a very, very big question and the hon. Member is only too well aware—one which is being examined by the authorities concerned with administration in native areas. While it is being examined, we are endeavouring to make loans to approved Africans really as a security of the land. I would say that so far we have received very few disappointments.

As regards agricultural education, I was also mentioned—I think I referred to that in the paper which was circulated to hon. Members—there is one matter of policy I should just very rapidly like to touch on, and that is it has been suggested, in looking at the very large number of schemes which are tabulated in the paper I circulated and in the Estimates, that we are frittering away our money on too many small schemes whereas we could, had we used the Development and Reconstruction Authority money and other moneys available for one or two bigger schemes, perhaps do something more effective. I know that is a point of view for which there may be some justification, but let me again

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The Member for Agriculture and Natural Resources] draw the attention of hon. Members to the fact that we have got to begin, and was only too late when we did bring money in to try and induce all Africans, practically speaking, in all African areas to change over to better methods of farming and soil cultivation.

It is all very well to say we could have used that money to better purpose in one big scheme, but I think it is only a year or two ago when we tried to, for instance, terrace certain African areas, that the wives of the local inhabitants threw themselves in front of the machines. Now that is a very short time ago, and to-day we have Africans not only building terraces and going in for soil cultivation of their own accord, but actually exchanging their land to fit in with the terracing arrangements.

I submit that, at any rate at this stage of our progress, a large number of comparatively small schemes spread over this country—that policy has been justified.

My hon. friend Mr. Patel talked about Indian settlement. That comes up very frequently. I would again draw his attention to the fact that he knows quite well that we have tried to provide land for Indian settlement, and tried in two places, but so far the land has not been taken up. I am extremely disappointed that the land has not been taken up in our latest Coast scheme.

Now, Sir, before sitting down, I would like just to refer to my very old friend, and if I may say so, great friend, the hon. Member for Nairobi West. I have had the privilege of sitting with him in this Council for a very long period of time, on and off, and it gave me great pleasure to see him back again, stressing his point of view with the great experience of language and so on that he has got. I agree with much of what he said, but I think it would be wrong for me entirely not to—perhaps if you will forgive me saying so—deplore his allusions to the Civil Service—(Hear, hear)—because I have now, for a great many years, and I am not a civil servant, had a great number of them to administer, and although the hon. Member, I know, is one of the kindest men—I say this with

great sincerity—one of the kindest men I know, he perhaps forgets that the new generation—he can hurt people's feelings very much indeed. I am sure if the hon. Member cast his mind back a few months—

LT-COL. GROGAN: Do I understand the hon. Member to say that I had hurt somebody's feelings? They must have very sensitive ones.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: No, Sir, I do not agree that they must have very sensitive feelings. If the hon. Member would cast his mind back a few months or perhaps years, I have no doubt he will remember a lot of his colleagues and friends at that time actually went into the Civil Service and they did not think they were going into a service under which they batted on other people or into a service in which the heads of which calculated carefully the number of people they would have to push out in order to keep their jobs. Those are the sort of remarks which I know he did not mean and that is why I cannot help alluding to those remarks.

Lastly, Sir, I know the hon. Member is always anxious to reinstitute the Expenditure Advisory Committee either to provide for existing difficulties or anticipated difficulties. If I may say so, I am not so sure that these committees of so-called experts, drawn from either of the other sides of the Council or the public at large, always do as much good as they think. I was myself a member of the Advisory Committee in 1952. Although we cut expenditure by vast sums of money, looking back on those days, I believe that we did a lot of harm to the development of the country because we did not cut the right things.

Well, Sir, those, I think, are all the subjects to which I wish to draw attention as my portfolio is concerned. I naturally support the Motion that the Speaker should leave the Chair.

MR. MADAN (Central Area): Mr. Chairman, I did not want to interrupt the last speaker, but may I now ask him, on a point of information, if it is not true that the land at the Coast was not taken up because it is overriden with malaria and unsuitable for settlement.

MR. COOKE: There are a number of European settlers there.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I should not say that was true at all. The whole of the Coast can be said, to some extent, to be malarious. I do not think this particular area is any worse than any other. In fact it is surrounded by people living there quite happily.

DR. HASSAN (Muslim East): May I, on a point of order, ask, Sir, that the land at the Coast that was talked of allotted to Indians at Shilno la Tewa was not taken up because it was only considered fit for market gardening and there was no water available in the area.

THE MEMBER FOR COMMERCE AND INDUSTRY: Was that a point of order?

THE DEPUTY SPEAKER: I do not think it was a point of order. It was pretty obvious what it was.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It was true that the scheme was for small holdings and one of the means of making a livelihood was market gardening and fruit-growing. The fact remains that that particular scheme was recommended by a committee set up to deal with prospects for the settlement of Indians. I repeat that I am sorry, because a lot of trouble was taken and some money was spent, to find that that land was still not taken up, and I repeat, Sir, again, that during the last few years, I have personally, and Government has on many occasions, done what they can to help Indians to settle on the land. We are constantly told—constantly told—that we do nothing for them. When we do find land for them, we are told the only possible way for them to develop that land is if I allow them to sublet. I do not allow a European to take up land and sublet it—why should I allow an Indian to take up land and sublet it?

MR. M. GIKONYO (African Representative): Mr. Speaker, at the risk of repeating much of what was said by the Members who have spoken before, I wish to say that one of the greatest desires of all law-abiding people in this country to-day is to see the Emergency over and see the country back to normal, so that the people, men and women, can go

about their lawful occasions free from fear.

The hon. Member for Rift Valley has speech did ask the Government to take drastic, swift and effective action dealing with the present situation. The Government has done and is doing a lot, but in my humble submission, I do not think that this alone is not sufficient. We are at the same time take positive action. It is true that we do want an inflow of capital into this country in order to carry out the development programmes, because without it development will be retarded. The Member for Commerce and Industry did stress and say that capital white labour and natural resources, and vice versa, has no value, or has at least little value. In this country, we depend almost entirely on African labour. This labour has been the subject of criticism from time to time. We are told that African labour is poor; inferior, and its output small. In my opinion, this theory has been employed for the past many years to keep the African wages down. The fact is no truth that it is poor, because in the Budget we are told that the production figures in the non-African agriculture is on the increase. That alone is an indication to show that at least the African labour should receive recognition in the form of increased wages.

During the recent months, there has been a steady increase in the prices of foodstuffs which are responsible for the present high cost of living. During the same period, the African wages have lagged behind the prices and no doubt this factor has caused some frustration in the minds of the African workers. In my view, this is in no small measure a contributory factor to the present state of affairs in this country. I believe that the time has come when the whole of the African wage structure should be reviewed and that Africans should be paid not according to their colour, but according to what they can do. If an African can perform the same job as other people, he should be paid no less than other people. We do not want to see a position where five European clerks are paid £2,673, whereas nine African administrative officers are paid £1,990. That I think, in my opinion, is a very bad thing because it leaves room for the Africans to agitate. I suggest, Sir, that the first and most important positive

[Mr. Gikonyo] action that we can do at the present time is to increase the African wages so that they can live decently.

The hon. Member for Rift Valley did mention in his speech that African enthusiasm in education should be investigated in order to create an African education authority. In this connexion, I think I can do no better than to quote the African Affairs Annual Report for 1951 which states: "The African enthusiasm for education continues unabated and education is a large part of every district council's budget and an increasing commitment".

The Independent Schools, some of which have been closed, is another example to show that Africans are doing nothing about their education. Here I wish to express the hope that when the Emergency is over, the question of reopening these schools, if necessary under new managements, will be considered. At the same time I wish to express the hope that the 21,000 African children who have been the victims as a result of Government's action, will be found alternative accommodation so that they are not allowed to loiter about in the streets of Nairobi.

As far as the African urban area population is concerned, I do feel that they want more education. Unlike the African district councils, they depend on the Government, as far as the urban population is concerned, for their education. In Nairobi particularly I wish to say that compulsory primary education for African children is an urgent necessity. Action towards this direction will pay dividends as it will prevent the many African children from becoming criminals. Here I must join hands with those hon. Members who have thanked the City Council for their very excellent decision to spend within the coming few years some £2,000,000 on African housing. It is my hope that these schemes will provide adequate and sufficient houses for the present homeless Africans. I wish to stress the point here that everything should be done to encourage the African people, particularly in urban areas, to take an increasing part in the commerce and industry of this country. African traders who own plots in urban areas should be given little deeds so that they

can borrow money in the ordinary way, as other traders, from the commercial banks. (Hear, hear.) Credit trading should be thrown open to African traders when they trade with other traders of other races. They should not be restricted as they are to-day.

There is another problem in urban areas, in Nairobi particularly, we are going to have more and more destitute persons, old men and women who have been urbanized, have no relatives to help them in their old age. We have, at the same time, beggars in the streets. I do hope that the Government will take this matter in hand and deal with it before it becomes of any great magnitude.

Mr. Deputy Speaker, I want to support and endorse the opinion expressed by my friend, the hon. Member for Eastern Area. He suggested that the Government should have the confidence of the young African educated man, to take an interest and a leading part in the leadership of their people. My friend, the hon. Member for Health and Local Government, did suggest, at least seemed to me to suggest, that the educated men lack honesty, integrity and, above all, interest for their people. I think that is most disappointing, because we must look forward and have a progressive view about things.

Every year we have African men leaving schools here and going to universities overseas. When they come back they expect to, at least, take a part in the management of this country, their country. Therefore, they should be encouraged to take part in administration; in the education field; in every walk of life. When they come back they do not find attraction in a public service or, for that matter, elsewhere, and in most cases they go back to their reserves. They have nothing to do. They have new ideas, knowledge and intelligence—in most cases this intelligence is misdirected. I think that is a most unfortunate thing to happen. Government should encourage these young men to take more interest in the affairs of the country in which they live.

THE MEMBER FOR FINANCE: Would the hon. Member give way for a moment? In the absence of my hon. friend, the Member for Health, Lands

[The Member for Finance] and Local Government, I must put on record what he said. He suggested that the time had come for the passing of control to the younger men who had the advantage of Western education. Well, Sir, that tendency is, no doubt, inevitable and right so long as the young men possess also the essential qualifications of high character and integrity. The Government never suggested anything of the type the hon. Member is now referring to.

MR. GIKONYO: Mr. Deputy Speaker, I am very sorry if I misunderstood him, but my point is that that time has come, and it must start right now, because more and more people are coming in and we do not have to wait until we have a thousand or two thousand to fill.

MR. DEPUTY SPEAKER, I feel that in this country, we all have a future, but to have that future we have got to be straightforward and do things now to prevent anything that may happen in the future to destroy any harmony that is so essential in a country such as this. I do feel that if problems are approached in the right way and in the right spirit, we will not have trouble such as we are having to-day, and I do hope all men of goodwill of all races will do everything they can, not from the racial point of view, but from the point of view that we must all live here in harmony and in happiness.

MR. DEPUTY SPEAKER, I beg to support the Motion. (Applause.)

DR. HASSAN: Sir, I shall fail if I do not congratulate the hon. Member for Finance who put up this Budget in a very, very clear language and gave his speech which I have had the privilege to hear for the first time as one of the best speeches in this Council.

Looking into the Budget book, Sir, I find that he has effected a change in the subordinate clerical staff, for which I congratulate him and, when I congratulate him, I do so on behalf of all the Asian subordinate clerks who will feel very happy about it.

It was one of the long-standing problems that they had grievances—they were one of those pioneering lot in this country who did some very useful work

for the Government departments, and to place them in grades of "A", "B", and "C", where, according to their efficiency and according to their qualifications, they shall have rights and enjoy equal privileges with all communities.

Sir, there is one class of subordinates which I find has been neglected in this book. They used to be called subordinate officers other than clerks, and before the revision of the salaries took place they used to enjoy better privileges than those of clerks. Why they have been ignored altogether and are not included at least in the clerical grades, that surprises me. There are not many in this country who were here long before—from the early times doing some extraordinary useful work in this country. They are now in charge of districts, some of them in charge of two districts, available for day day and night, pleasing all that come across them, pleasing the administrative officers of those areas, pleasing their own departments, and perhaps because they have no time to write out petitions and have meetings, that their case has not been given any consideration at all. Or perhaps because they were not near the chairs of their heads to address them a hundred times. Sir, every day, they have been ignored.

I would draw the attention of the Government to give serious consideration to their cases. Their status has been lowered to those of clerks, and their scales do not rise even to the maximum which is accorded to the clerical staff.

The second, Sir, is the question of the unified services. There is no doubt, Sir, that it has been brought to the notice of this Council by the previous speakers. It is, that this policy is unjust to treat them according to their nationality, although they possess similar qualifications, equal to their European friends. It is an injustice because, in the British Empire, it is not considered fair. I would ask the Government and the Member responsible to give serious consideration to allow equally qualified people to have equal privileges, irrespective of their nationality, not for the good of those that are in the services to-day, but for the benefit of the younger generations.

Sir, we must realize that it is one of our duties that we should win the confidence of the growing people. A young

[Dr. Hassan] boy, when he is up on his legs, he is usually shown: the photos of the big people like Lord Nelson, Wellington, Churchill and Napoleon. When the young boy sees Nelson he says, "I want the same clothes". The parents manage that they put him in a sailor's uniform, and when he walks about in the house and they ask him, "What do you think you are?", he says, "Well, I am going to be Lord Nelson". That is the spirit which is created in the minds of the younger people, not that everyone grows up and rises to the same status, but they have that spirit of confidence in the future. They work hard to rise in this world, and that spirit of confidence in this world, and it is for that reason, Sir, that this policy of allowing higher services on the nationality of a person is an injustice and it must be eliminated. I would request the Members on the opposite benches, in the words of the hon. Member for Nairobi West, who said that they are all temporary. He did not mean that you are temporary in the Colonial Service, but he merely meant, Sir, that you are all very intelligent, very efficient, and that you are just waiting to be raised to the post of Governors to some other country and leave this place. (Laughter.) Therefore, he was not wrong in saying that you are temporary.

THE MEMBER FOR FINANCE: Really, Mr. Deputy Speaker, on behalf of a number of my colleagues, I must object to that particular remark. There are a number of us on this side of the Council who have spent a considerable proportion of our lives in this Colony and who are not looking for a transfer to other colonies.

MR. BLUNDELL: There are also a number who never will be Governors, either! (Laughter.)

DR. HASSAN: I must apologize to hon. Members. I did not mean to put any reflection on them. I was simply saying that it was a very creditable thing to aspire to be Governors. I have seen a very great number of people who have gone from the opposite benches to be Governors in the past. I can assure you, Sir, that if you ever go as a Governor, you will go with the blessing of millions in this country.

The second thing, when I look at the Budget book, Sir, I find that we have

succeeded in having £18,000,000 in revenue for 1953; and the hon. Member for Finance indicated it in circles, black circles and red circles. The red circles indicated that they would swallow the black circles by the end of 1953. But I found an item given here—a small item of £100,000. It was a small item—I call it that, because it was the savings shown over £18,000,000, it may be a coincidence but it is equal to the amount which is intended to be raised from the increasing of education fees. Well, Sir, I will speak on this point at the Committee stage, but I must point out to the hon. Member for Finance that this small saving that has been shown in the Budget does not represent two days' expenditure, or two hours' expenditure on the Emergency measures that we are now taking. It is a very small amount and it is unfortunately, and, obviously, blood money drawn from the poor parents of children.

I represent the Muslim Constituency of the Coast; we have got a very large number of poor Muslims who can hardly afford, even by the present fees, to educate their children above the fifth class; and the poor people, as you know, Sir, not having the means to go and enjoy themselves and have an evening out of their house, are very productive. A poor man, having three or four children, he cannot possibly afford to pay the fees that have been increased in the present Budget.

Education, to the increased population in this country is going to cause more and more problems, and surely, Sir, it will have to be dealt with by some method other than raising fees for the poor people. This raising of fees for the lower classes is an unequal tax. The policy of the Government has always been to have direct taxation of the type based on the capacity of the person to pay, and in this tax the poor and rich have to pay the same fees for their children. If a saving of £100,000 was necessary to be shown in the Budget, surely that amount could have been saved from other sources.

I have a suggestion to make—it may not be liked by some—but I know millions of people would like it. Sir, we have in this country a class of people appearing like schoolrooms. We call them controllers. They appeared during the war

[Dr. Hassan] for the primary purpose of protecting supplies for the troops, and their presence has been perpetuated in this country, even after the war. These controllers have succeeded in increasing the cost of living to the millions in this country to such an extent that they cannot bear it. Some of them have worked to the detriment of the country to such an extent that the removal of them would have effected a saving far above the £100,000, which the hon. Member for Finance thought fit to show in his Budget.

The essential items of diet in this country have been increased in price and the responsibility lies on the controls. Take, for instance, ghee. It is a commodity which is entirely consumed by the Asian community. This country was self-contained before 1939 and we were producing in this country first-class ghee, and it replaced the first-class ghee we used to import from India. From 1940 it went into the hands of the control. The improvement in the quality was effected by hard work for twelve years by the Veterinary Department in this country. Immediately the control took over, during the last ten to twelve years, they have ruined its quality completely. It is now a bad second grade, it is stinking stuff. Nobody likes it, but it is sold as first grade ghee in this country. People who cannot live without ghee, they have been forced to buy the expensive creamery butter to the tune of almost Sh. 1,000,000 a year and pay several hundred per cent more for their ghee to farms. Sir, the people who have been putting up with it, the loyal and peaceful people have been undergoing this hardship and requesting the authorities to remove the control from ghee and let the Veterinary Department improve it again as it did before the war. But no attention has been given to it. We can get first-class ghee from Tanganyika at Sh. 92 a tin and the controller will not allow it to come into this country. Sir, the same thing applies to copra products; the same thing applies to jute products. The controllers, as directors of a firm, made bulk purchases, and because they bought them at very high prices, they refused, when the prices have come down overseas, to allow anybody to get cheap per staff in this country.

until their high-priced purchases are forced down the throats of the people.

Sir, these controls have proved a utter failure and consumers do not want them, and request the Government to remove them and effect savings in the Budget which will be much more than £100,000 which the hon. Member for Finance has been able to secure. No doubt it will cause some unemployment if they are removed, and I can assure the Member that we all would gladly contribute to give them a bonus and give them a passage to go to the North Pole when they can do the least damage to the people.

The present unrest that we are facing in this country is, to a great extent, due to these controls, Sir, the prices to the producer and the prices to the consumer—there is a big gap produced by these controls. Nobody in this country would deny a reasonable price to producers, no body would deny a reasonable margin of profit to the merchants, but the grip produced by the controller is creating hardship on the consumers of the low income groups of all communities.

Now, Sir, I had no intention of speaking on the question of agriculture, but as the hon. Member for Agriculture has shown great annoyance at the demand of the Indian community to have agricultural land, I would not—

MR. BLUNDELL: He did not.

DR. HASSAN: I would not like to lose this opportunity without saying a few words. There was a time in this country, Sir, when the people came and took over large estates—hundreds of thousands of acres were taken over—and all communities were guilty of that. They have been sub-letting, and they are still sub-letting but I would ask the Member for Agriculture to show me one single instance of an Indian who was granted land by him and he sub-let it and sold it.

MR. MATHU: Why do not you talk up the Coast scheme?

DR. HASSAN: The Coast scheme. I was one of them. We went and set-marked an area in Mackinnon Road for the assistant settlement scheme. The Government experts took three years to report that the area was totally unfit for agriculture. This was an area that was

(Dr. Hassan) set aside for our settlement, and the experts of the Government condemned it. The second area—we did get a few hundred acres near Mtwara. We did make arrangements to find out whether water could be made available. One well was a total failure, the second well produced sea water, and the third well produced saline water, but hardly enough for the drinking purposes of anybody who would settle there. We advertised that the people should go there and see whether they would take up the land there. When they went up and saw it and they found out there was no water for market-gardening, and the conditions laid down, they could not possibly develop that area. In the Coast, no one can tell me they have ever succeeded in market-gardening without watering facilities and nobody can tell me that anybody has ever produced fruit trees without water.

MR. BLUNDELL: What about the mangoes of the Arabs?

DR. HASSAN: There is no doubt the hon. Member for Rift Valley is suggesting the mango plantation. I think, Sir, one can grow mangoes but the person planting will not be alive to reap the fruit of it because they take such a long time.

Now, I come to the question that is at present facing the country—the Emergency measures. I on behalf of the Muslims, supported these measures and we are, therefore, doing all in our power to give any support and assistance the Government may ask of us. (Applause.) My hon. friend, Mr. Awori, said that we were all responsible for that. No doubt, we are all responsible to some extent that no action was taken immediately it started appearing but we will not talk, all of us, responsibility for these subversive activities. *Mau Mau* and lawlessness. (Applause.) I believe that this part of the responsibility lies on my African friends.

MR. MATHU: Question!

DR. HASSAN: I say, Sir, that they come from the same community, they know their language, they know their customs. It was up to them to go and have meetings and bring about a change in the heart of their own people and

it is to impress this matter upon the Government that I requested the Government that if these gentlemen have failed to do it in the past, they should be given all facilities to go among their people and have meetings and help the security measures at this stage. They can do much more to help and assist the Emergency measures.

Lastly, the requirements for the medical attention in the Coast need a little more attention and I would request the head of the Medical Department that we are being neglected inasmuch as no help and assistance is given to us by having ear, nose and throat specialists there. Complaints of this nature, Sir, are usually transported from the Highlands into Mombasa when the people go there for a change and convalescence, and they keep these infections permanently established in Mombasa. If it is not for us, Sir, at least for the sake of those people, a specialist should be appointed there. The one who goes from Nairobi off and on, cannot possibly see and treat all those cases and if I find that no mercy is shown to the requirements of Mombasa, then there is only one remedy, that we shall have to request the Government to stop these holiday-makers going to Mombasa. (Applause.)

MR. COOKE: Mr. Deputy Speaker, when I look across this Table and see my hon. friend in his new private power, I cannot but recall a scene in this Council about four years ago when the hon. gentleman was then the wild Member for Nairobi North. I am referring, Sir, of course, to the debate on the cost of living problem of that day, and I remember the hon. gentleman, in anticipation of victory, making the rafters of this ancient building resound with the denunciation of bureaucrats and, indeed, I remember his prophesying that the events of that day would echo and re-echo down the corridors of time—re-echo down the corridors of time—his friend's exertions, of course, produced a cost of living committee, which, in my opinion, made some very good recommendations, one of which, of course, dealt with the need to subsidize maize. Now my hon. friend since then, seems to have gone through an extraordinary transformation. He rather reminds me of Mr. David Maskelyne the

[Mr. Cooke]

illuminator who now in this country, is 7 7 some of the local fame which is like the metropolitan fame he already possesses, it is as though that gentleman put my hon. friend as he then was, a Democrat of Democrats, a friend of the poor, almost a son of the soil—(Laughter)—and he has emerged a stern and unbending Tory, because I can find, Sir, no trace in this Budget of his, no sign, Sir, that he still has the fortunes of the poorer classes of this country at heart.

Now, it is the most extraordinary thing that not only has my hon. friend omitted any remedies for the present cost of living but he has almost gone out of his way, Sir, in two of his major recommendations in his Budget, to add to that cost of living. I refer, Sir, of course, to the increase or proposed increase of school fees and to the tax on motor vehicles. Now, this proposed increase on school fees will strike the middle income groups and the lower middle income groups more than anyone. Those are the people on, perhaps, £700 or £800 a year with two or three children and of course, although I agree with his proposal regarding motor vehicle taxation, that proposal must also inevitably lead to a raising of the fares in taxis and especially in buses and in that way, also contributing to the cost of living. Now, I do not know whether my hon. friend has really undergone a complete change of heart with regard to his recommendations about subsidies, but I would ask him so far as maize is concerned, and the Government on the other side, to give it another thought because in spite of what Mr. Oliver Lyttelton said after five minutes' visit to this country, and I wonder who the guilty men on the other side of the Council were who put these strange notions in his head. In spite of what he said, there are a great many people in this country who feel the present unrest is based on the social conditions of this country. The price of maize enters in the cost of living of the urban worker. If you take a man with a wife and two children on a minimum wage, although that minimum wage may seem a high one to some people—whatever it is now, I think it is Sh. 60 a month, he really has to pay, assuming that he consumes five or six pounds of

maize per day, he and his family, he has to pay practically three-quarters of that wage for the purchase of his staple food alone and leave nothing in reserve for the other necessities of life. I feel, therefore, that it would be a better way to establish subsidies than to increase wages at the present moment. It is, of course, an indirect help to the purchasing power of those men.

Now, Sir, there is one matter in the Budget statement with which I want to deal. It is, to a certain extent, a matter of detail but also matter of principle is involved, it is indeed a matter of very great importance. To a large number of widows and orphans of ex-servants of Government. Now, Sir, if one looks at page 7 of the Financial Statement, you will find that the Widows' and Orphans' Pension Fund to which something like £630,000 has been contributed in the past and already from that £630,000, about £170,000 has been paid out, leaving, if one takes into consideration compound interest, a balance to-day of £1,350,000. Now, Sir, I would impress upon Members here that that money is not Government money; it is money which was contributed from the salaries of certain officers. It is not, therefore, a part of the assets of this Colony; it is a contingent liability to the Colony because the amount has never been funded. Now, since the amounts of those Widows' and Orphans' pensions were fixed originally, there has, to my knowledge, been no change, there has been no cost of living allowance as far as I know, paid to the widows and orphans, and many of them, especially those living in Great Britain, are feeling the pinch very much at the moment. My suggestion is, Sir, that since that £1,350,000 which should have been funded, that the interests accruing from that sum which should amount, at a rough guess, to £50,000 should be used to raise the pension of widows and orphans. If it was paid at a flat rate of £50 per annum, it would mean that a thousand widows and orphans—if indeed there are so many, I do not think there are—could come under increased benefits of such a scheme. The money, as I say, belongs to the civil servants, although it is at the moment, unfunded in the hands of Government.

Sir, I would like to make brief reference to the financial position as gone into

[Mr. Cooke]

by certain Members yesterday. We had, Sir, of course, the usual bleats about coming deflation and the usual sort of pessimism that revenue next year would probably be less than this year. I have been used to that for the last ten or fifteen years and in every case, the pessimists have proved to be wrong and I have no doubt that they will prove to be wrong in the coming year, 1953. My hon. friend, the Member for Commerce and Industry, I think, put the matter in the right perspective when he said he did not envisage any kind of a slump. It is really that we are going through a disinflationary period rather than through a period of deflation. I do not, therefore, share the pessimism which some hon. Members here seem to have. I was glad to hear my hon. friend, Mr. Riddoch, who has brought to the deliberation of this Council that sound Scottish common sense which is so necessary I think, and he, with his experience in this country did not appear to share the pessimism which others appear to share here. I think he drew attention to the fact that even if there is depression that cuts both ways because if farmers, for instance, get less for their produce, they will be paying less for machinery, and various other necessary factors to build up farming economy.

MR. HAVELOCK: Labour?

MR. COOKE: They are not paying very much for labour at the moment so it would not be difficult.

With regard to the position which was discussed yesterday a good deal—the State of Emergency—I would like to say that I agree one hundred per cent with what our leader, the Member for Rift Valley, said: "I feel that the matter is getting out of hand". I think the initiative is passing from the authorities to the other side.

Now I am myself in favour of the most drastic and the most urgent reply to these rebels. (Hear, hear.) These men have been getting away with it. There is no doubt about it. I must say I was profoundly perturbed in reading to-day's paper to see that there had been a second attack on a European farm in the North Kinangop area.

MR. HAVELOCK: Thomson's Falls—in daylight.

MR. COOKE: In daylight. Those two raids were a deliberate plan. The perpetrators must have been showing gifts of organization and showing a good deal of daring which one does not associate normally with those people. I think there are potentialities of the gravest danger there if we allow the opportunity to slip, and allow those men to establish themselves in those impregnable forests, from which it is only too easy to swoop down on defenceless farms.

I do not think the hon. Member for Law and Order is here, but if he were he would agree with me that a month ago, immediately I heard that these men were escaping into the forests, I saw him and impressed upon him the absolute necessity of taking strong action against people of that nature; and I think he had in mind—I do not think it was entirely through my suggestion—he did bring in a quick Ordinance by which such people are outlawed; but the fact of the matter is that since that time the threat has been getting more and more menacing, and the disturbing thing to me is that so few of these rebellious young men are being brought to book.

Now, I have been myself in the King's African Rifles. I have been on two punitive expeditions in this country. It is never a very pleasant position to be in, but my conclusion is—and if anyone reads the *Daily Telegraph* of last Monday, and saw what the Press correspondent had to say—it seems to be the opinion that he had been arriving at in consultation with others in this country—that this mere putting on of fines has not really very much effect. What, Sir, it is really doing is penalizing the poorer classes and the others—the young men—do not care two hoots whether their cattle are taken or not really, and, indeed, it gives them an excellent excuse later on for saying they could not pay their duties for their womenfolk.

I think, Sir, the only remedy is, of course, legally—and I do not mind saying it in this Council—is if these people take to the sword, they must perish by the sword. I think the only way when you find collections of these men—one hundred or two hundred men—that we must turn them back by force. If they resist—well, then, they

[Mr. Cooke] must take the consequences. That, in my experience on two punitive expeditions, was the only way that the matter was really brought to a head.

I would join with the pleas that others have made here that moderate opinions of all races—Europeans, Africans and Asians—should be rallied in defence of our common country. (Hear, hear.) I deplore what Mr. Oliver Lyttelton said the other day, that he as an African leader had had an opportunity of protesting, and the African moderates did not make use of them, and therefore they would not get an opportunity again. I think that is a most pessimistic attitude to take, and one which is an entirely wrong attitude. Unless we can rally to our side the moderate Africans, then the future of this country is indeed parlous. The vast majority of Africans are decent loyal people. We must make every effort, not by bribery, but by reasonably listening to their grievances—which are several—reforming those grievances, even redressing those those grievances, even though the State of Emergency is still on, showing no vindictiveness, but being firm with the real rebels—the people who have gone into the forests, the people who are shooting and maiming stock—and to show our firmness against them but not against people who cannot possibly be held guilty of the deplorable events that are taking place. (Hear, hear.)

I, Sir, and many others, have done our best over the passing weeks to draw the attention of Government to the situation that is developing here. I have done it in two debates in this Council four years ago. I have—if I may use the expression—warned Government that this thing was bound to happen. I have, in articles in the public Press, done the same thing, and mostly what I said was entirely pooh-poohed: but it still felt that there is hope if the moderate elements can get together. It may be, Sir, that these moderate elements amongst the Europeans in this country will have to take firm action against what one might call the bull-headed Europeans, who are perhaps one per cent—but it is those noisy people who do so much harm. I am very sorry I have not noticed from the Government benches or, indeed, from Sir Oliver Lyttelton or, indeed, from the churches, any denunciation of those

people who have been adding fuel to the flames during the past few years, and more especially during the recent speeches at the General Election.

I am prepared to take the strongest possible line against the malcontents to-day, but I think that Government should show that it is also prepared to take a line against people of any other race who in any way embitter present conditions, and who are even to-day day embittering by their racial arrogance and by their bad manners and by their unwise actions, a very small majority. I do not want to be misunderstood, but it is true that "a little leaveneth the whole lump." That little minority is doing very great damage at the moment, and I think it is the duty of Government to take action on the matter. I have had a promise from the hon. Attorney General that he would do so.

The only ray of hope I can see out of the present situation is for the moderates to get together and to adopt the policy "All for each and each for all" for the benefit of this country. (Applause.)

THE DEPUTY SPEAKER: As we are no near eleven o'clock, I think it would be most convenient if we broke off now.

ADJOURNMENT

Council adjourned at fifty-five minutes past Ten o'clock a.m. and resumed at twenty minutes past Eleven o'clock a.m.

Mrs. SHAW: Mr. Speaker, I find it very pleasant to be in agreement with the hon. Member for the Coast for once. I, too, feel that a maize subsidy might be a good thing, in that maize, being the basic foodstuff of the majority of the inhabitants of this Colony, it certainly tends to put up their cost of living in every industry, both in commerce and agriculture. The Governments of Southern and Northern Rhodesia have already agreed to a policy of granting a subsidy on maize and I put forward the idea at my recent tour of my province when speaking on the Budget, and as it found a great deal of support, I feel I must get up in Legislative Council and ask for information on this subject and if it could be looked into, possibly by the Member for Finance, as I gather that it is a matter of major financial policy.

[Mr. Shaw] I would like to ask, on a point of information, of Mr. Riddoch who sat as a member of the Ibbotson committee if at any time the Ibbotson committee discussed the question of subsidy on maize or if it was without their terms of reference.

There is a second point in Mr. Cooke's speech with which I am afraid I do not agree, that is, when he said that this incipient rebellion has arisen from economic causes. I would go as far as to say that the economic causes—land pressure and the grievances, real and imaginary, have provided very fertile seed beds for what was an entirely political organization started by evil men who sought to gain political advancement for their own ends and for the destruction of peace, law and good government of this Colony. I would only say, provided a fertile seed bed for their activities and no more.

MR. COOKE: On a point of explanation, Sir, I have always attempted to make it clear that any event like this is due to many factors, not just one, one of which is this economic factor.

MR. USUDA (Mombasa): Mr. Speaker, Sir, I am intervening on one matter only, and I hope shortly, and that is education fees. I had meant to bring this matter up under the appropriate Head but there are reasons why I think it is better introduced now. Naturally to my constituents, placed as they are, these education fees were not—the increase of these fees was not palatable. There were protests about them which I thought to be without substance and I have constantly supported, since they were known, the policy of Government in this matter, because I do not think that the increase should be borne by the general taxpayer. I want to make that perfectly clear, that that is still my opinion. Now, Sir, the fees are still on the low side and if one is to judge by the information available, anyhow to me, that is to say, the proportion of remission that there has been hitherto, there are a great majority who are well able to pay those fees, but there is a difficulty in it. It is this—is the remission recognized as an inescapable obligation of the part of Government? Sir, I contend that it is. If you have a compulsory education system it postulates remission.

Now, remission, I realize, has been granted in the past, but there are many people who would not claim it but who now will possibly be bound to claim it. I do not know upon what principle it is being granted. It has been said, Sir, in regard to income tax, and I think it is generally accepted now, that the citizen not only may claim all he can by way of remission but that it is his duty to do so, and I, Sir, have told my constituents that I consider it their duty to claim remission. They must, of course, disclose their financial position clearly, but one would have thought that after that it was merely a rule of thumb and that the remission is a right that may be told—I do not know—that that is a principle which is recognized by the Government, but my belief that that is the case has been rather shaken in the last few days. Yesterday, I had a certain paper sent to me in connection with an application for remission. The application was rejected. Now, Sir, I do not wish in the very least to go into the merits of that case. It would be most improper, nor should I know the answer, but in the reply that was sent to the applicant occurred these very significant words—"Applications for remission have, increased to such a large and alarming extent of late that my committee have, of necessity, had to restrict their recommendations to only the most needy cases"—which clearly indicates that there is a change of principle. That is to say, the amount to be allowed by way of remission is to be in some way tied to the financial capacity of the department or of the Government to do so. I am purposely broaching this now in order that it may be contradicted because I am quite sure that it is wrong that these extra fees should be paid for out of assurance on this matter, that is to say, that remission will be strictly upon merit and that the amount of it will not be lowered, then, of course, when we come to debate the Head, I will have to take a very different point of view from that which I have already taken with my constituents. I would like to make it clear at the same time that I am not very much in favour of the present system and that, for the very good reasons given by the hon. Member for Heath the other day, I would prefer to see the community self-help in this matter. I do ask, Sir, for these two things—first that

[Mr. Utsey]

there should be no diminution by reason of financial pressure of what I regard as a right, and that the Government will recognize that it is an escapable obligation. (Hear, hear.)

MR. CROSSKILL (Mau): Mr. Speaker, I wish to amplify one point with regard to income tax which was raised by my colleague from the Rift Valley in his speech yesterday. I think there is no doubt whatsoever that the main economic development of this country has been due to personal enterprise. When I talk about development of the country, I am naturally not referring to the means of production—the railroads, roads and other communications—nor so much to ancillary development of commerce and more latterly to industry, but specifically to agriculture on which the economy of the country is mainly based at the present time. Now I think the converse of my assertion is also justifiable, that the enterprise by large corporations up to the present time has been a notable failure, not only in this country but in other countries where agricultural conditions are still indefinite and still exploratory, and I think we can say quite safely therefore that we are still in a pioneer era. Indeed, if we were not in a pioneer era at the present time, the land and agriculture in general would not be under-capitalized, and I think there is no doubt it is under-capitalized at the present time. We only have to investigate the report by Mr. Troup for confirmation of this statement. If the perennial success of agriculture were greater than it is at the present time; if the methods were more cut and dried, as they are in England, they would not be under-capitalized, because money would flow readily into that industry. Therefore, I have established that it is still a hazardous industry and it is still a pioneer one. It does require, therefore, all the nurture and assistance that can possibly be given to it—that is, private enterprise in agriculture. I hope the hon. Member for Finance will, therefore, give very serious consideration to the recommendations made by my colleague yesterday.

I will just recapitulate those. The first one was that, in view of the fact that personal enterprise in individual farming is not able to place money to reserve as is a company, there should be the ability

to re-invest part of his profits, and a considerable part of his profits, in further development. The second point he made was that those profits should be averaged over a period with regard to income tax. Now, there is a precedent for that in the coffee industry. I think it is important in helping to nurture individual enterprise that that should be allowed. There is great hardship on a farmer in that he may be called upon to pay income tax in a bad year following a good year. Therefore, the averaging of those profits would be of great assistance to him in development.

Finally, the point made with regard to the surtax level and I think the main argument in favour of that level being raised is in the lessening value of money which has taken place in the last two years. Unless provisions are made in some way to assist, and continue to assist, personal enterprise, I think it will be tantamount to semi-strangulation of a goose which is a potential layer of golden eggs.

I hope in this country we shall never see a situation such as exists in England to-day, where you have enterprise discouraged by taxation and you have production very far from its potential, owing to the heavy penalization by income tax, not only of capital, but by the labouring class.

Secondly, Mr. Speaker, I must confess to some astonishment at hearing yesterday, from my hon. friend, Mr. Awoi, and to-day from my hon. friend Mr. Gikonyo, a reproach to Government for not more speedily opening the Kikuyu independent schools. The hon. Member for Education replied politely that it was due to the dissemination of sedition in those schools. Now, we are, in this Budget, Mr. Speaker, being asked to approve of a further sum of £1,000,000 of money for education, and I feel very strongly, and I think, in this, I have the support of my colleagues, that it is the responsibility of Government and, in particular, the responsibility of the hon. Members representing African interests, to ensure that that money is properly spent. (Hear, hear.) I feel that Members on this side of the Council, who represent constituents, must, if they carry out their duties conscientiously, must know the trend of thought in their constituencies

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[Mr. Crosskill]

Now, the number of schools that have been closed are not one or two, but a great many, and I submit that this sedulous teaching must have been going on, if not for many months, possibly for a year or even longer. I think that they should have been aware of this and I do condemn the hon. African Members for negligence, for not ensuring that there has not been conspiracy against the Crown to which they have sworn allegiance. (Applause.)

MR. COWIE (): Mr. Speaker, I do not rise to make a speech, but merely to ask for clarification on a small point that arose in the debate yesterday. The hon. Member for Education referred to a system of salary scales in Ceylon whereby it was found profitable to offer a higher scale to recruits from overseas. The hon. Member for Aberdeen, I think, took this up and very ably presented, or represented the principle of merit and ability. But in that discussion there was no reference to what I call the Kenya European native. That is, the product of the European secondary schools.

Some years ago, I think I can prove by facts, that there was a very great physical barrier preventing the advancement of locally grown Kenya fellows into Government service and into other major enterprises in this country. It was probably more physical than theoretical. To-day, I think I can equally prove that that barrier no longer exists. You have only to examine the Government staff lists and the staff lists of the big organizations in this country; to see that local Kenya people are beginning to come forward and take their place in fairly responsible positions. The statement by the hon. Member for Education and Labour, although only as an analogy might, I think, create a certain amount of misgivings in the minds of some of the people, where it might be construed that it is the policy of Government to encourage the payment of higher salaries to overseas recruits in preference to those who might be recruited locally.

I am not, of course, asking for any preference or privilege to local people. I believe that would be wrong. I think it would be even more wrong to allow situations to develop where there is any

barrier against such people, provided that they are of the same merit and ability as others. If I may have that assurance, Sir, I hope I may look forward in my maturity, and possibly with more benevolence than has the Member for Nairobi West, to a greater Nairobi which may still be infested with hordes of bureaucrats but in which, I hope, the products of the secondary schools of Kenya will be carrying *kikapus* which will be no less important and no smaller than the *kikapus* carried by the recruits from overseas.

MR. JEREMIAH (African Representative): Mr. Speaker, I stand just to speak briefly on one or two points. Before I go on, I would like to refute the statement just made by the hon. Member for the Mau, with regard to our responsibility for seditious teaching in the independent schools, and our responsibility to look into the matter with the Education Department to see that the money is used properly. What I would like to say is that our number in this Council is very small and we represent a very large area, so we have no time to visit schools to see what is taking place at those schools. We are not inspectors of schools. Now, Sir, the hon. Member may have time to do all these things because his constituency is so small.

I should like to say with regard to African earning power and the capacity to pay income tax that the means of Africans' livelihood mainly depends on employment and what they can earn from the land. Now, where Government has been good enough to employ an appreciable number of Africans, the salary paid to them is capable of being taxed directly under income tax rule. We pay poll tax, that is all we pay, but to make these poor people pay more than that is making their position too difficult. If we look at the salary scales in the Budget we find not a single African who earns enough in Government employment to have enough salary to be liable for income tax. There may be a few who earn about £300 a year, but then they generally have a family, so they would not be liable to pay income tax, whereas 80 per cent of the non-Africans earn a salary liable to income tax. The reason for the lower salary of the Africans, I think, is a deliberate

(Mr. Jeremiah)

Government policy, one perhaps to keep the African low in the economy of the country. It is not due to our inefficiency at all, because in many places we find we possess the same qualifications and do the same work, but still our salary is so low that it makes us feel quite disappointed or dissatisfied.

Another point, Sir, is that even in private employment, in agriculture, the salaries paid by the private employers are mainly conditioned by the salaries paid by Government. The private employers are not prepared to pay more than Government. I have an instance of such a case, where the private employers were prepared to pay more salaries but on account of Government scales they refused to do that. Now, Sir, when Government introduces such discrimination and discriminatory scales of salary, I think, Sir, that Government is doing great harm to the country. We have often said that it is not possible to legislate for what is taking place, for the colour bar. But I think Government is legislating for a colour bar in this country by legislating for separate scales of pay, irrespective of qualifications, and I think it is time that Government took a serious view of this matter and considered introducing common services and a common scale of salaries for all races, only conditioned on qualifications and capability.

The hon. Member for Education and Labour tried to explain why such a situation was necessary, but I am afraid his explanation was not convincing, because a service is a service, whether it is rendered by a black man, a white man or a red man. Therefore, it should be paid for accordingly.

Now, Sir, with regard to the African earning on the land, I am very happy to say that the Government is doing its best. They have managed to achieve a lot in the African land areas. Water has been provided in areas where there was no water at all. Clearing of bush has taken place in various places and many places which were uninhabitable have been made safe for habitation. This is a very great achievement, and I believe, Sir, that these are things which Government should try to advertise among the Africans, because they are only known within the very limited area where they are

taking place and the country at large does not know that.

I submit, Sir, that the quarterly report of the Development and Reconstruction Authority, which explains what is taking place, should be made available and I should suggest in Kiswahili, and circulated as widely as possible, as it is very interesting reading and it will make people understand that Government is not idle. (Hear, hear.)

Now, Sir, water is a very valuable thing and a thing which is very much wanted, but it is a thing which is also very scarce. Their achievements so far are tremendous, but I am going to request that Government should keep its effort in improving water supply everywhere through the country, so that we may be able to have water throughout the length and breadth of this country. By that, Sir, I submit, and I hope that the lot of the African will much improve. Therefore we shall be able to contribute more to the economy of the country.

Sir, I have only very little to say. The debate so far has been very good and I believe, Sir, it is time we try to be possessed with fear to offend and love to please.

Sir, I beg to support. (Applause)

MR. HARRIS: Mr. Speaker, I did not intend to intervene in this debate. The hon. Mr. Jeremiah has suggested it is commerce who are depressing wages. I would like to remind this Council, and it was quoted in this Council, that the reason for the last increase in cost of living allowance to African Government servants was caused by unilateral action by the employers at Mombasa, who forced the hand of Government, and it was the employers who, in fact, took the lead in that matter.

THE DIRECTOR OF EDUCATION: Mr. Speaker, there is just one small point on which I should like to say a few words in reply to the hon. Member for Mombasa, who spoke about remissions of school fees, and I would like to assure him that there is no intention that there should be any ceiling placed on the amount of remissions. In other words there is no fixed sum beyond which we cannot go, and that each case will be decided entirely on its merits. It is a very

[The Director of Education] difficult question indeed, and one on which it has been extremely difficult in the past to secure complete uniformity between one part of the Colony and another. This matter is receiving very careful consideration with a view to ensuring that, from now on, there shall be, so far as is possible—it is not always quite possible—that there shall be no inequalities of treatment between one district and another. (Applause.)

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, Sir, the hon. Member for Rift Valley asked me to make a statement in this Council of the Government's intention on their programme for tightening the action against the present lawlessness, their medium-term policy immediately the stress and strain of the Emergency are in hand, and lastly, their proposals to prevent a recrudescence of this trouble.

In the first place, Sir, let me assure Council that the Government, and all the Members of the Government, fully appreciate the damage which is being done to the progress of the Colony by this lawlessness, and its consequences. There are those of all races who have suffered from specific incidents, but it does not stop there. The detriment is shared by all the inhabitants of the Colony, not only by way of the money which must be spent on getting rid of this lawlessness instead of on other things for the benefit of all the peoples in Kenya, but also by way of the discouragement of the inflow of capital and by the brake on progress represented by the diversion of human and other activities from constructive effort to dealing with the lawlessness. Other Members have dealt ably with these matters, and I merely mentioned them in order to lend my full support to the views of those speakers. I do not propose to list in separate categories the measures relevant to the three heads mentioned by the hon. Member for Rift Valley, for of necessity there must be overlapping. Certain measures by way of tightening present action against lawlessness will continue even after the state of Emergency has ceased, will carry on as part of the medium-term policy, and will be designed to prevent a recrudescence of the trouble.

First, I would mention the closer policing of certain Kikuyu districts which some hon. Members may already have

heard of. Police stations are being established at intervals throughout those areas with a view to their being manned on a permanent basis, at least for so long as we can foresee, not only with a view to stamping out the present lawlessness, but with a view to the prevention of its recurrence, largely through the intimate knowledge of the smaller areas and of its inhabitants which will be gained by the policemen concerned. (Applause.)

The work of erecting the buildings for these police stations in temporary materials by communal labour is well in hand, and my hon. and learned friend, the Member for Law and Order, will no doubt deal with further details at a subsequent stage.

Hand in hand with this closer policing must go closer administration. To this end, a scheme of sub-stations is being worked out. It is the intention that the officers in those sub-stations should not be burdened with office work. (Hear, hear.) The sub-stations will serve as bases for more detailed touring and closer contact with the people than is practicable from one district headquarters, as at present. Of this, again, hon. Members will hear more.

MR. BLUNDELL: I hope so.

THE MEMBER FOR DEVELOPMENT: Arrangements have been made for high level examination of our security intelligence services, and for advice for their improvement. This examination is expected to take place at a very early date.

A Bill will shortly come before Council designed to increase the penalties for certain crimes and at the Committee stage it is probable that Council will be asked to consider certain further increases additional to those included in the Bill as published. (Applause.)

As soon as the facilities can be provided, and every effort will be made to provide these as soon as possible, the registration of all Kikuyu and Embu and Meru tribesmen will be made obligatory, whether within or without their own areas. (Applause.) It is proposed to make the carrying of their certificates compulsory. (Applause.)

Hon. Members have already heard something of the closing of certain schools. In spite of the merits of self-help

[The Member for Development] and individual effort, it is clear in the light of present circumstances that these merits have been abused and such abuses cannot be tolerated. (Hear, hear.) A recurrence of this abuse must be prevented and despite ideological sentiments, which frequently have no regard to practical circumstances on the spot, it is clear that the Government cannot allow uncontrolled independent schools of any kind. (Hear, hear.) Apart from the action already taken under the Emergency Regulations, Council will at a very early date be asked to consider and to pass into law a Bill which provides a permanent measure for that close control which is so necessary to the welfare of men of good-will in this Colony; and, what is even more important, to the welfare of their children and their children's children. (Hear, hear.) But the closing of schools and provision for future control is not by itself enough. Much harm has been done to the minds of men by the activities of these schools, and the so-called, incorrectly, Githunguru Teachers' Training College, associated with two societies which have recently been proscribed. That is not all the harm that has been done to the minds of people, for similar propaganda has been spread by *Mau Mau* through its other agencies, and that propaganda is not due to economic causes. (Hear, hear.)

Similar, if not precisely the same, situation has arisen elsewhere, and experience has been gained in rooting out such harm done to men's minds. That rooting out is essential if a long-term settlement of such troubles as ours is to be achieved. There is no doubt that we must widen the scope of our information services, public relations services, call it what you will. As a first step, inquiries have been initiated as to the possibility of obtaining for a period the services of an expert in what has become known as psychological warfare. That may sound a curious idea to any Members who are as old-fashioned and as conservative as myself. (Laughter.) But we live in a curious age—(Hear, hear)—and a curious disease requires a curious remedy. As I have indicated, successes have been obtained elsewhere by this means. If our inquiries prove fruitful, further details will of course be placed before Council. The matter of what I may call "detailed

operational activities" is not always which, in the public interest, should be discussed here, but I can assure hon. Members that this has been and is so much in the minds of Government as is in the minds of all individuals concerned with this matter. It is kept constantly under review and the importance of substituting new techniques for those which have failed to achieve successfully realized. Certain hon. Members will be aware that considerable progress has been made in the formation of bands of *Njamas* or home-guards in the Kileleshwa areas, and there is evidence of success in this action by these people.

There is another measure to which I wish to draw attention, which has not been included in the appropriate Emergency regulation, but on which action is in hand and I trust that the necessary regulations will very shortly be published. It is proposed that there should be a measure of bringing immediate retribution to inhabitants of limited areas in which *Mau Mau* crime occurs. The intention in this particular measure, the object, of course, has been generally in mind, but the intention of this particular measure is that where there has been a murder, attempted murder, serious wounding, arson or serious damage of property, *Mau Mau* meetings or possibly other things to be added, and where it is considered that nearby residents have failed to take reasonable steps to prevent crime as was their communal duty, and where such crimes can be pinpointed in limited areas, police, with the assistance perhaps of the army, and with the authority of the district officer, may take immediate action under this Emergency regulation for the seizure of stock and/or the seizure of bicycles or any other form of transport from the inhabitants of that area. The justification of such immediate seizure would be that the inhabitants have failed to take reasonable steps to prevent the crime which had been committed in their locality. The seizure would, however, be provisional and would be followed by a full report to be sent to the earliest possible time, to the Governor. In the light of the report, any other relevant factors, the Government would decide whether a forfeiture order should be made, and if so, whether the order should apply to the parts or to the whole of the property seized.

[The Member for Development] It is intended that this action should not apply solely to the African areas, but that action on similar lines should be taken further in respect of African persons concerned on farms and in other areas, but in those cases, apart from the question of seizure of stock, the matter of seizure of crops would also be taken into account, and immediate cancellation of their contract in respect of which, at the moment, a period of three months' notice is required. I should add that, in the same connexion, though more particularly this applies to the African areas, the district officer will be given powers of closure of shops, markets and that sort of thing in places where it does not already exist.

Finally, Sir, I would say that when it has proved practicable to remove the State of Emergency from the African areas which are particularly concerned, the Government has it very much in mind that it will be necessary to take special measures for the administration of the Kikuyu people. Details of this will need a certain amount of working out, and the preliminary attention is being given to this at present. (Applause.)

MR. HAVELOCK: Mr. Speaker, the statement we have just heard is so important that the first request I would make is that it should receive full and accurate publicity in the Press of this Colony at the earliest possible moment.

As far as comment is concerned, Sir, on the statement, I suggest that time is needed by hon. Members on this side of the Council to consider the implications of it. I have no doubt that an opportunity will arise on another policy debate, to take place in this Council in the near future, when comment can be made upon it.

If I may therefore turn to the speech of the hon. Member for Finance. He has already, Sir, been twitted about his programme and his rather colourfully illustrated pamphlet. I must admit that what struck me about it, it appeared very much like a programme for a play and that the hon. Member, instead of being an actor, had been promoted to producer. I presume he considered the people of Kenya as the actors, and I only hope he will realize that they are live actors and not puppets.

There are a very few short remarks I wish to make, Sir, on the actual speech by the hon. Member for Finance, but I would like to give my backing for his suggestion for an Estimates Committee and I would like to ask him to think over whether it is possible, although I know it is not exactly in line with the British practice, whether it is possible for this Estimates Committee to take over the functions of the Efficiency and Economy Committee, that has been set up under the Public Accounts Committee—we seem to be getting so many committees that I would much rather get something telescoped under one head.

A very important point which I do not think has yet been made or really discussed is the matter of the Contingencies Fund, which the hon. Member mentioned in his speech. I personally, and I think I am speaking on behalf of my European colleagues anyway, would agree to the Contingencies Fund being stepped up to £200,000 and, indeed, if, especially in view of the present difficult financial negotiations, or rather the financial position as regards financing the Emergency, if the hon. Member thought it were necessary to have that Contingencies Fund stepped up to £200,000 before the beginning of 1953, I think there would be no objection in this case, with all the safeguards that the hon. Member mentioned in his speech, and I presume, and would support that the Standing Finance Committee would disappear.

As far as the payment of the expenses of the Emergency is concerned, I feel that it is unfortunate, but it will have to be met, and the amount is going to be very large, as the hon. Member for Rift Valley made quite clear. It seems it will have to be met from the surplus balances, and I would state categorically that it should not be met from a general increase in taxation. It is unfortunate, but it does mean that development will have to be less than it might have been if money were made available for that—that is something we have got to face.

The hon. Member mentioned the great expansion in building activities in the last few years. I would merely comment on that by asking him, or the hon. Member for Commerce and Industry, to consider whether, in view of that great expansion, rent control, especially on offices, could not be taken off.

[Mr. Havelock]

Sir, the purchasing power of the £ is something which the hon. Member for Finance mentioned. I find it extremely interesting that our Kenya £ is now worth about Sh. 14 compared with 1946. That rather came to my mind when the hon. Mr. Mathiu was speaking on the matter of wages for Africans. It will be interesting, it will be very interesting, to know whether wages for Africans have risen in greater proportion since 1946 than the £ has devalued. I think the hon. Member for Labour might be able to give us an answer. I feel, myself, that an answer may show that, at least, the condition of labour is no worse to-day than it was then, although, of course, naturally, we wish to raise the standard of living.

There is another very important point the Member for Finance made—I would like to underline it two or three times in red pencil—and that is that the banks at this particular time, should there be any disinflation—that is the word being used now—should not restrict credit. It would be, to my mind, a suicidal policy for banks to restrict credit at this time.

Sir, I need not repeat what I have said so often in Budget debates that I disagree at the proportion of expenditure allocated to the different Heads. Last year, and the year before, and this year I still say that more expenditure should be allocated to immediately productive services and not so much to what may be productive, but long-term productive services. I still feel we cannot afford to wait to build up our wealth, we must do it as quickly as we can. I will not go on with that particular aspect, many other Members have touched upon it.

Now, Sir, export duties—I strongly object to the principle of export duties. There is some merit, possibly, if they are imposed only on producers who do not pay income tax, that point was made by the hon. Member for Nairobi West. I would suggest that if that is the reason, it is really the reason why we have export duties, to get money out of producers who do not pay income tax, then export duties honest about it; why not make taxes deductible from income tax? There you have the solution to the whole matter. I can see the hon. Member smiling—maybe, sneering—

THE MEMBER—FOR FINANCE: Is smiling.

Mr. HAVELOCK: I feel that would meet the whole objection to export duties.

I would like to remind the hon. Member for Finance that although this is the first Budget during which he has occupied his position, he must remember the questions I have asked on a number of occasions—what is happening to the money which is in the Savings Bank? suggested last year that at least 50 per cent of the money saved in the Post Office Savings Bank by the people of Kenya should be reinvested to the benefit of Kenya in local loans and, may I suggest, that investment might well be the Local Loans Fund or funds for local authorities.

I touch upon the High Commission which has not yet been mentioned. I say again what has been said before, that it is completely illogical for the High Commission or the Central Assembly to debate the High Commission Budget before contributions from Kenya are debated in this Council. I think it must be arranged that the Central Assembly Budget is taken after our annual meeting here.

The proportion of indirect to direct taxation has been touched upon by the hon. Member for Rift Valley among others, and that, of course, has been something brought up again for a number of years. It is getting more and more unsatisfactory. The direct taxation has increased in proportion. I believe, Sir, there is some scope to increase indirect taxation but, of course, we have to be careful about it. I am very surprised that the Member for Finance, who was Chairman of the Cost of Living Commission, has not, in any way, put forward some idea of an end tax. I still feel there is scope there on certain commodities distributed through limited channels, and, of course, end tax will not cause inflated prices like customs duties do. That is something which might be considered. Of course, again, in order to get the proportion right, it has been suggested that as only one answer is to increase indirect taxation, but a better answer is to reduce direct taxation—that, I would agree with entirely.

Before coming to the actual reduction I do believe there should be some, shall we say, adjustment in the direct taxation

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[Mr. Havelock]

Some hon. Members have suggested that personal tax should be non-racial and that poll tax should be done away with. I do not think the time is ripe for that yet. I do not think, really, it is practicable. I would like to ask a question. On the matter of African poll tax, the hon. Member for Finance has told us that owing to the increase of Sh. 1 in the Kikuyu reserves, there has been an increase in revenue of £8,550 from the poll tax. Actually, the increase as shown in the Budget for the Central Province as a whole is only £5,000—there must be a reduction estimated in the contributions from provinces other than the Kikuyu reserves. I work out—I am very sorry that the Secretary to the Treasury is not here to help me with the figures—I work out that £8,550 represents 170,000 taxpayers at Sh. 1—going up. Now I am told that the population of the Kikuyu reserves is three-quarters of a million, is that the right proportion—170,000 taxpayers out of three-quarters of a million.

Mr. COOKE: One-and-a-quarter million.

Mr. HAVELOCK: The hon. Member for the Coast tells me that the population of the Kikuyu reserves is one-and-a-quarter million. However, I will give them the benefit of the doubt, but it seemed to me a most curious proportion, and for that matter it seems curious to me that there are a total of 300,000 taxpayers out of a total population of nearly 2,000,000 in the Central Province—I do not know why that is, perhaps the hon. Member for African Affairs can explain it.

Now, Sir, I want to make one point about the Emergency. I do feel that some method must be devised whereby the Kikuyu people pay something more than is suggested towards the cost of this Emergency. (Hear, hear.) I know, I quite realize, that they cannot pay the lot, but police are being provided not only to try to chase up the bad hats and thugs, but also to provide protection for the people, the law-abiding citizens of the Kikuyu reserve. Lawlessness has increased to this enormous proportion, to my mind, because public opinion has not been strong enough against lawlessness. Therefore, there is a definite justification that the Kikuyu people should pay more, much more than now visualized, towards the

cost of providing police, military and stronger and more direct administration.

Sir, the hon. Member for Rift Valley has reminded the hon. Member for Finance about the super-tax level. I brought this matter up in July. At that time, the hon. Member for Finance said: "Mr. Speaker, as I forecast on the debate on the Second Reading, of course Government cannot accept this amendment any more than they can accept any other suggestion with regard to the alteration of rates during the middle of the financial year. It might interest the hon. Member to know that I am calling for a summary of all the points that were made during the debate on the Bill in order that consideration could be given to the points". He was referring to an amendment which I moved and, of course, being a very reasonable man, I realized his difficulty if I pressed such an amendment in the middle of the financial year, therefore I withdrew. I presume that the hon. Member has given a certain amount of thought to the suggestion put forward that the floor for super tax should be raised from £2,000 to £4,000. Another point, not mentioned in this debate, was that super tax should be payable on chargeable income and not total income. I do ask, and other hon. Members have put forward strong arguments in favour, I do ask the hon. Member to give very serious consideration to this suggestion.

Sir, I want to make one other point with regard to the Emergency. The hon. Member for Rift Valley has already dealt with it very fully, the effect of the expenditure which is necessary and how it may affect this Budget. I want to bring it another aspect to the notice of the Council. We have got to face not only this extra expenditure, this frightening away of capital, but we have got to face in this country here, at the moment, a running down of the ordinary economic machine. The people of this country are tired out—on Kenya Police Reserve duties and others, the sales factors are all dropping, the economic situation, especially in the city of Nairobi, is getting quite serious. We may have to face even bankruptcies on the part of some firms, and it is merely to underline the absolute necessity to meet the Emergency situation drastically and firmly and to remove the Emergency Regulations

[Mr. Havelock] from as much of the Colony as we can, as soon as possible, so that we can get back to normal, and continue in normal conditions. I do underline that this cannot go on much longer; it is not possible in human nature.

Now, Sir, I would like to turn to the remarks made by the hon. Mr. Mathu. He drew attention to the fact that African labour made a great contribution towards the increase in European, in non-African agriculture. That, of course, is true, and credit must be given to it. I would say here that that is not due to the increase in non-African agriculture is not due in any great extent to the increase in output in African labour. It is due to the increase in African labour employed, certainly, to an increase in cost of African labour, but not to any great extent, to increase in output. That is one of the basic problems of this country that we have to solve.

I would also like to agree that the increase in African agricultural production is very creditable. I think the hon. Member said it was 138 per cent since 1946. But, in this connexion, I would like to point out that in 1946 the African poll tax from African areas was estimated to be £340,000. In 1953 it is estimated to be £860,700, an increase of 60 per cent, but the increase of African production was 138 per cent. I leave hon. Members in Council to draw their own conclusions.

As Member for Kiambu I have to mention this matter of coffee very shortly. I agree, as hon. Members know, that the quality of African coffee is very high. The reason why it is high is because it is properly supervised by Government, and I would say that, the established coffee industry cannot afford that it should be otherwise with African coffee. This Colony cannot afford that the reputation of their products, especially coffee, should fall on the world market. For that reason it is essential that all coffee produced in this Colony should be of a high quality. Therefore, I am afraid, supervision must continue, both European, and especially African production.

The matter of equal pay or equal posts, senior posts for Africans and Asians, etc., is one in which I have great sympathy and I am not going to dilute on it. I

think it was well covered by the hon. Member for the Aberdares. The only point I would say here, the principle I agree to, is this country, as in any other country, especially a young developing country, cannot afford inefficiency in its public services or anywhere else.

The hon. Member, Mr. Mathu, suggested that there were two great difficulties in assessing the graduated poll tax. I will suggest that the possibilities of assessing income tax on Africans is one greater.

Now, Sir, the hon. Member, Mr. Mathu, and other African Members have said that they are prepared to support actions by Government to see that this Emergency is brought to an end as soon as possible and that law and order is established. I have been very happy to hear them make those statements and I think that they will do their best to carry out what they have said, but I think we must be fair, Sir, and quite honest on this and straightforward. It will be difficult for them, the African Members, to regain the confidence of many sections of the public in this country, because of their past actions in this regard. (Hear, hear.) It was very unfortunate, I think, that statements were made by certain Members when they were in London to the effect that there were no dangers as far as *Mau Mau*, etc., was concerned. Also I believe it was very unfortunate that the African Members of this Council solidly opposed the Emergency measures which were brought forward by Government when they considered they were absolutely essential to cope with the situation. Although I feel the African Members now have had a change of heart and will back the Government, I am merely telling them that they still have a hard row to hoe to prove their sincerity in this regard as far as other men of goodwill are concerned.

Sir, the hon. Member, Mr. Chanas Singh—I only have one remark to make on his speech—he said something to this effect. The only measures which can satisfy subject peoples are political ones. I feel most strongly that before substantial political advances may be given, a certain standard of economic and social development must be attained, which has not yet been reached by the majority of the people of this country. (Applause.)

[Mr. Havelock]

Sir, I know that you wish to get me to sit down before half-past twelve—in a few minutes' time—I, therefore, will come to my final point. Sir, much has been made in this debate of the effect of the Emergency on our economic future. Adverse effects have been outlined by other hon. Members—I have touched on a few myself. I would like to say, Sir, that under certain conditions, this Emergency might have a very advantageous effect on our future. There is no doubt that a lot of capital, both local and from outside, has not been invested in the country in the last few months, but most of it has been held in cold storage. If those who control this capital are satisfied that the future of this country is economically secure, I am certain that the money will be released and we will not, in the long run, lose very great proportions of it. At the same time, there are large investment projects which have been mentioned in this debate—the refinery at Mombasa, the cement works, etc. These will go ahead, Sir, if confidence is restored. The adjacent territories, as we know, are bound to have an effect on Kenya. Nairobi is the capital of East Africa. Even the tourist industry and films have been paying us a special interest lately. I was told we were visited by two knights of the film industry—Sir Ralph Richardson and "Sir Natra" (Sinatra). (Laughter.) Only under certain conditions can we expect to have an assured economic future.

The hon. Member for Rift Valley has suggested it is necessary to have certain conditions to attract capital. I agree entirely with what he has said and support him entirely, but what has got to be done is to really establish confidence by Government acting drastically and immediately. This will not only produce the proper atmosphere for investment and development, but it will also go to prove that the Government of Kenya can govern and can be expected, therefore, to meet all the difficulties that may arise in the future. This, Sir, is not the opinion of potential investors of all the government in the world. It is, Sir, a fact that if we could establish that fact here, we would have a great advantage over many territories in Africa and elsewhere. It would also prove to intending immigrants that this country was somewhere to come

to and live there for ever, and settle in. But it must be done. It must be definitely proved that Government is determined to govern. Now, Sir, in this regard the Kenya Government has a very grave responsibility to the people of this Colony. But their actions, I suggest, will not only affect this Colony, but will affect the whole of the Colonial Empire and certainly the whole of Africa. Confidence in the British people to govern in Africa must be established.

Sir, I am not exaggerating when I say even now—may I have one more minute, Sir?

THE SPEAKER: You want to finish?

MR. HAVELOCK: Yes. Even now, Sir, the Central African Federation may be in jeopardy, and it is most definitely affected by events in Kenya. The people of Southern Rhodesia are building up more and more distrust of the Colonial Office policy of government. Some people there are holding up the situation in Kenya as a result of the misrule of the Colonial Office.

MR. COOKE: What about the Union of South Africa?

MR. HAVELOCK: They have very grave doubts indeed as to whether they should come closer politically to Colonial Office territories such as Northern Rhodesia and Nyasaland. I merely say it as an example. It is not only affects Kenya, but it affects the whole of Africa, and not only affects the whole of Africa, but the whole of the British Commonwealth. It is a very great responsibility upon the shoulders of the Members opposite. They must see that law and order is re-established and confidence in the merits and ability of the British people to govern is also re-established. (Hear, hear.) All I can say, Sir, in ending, is that the European community of this Colony will be solidly behind Government in any measure they wish to take to achieve that end. (Applause.)

THE SPEAKER: When will this debate be resumed?

THE MEMBER FOR DEVELOPMENT: To-morrow morning, I suggest, Sir.

THE SPEAKER: It is Private Members' day. I was wondering if you would take any other matter. This debate will be resumed to-morrow.

[The Member for African Affairs] share a good many of those views about communal punishment myself. But I think that if Mr. Mathu reads the report made by the officer who inquired into this particular subject we are now dealing with, what happened in these locations upon which this punishment has been inflicted, I think he would agree with me that the vast majority of the people in those locations knew perfectly well what was happening, a large number of them took part in it, and an immense number have given their tacit consent to the continuation of this active existence of this completely evil thing we have called *Mau Mau*. I have no sympathy, I am afraid, with those people who are going to suffer.

Now, the hon. Mr. Mathu asked where are the allies of the good Kikuyu? I have just been found most of the Kikuyu districts, and I am very glad to say that in a few places there is a rising sense of responsibility amongst the Kikuyu to put a stop to this thing. In my own opinion, it is the Kikuyu and the Kikuyu only who can put a stop to this thing by their active aggressive measures towards *Mau Mau*. Now, I regret also to say that in a good many places in the Kikuyu reserves there is no sign whatever amongst the Kikuyu of wishing to take this action. In those parts of the Kikuyu reserves, where are the Kikuyu? I want to know.

Now, Sir, the hon. Mr. Cooke asked about details of returning half the stock. I also looked at the papers and saw that great trouble was taken when the stock was received to make records of whose stock they were, and when they were taken I am perfectly certain that the greatest possible care was taken to do this as far as was possible. I think that goes some way to make possible the return of the right stock to the individuals in districts.

MR. COOKE: Return the stock to individual owners who have done no harm?

THE MEMBER FOR AFRICAN AFFAIRS: Also, in addition to that, any people who are known to have been actively supporting Government or to have suffered by the actions of others in the events that took place in these locations will of course have their stock entirely returned. (Applause.)

MR. MATHU: There is just one point—

THE SPEAKER: Theoretically there is a Motion before the Council that the Council do now adjourn, and you have spoken to it once, and are not entitled to speak again. But if there is any matter which you think has been misunderstood, then on a point of explanation you may of course mention that.

MR. MATHU: I rise on a point of explanation, Sir. I just want to clear up a point that the hon. Member for African Affairs did say exactly what I wanted to say, that certain owners of stock would not suffer because they have been proved not to have been involved in the trouble there. That covers me. That was exactly my intention. Those who are proved not to have been involved should not be punished. Those who prove to have been involved, of course, must be punished.

THE MEMBER FOR AFRICAN AFFAIRS: On the point of explanation, I should like to say that those who suffer by reason of what happened in those locations will of course have their stock returned, if they have had it taken from them. If there are other instances where people can be proved actively to have supported Government, they will also not suffer. I will not give any guarantee that any one or two innocent people will not suffer. I am afraid they will.

THE SPEAKER: This Motion on the adjournment, hon. Members, is of course rather a new procedure. I did not wish to interrupt at any particular time, but there must be a formal Motion moved. As the hon. Member for Rift Valley just now got up and said he simply wished to raise a matter, that is not enough. He must rise and formally move that the Council do now adjourn. That again needs a second, and then that question will be proposed from the Chair, and people may then talk for half an hour as provided by the rule. Will hon. Members please be good enough to read the Standing Orders. (Laughter.)

ADJOURNMENT

The Council will now adjourn until 9.30 a.m. to-morrow morning.

Council rose at fifty minutes past
Twelve o'clock p.m.

Friday, 21st November, 1952

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

[Mr. Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTION

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to give notice of the following Motions:—

WHEREAS the recommendation of the Planning Committee in paragraphs 200, 201 and 202 of its report dated 21st June, 1951, that a sum of £100,000 be set aside for the residential development of Crown land has been accepted by this Council:

AND WHEREAS it has been considered desirable that this sum should be used for the development of Crown land for business and commercial purposes in addition to the residential purposes for which it was originally intended:

AND WHEREAS the Governor has been pleased to appoint by notice in the Gazette, dated 7th February, 1952, a committee to be known as the Crown Estates Development Committee for the supervision of a fund for the development of Crown land to facilitate alienation for commercial, business and residential purposes:

AND WHEREAS the Governor has been pleased to authorize the Member for the time being responsible for lands to make rules for the administration of such a fund:

BE IT RESOLVED: (1) That there be established a Crown Estates Development Fund which shall be subject to the control of the Member for the time being responsible for lands and out of which shall be paid all expenditure (including administrative expenses), which may be incurred in the development of Crown lands to facilitate alienation for commercial, business and residential purposes:

(2) That there be paid into the Crown Estates Development Fund—

(a) all moneys from time to time voted by the Legislative Council for the purpose; and

(b) all sums from time to time received from the grantees of land

in respect of development undertaken with moneys from the Fund:

(3) That a statement of the financial position of the Fund at 31st December, 1952, and at 31st December of each year whilst the Fund is in operation, be laid on the table of the Legislative Council at the first sitting thereafter.

WHEREAS the Governor considers it desirable to set aside the area of Crown land situate in the Highlands and described in the Schedule hereto as a native reserve for the purpose of satisfying the economic needs of the Kikuyu tribe:

AND WHEREAS the consent of the Highlands Board to the setting aside of such land has been given:

BE IT RESOLVED that pursuant to the provisions of section 55 of the Crown Lands Ordinance this Council approves the setting aside of such land for the aforesaid purpose.

SCHEDULE

A portion of land adjoining the Kikuyu native land unit in the Kiambu administrative district of the Central Province and known as L.R. No. 2837 comprising approximately 30 acres, more particularly described as follows:—

Commencing at a beacon at the south-west corner of L.R. No. 5956; thence on a true bearing of 108° 54' 10" for a distance of 1,472.6 ft. to a beacon on the west side of the 200-ft. road reserve;

thence by the generally western boundary of that road reserve by the following bearings and distances— bearing 198° 19' 52" distance 197.5 ft. to a beacon; thence bearing 219° 51' 07" distance 284.5 ft. to a beacon; thence bearing 226° 04' 44" distance 459.8 ft. to a beacon;

thence by part of the generally north-eastern boundary of that 200-ft. road reserve on a bearing of 262° 50' 20" to the intersection of the Klu River;

thence up-stream by the centre course of that river to the intersection of the south-eastern boundary of L.R. No. 5839;

thence by the latter boundary on a bearing of 18° 54' 03" for a distance of 1,437 ft. to a beacon;

[The Member for Health, Lands and Local Government]

thence on a bearing of 108° 54' 13" for a distance of 293.20 ft. to the point of commencement.

These boundaries are more particularly delineated on Boundary Plan No. 178/8, deposited in the Survey Records Office, Survey of Kenya.

ORAL ANSWERS TO QUESTIONS QUESTION No. 50

MR. JEREMIAH: Mr. Speaker, I have some questions on behalf of my colleague, Mr. Mathu—

THE SPEAKER: You must wait until the Member's name who has asked the question is called before rising to speak. If there are no other questions, I will call Mr. Mathu.

MR. JEREMIAH: On behalf of my colleague, Mr. Mathu, Question No. 50, Sir.

Will the Member for Education give the names of the schools managed by the Kikuyu Independent Schools Association which the Government has closed down up to date?

THE MEMBER FOR EDUCATION: The following 24 schools managed by the Kikuyu Independent Schools Association have been closed by the Government:—

Kilumbu School, Embu.
Glachira School, Embu.
Mugambacura School, Embu.
Gacatha School, Nyeri.
Rurugul School, Nyeri.
Karindil School, Nyeri.
Mungaria School, Nyeri.
Matiraini School, Nyeri.
Kaharo School, Nyeri.
Kinyoko School, Fort Hall.
Chul School, Fort Hall.
Githaiti School, Fort Hall.
Ya-Mugwa School, Fort Hall.
Kibutha School, Fort Hall.
Klangari School, Fort Hall.
Kilnithi School, Fort Hall.
Kanya Teachers' College, Githunguri, Kiambu.
Kiamwagi School, Kiambu.
Gakoo School, Kiambu.
Kairi School, Kiambu.
Gathiongo School, Kiambu.
Gaarage School, Kiambu.
Munyio School, Kinangon.

QUESTION No. 51

MR. JEREMIAH:

Will the Member for Education give the number of pupils attending each of the Kikuyu Independent Schools at the time of closing and what detailed arrangements the Government has made for alternative educational facilities for those pupils?

THE MEMBER FOR EDUCATION AND LABOUR: May I read the totals and then give the hon. Member a copy of the answer?

THE SPEAKER: The proper way of dealing with questions of this character is to circulate the answer with the Official Report. This is a matter of a return. This is not a matter of oral reply. You may cut as much as you wish. Even the hon. gentleman asking the question has not thought fit to appear.

THE MEMBER FOR EDUCATION AND LABOUR: The number of pupils who were attending the schools which have been closed is as follows:—

(a) Kikuyu Independent Schools—

School and District	Enrolled	Prim. Inter. Sec. To
		any other day
1. Kilumbu, Embu	203	12
2. Glachira, Embu	209	12
3. Mugambacura, Embu	121	12
4. Gacatha, Nyeri	232	273
5. Rurugul, Nyeri	164	12
6. Karindil, Nyeri	254	112
7. Mungaria, Nyeri	137	12
8. Matiraini, Nyeri	347	12
9. Kaharo, Nyeri	99	12
10. Kinyoko, Fort Hall	146	12
11. Chul, Fort Hall	161	12
12. Githaiti, Fort Hall	191	12
13. Ya-Mugwa, Fort Hall	117	12
14. Kibutha, Fort Hall	129	12
15. Kiangari, Fort Hall	121	12
16. Thasari, Fort Hall	235	12
17. Kilnithi, Fort Hall	225	130
18. Githunguri, Kiambu	293	135
19. Kiamwagi, Kiambu	690	120
20. Gakoo, Kiambu	199	12
21. Kairi, Kiambu	120	12
22. Gathiongo, Kiambu	219	243
23. Gaarage, Kiambu	69	12
24. Munyio, Kinangon	47	12
Totals	4,901	2,266

(b) Other Independent Schools—

School and District	Enrolled	Prim. Inter. Sec. To
		any other day
1. Kihirika, Meru	30	12
2. Maraba, Meru	30	12
3. Karusue, Meru	30	12
(This school was closed temporarily last year)		
4. Kitale, Meru	119	12
5. Tuaru, Meru	90	12
6. Gacaka, Nyeri	211	12
7. Birani, Kiambu	193	12
8. Rongai, Kiambu	99	113
9. Wotho, Kiambu	213	12
10. Mungua, Kiambu	403	120
11. Mungua, Kiambu	213	12
12. Maseru, Molo	203	12
13. Kaka-Shauri, Mtscharobi	800	12
Totals	2,461	323

[The Member for Education and Labour]. No detailed information on the provision of alternative educational facilities for these children is yet available, as arrangements are in the course of being worked out by the Education Department.

The 297 pupils in the secondary schools which have been closed are not up to the academic standard required of the approved secondary schools and, therefore, it is not possible to accommodate them elsewhere.

Of the 9,747 children in the primary and intermediate classes it is estimated that between 3,000 and 4,000 can be accommodated in existing mission schools. It is hoped that it will be possible to re-open many of the closed schools under District Education Board management early in the first term of next year. In some cases, however, it will be necessary to build new schools, as at Gacatha where work has already been started on a new school, and it is hoped that these will be ready by the middle of next year.

No guarantee can be given that all the children now displaced can be accommodated in other schools, but the children in the Central Province for whom immediate accommodation cannot be found represent less than four per cent of the total children now at school in those areas.

COMMITTEE OF SUPPLY

Debate continued.

MR. ODEDE (African Representative): Mr. Speaker, Sir, I strongly support the Budget, and congratulate the Government and, in congratulating the Government, means, of course, that I congratulate my hon. friend the Member for Finance, who presented the Budget in a charming manner.

The Budget is an indication that the Government is determined to do everything possible to see that the development of this country, for the good of everyone, goes on despite what lawless thugs try to do. The African community are really in need of development and progress. Therefore any element who are trying to interfere with the process of that development or progress should be dealt with. All the African Members do not tolerate people who seek to destroy our progress by means of subversive movements.

I would like Government to do everything possible to deal with the proved offenders of good government and peace in the country but, Sir, I must reject in particular the unjustified and unwarranted attack which has been directed at the African Members by some of the Members of this Council, that we do not cooperate with the Government in restoring law and order.

We African Members have denounced subversive organizations so many times and we have asked the Government to let us meet our people to tell them what we think, and how bad these subversive organizations are. Therefore, I do not know what other Members want us to do. I think some of them direct these attacks at us just because they feel that we should not try to re-organize and foster the unity of African political organizations in this country, and I think that is wrong, particularly in a country where political parties are still racial.

Leaving that, Sir, I would go on to what has been disturbing Members of this Council. That is, the flow of capital into this country. I would assure the hon. Members that all African leaders cannot interfere with the flow of capital into this country, because we know that the more capital we have in this country, the better for our progress. I know some very good schemes which are being studied in this country, which will benefit most Africans in so many ways. For example, there has been an idea that a company is going to start a textile factory at Kisumu. That factory, if it goes on, will be a field for employing so many Africans, and the products of that factory will make the Africans, and all citizens of this country, have things cheaply because the more we produce here, the better. If I knew that such a company was intending to go away or to stop the scheme which they had thought of, I would personally try to approach the company or the managers of the company to say that they should not abandon their idea.

The other thing which I might comment on, was in the speech of the hon. Member for the Rift Valley, when he said that he knew of a firm which was going to invest about £3,000,000 into this country, and that that firm was not going to do so now. He did not make it clear to us what that company was going to

(Mr. Ododo) do in the country. If that is going to happen, why cannot we Members of this Council try to persuade such a company that what is happening at the moment is only a temporary incident? I do not think that what is happening to-day will continue for ever.

Mr. HAVELOCK: Let us hope not.

Mr. ODEDO: Therefore, if we people here join together we can persuade that company not to give in.

Sir, I will now deal with the factors of production of wealth—and the hon. Member for Commerce and Industry dealt with it a great deal. Now, we know that, for the production of wealth in a country like this, capital, labour are needed. Capital, of course, means fixed capital and floating capital, and labour means ordinary workers and the management. Therefore, first of all, I will deal with the labour part. In a country like this we know quite well that the output of the labourer cannot rise a great deal because the labourers are ignorant—they do not know about the world around them. Therefore, education of the youths can do a lot for the future economy of the country. Therefore, I would say that, in order to increase our future output, we must try to do all we can to educate our youths as much as possible.

Then, with the management, it is very important that most African businessmen and farmers should know how to manage their business. I have found in several locations that there are failures in African business, the reason being because they do not know what to do. So, in order to see that Africans progress economically, we must try to give them as much education as possible.

Here, I would congratulate my hon. friend, the Member for Education, who said that the Government intends to do everything possible to see that African education is increased.

Now, Sir, leaving the labour and management, I would comment on the public services. We have heard quite a lot about public service in this Council, but I think we have not gone into a fair detail of really what Africans need. On the 28th of last month His Excellency the Governor said that there are going to be establishments in the African areas

for district officers. I think here it was the Africans should be associated with Government as much as possible. Here I believe we can get Africans who see fit to become district officers. I know it is day we have Africans who are known as assistant administrative officers. Some of these men have done wonderful work, I would say, so promoting them to the rank of a district officer is not out of order, and claiming that for the African is not a bad thing. I do not think if anybody can consider that unreasonable.

The other day my hon. friend, the Member for Health and Local Government told us that the old Africans, who have character and integrity, should not be thrown out just because of trying to absorb some young men who are being developed for the future. I quite agree, but no African Members who had spoken had said that those old Africans should be thrown out of their position. On the other hand, I would say that if these people have the character, integrity and experience, why not place them somewhere where Africans would feel that they are really holding good responsible posts. I maintain that in the provinces there are some Africans—good Africans—who can be associated with, or brought close to the provincial commissioners. Why not do that to show Africans that the young African, who is coming on, will one day be associated with Government in the same way.

I would remind the Government to bring to Government's notice, that to-day we have in Uganda a change in the scale of salary for the Makerere graduates. The minimum scale in Uganda is £315 a year, but in our Budget there is no such thing. It may be that our Government does not know that Uganda is doing that; the minimum scale here in Kenya cannot even be compared with the minimum scale for Makerere graduates in Tanganyika. So, I would like sometime during the course of this session, or early next year, to see that a change is made in the minimum scale of the Makerere graduates because when their neighbours in other territories are getting higher wages, and they, here, are getting lower wages, they are bound to feel that they are not treated properly. So, Sir, I would like something to be done about that.

(Mr. Ododo) Now, Sir, I come to taxation and I would read a quotation from the speech by the hon. Member for Finance, which I thought was very good. Now this is what he said: "Our task in a Colony of this kind, developing at such a rapid rate, is to make certain that the impact of taxation falls where it does the least harm to the general economic progress, real wealth and resources of the country".

Now, Sir, this is a very sound idea. Therefore, I would say that those people who are against income tax are, not doing justice to the country. It is the only equitable form of taxation all over the world. Now the wealth produced and on which the income tax is based is produced by the joint factors which are capital, labour and management. I agree that capital and management come from the taxpayer but the labour comes from the ordinary man who cannot pay much of the country, so when the manager, or the owner of the wealth is being taxed, he should not grumble, because if he grumbles it means he wants even his labourer to pay as much as he does, and this, I believe, is wrong.

With regard to African poll tax, I quite agree—and it is my own conviction—that something should be done. I do not support a poll tax, on which the poor and the well-to-do people pay just the same amount. It does not seem to be good. For example, I have been saying that some Africans should be district officers and some Makerere graduates should have better pay; it is wrong for such people to pay the same tax as a labourer or as a poor man, so although I do not support graduated poll tax, I would suggest that the poll tax should be retained for Africans who are poor. A standard can be adopted, a standard on which the well-to-do people can go to what is known as personal tax. If this is done, then I think that justice in taxation, as far as Africans are concerned, will have been achieved. It is wrong that I believe that I feel is wrong that some people who are rich should pay just the same as the poor.

Now, in conclusion, Sir, I would say a few words about what I feel is the cause of the disagreement and suspicion in this country. I feel that if we Members

of this Council give a lead in bringing about understanding we can all live together happily in this country, and we will have good progress. What I mean is that in this country the European community feel that if they have self-government in the same way as Southern Rhodesia then they will have achieved a wonderful thing, and the Africans feel that if they have the Gold Coast government then they will be very happy. I feel that these two conceptions are wrong. We must adopt an intermediate thing between the Gold Coast and the Southern Rhodesia or Malan Government.

Mr. HAVELOCK: It is not the same thing.

Mr. ODEDO: We should have an intermediate thing and if we are all working towards that goal, I do not see why we shall not be happy. I do not see why we shall not progress.

Sir, I beg to support the Budget. (Hear, hear.)

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, there are one or two points which have been raised by hon. Members opposite which I would like to reply to.

The first is the unhappy and unfortunate reliance which seems to be placed by my hon. friend Mr. Chanan Singh on competitive examinations. Competitive examinations were very properly dealt with by Mr. Gilbert when writing the script of "H.M.S. Pinaford". I cannot remember what he said, but it was extremely significant. I would advise hon. Members to look it up.

The same faith, I think, is also found in the hon. Mr. Awori, who seems to think that if a man gets a qualification, has letters after his name, or whatever it may be, or has passed certain examinations, he is perfectly fit to hold whichever post you like. That, Sir, is a fallacy, I am perfectly convinced. I would advise the Council very strongly to set their face against putting any real faith in the ultimate result of competitive examinations.

Mr. Gikonyo talked about the 21,000 school-children who had suffered by Government action. I cannot let the remark pass—if these 21,000 have suffered at all, they have suffered not by

[The Member for African Affairs] Government action, but by the action of those evil people who have tried quite devilishly to subvert those children's minds. (Hear, hear.) Government has had to close those schools and will try to put those children into other reasonable and decent schools where their minds will be untainted by hate.

We have been told, Sir, that Government should, in the African areas, put their money, so to speak, entirely upon the young educated man rather than the lost, perhaps, of those other older people who are still, many of them, in Government service and taking a very responsible part in the administration of the African areas. I know that any suggestion that we should get rid of these older people has been hotly denied by the hon. Mr. Odele, but I would say that Government is already doing a great deal towards helping the young educated African, who, I entirely agree, has got to be brought into the picture and given his proper place in it. (Hear, hear.)

We heard from the hon. Member for Labour details of the great increase there has been in Government posts for Africans and an increasing number of higher Government posts for Africans; and we see in this Budget now before us, another increase in these higher posts for Africans. But I would like to pay a tribute to the older African as well, often uneducated by modern standards, educated in an entirely different way. He may not be so clever at algebra but he knows a good deal more about human nature than many of the younger men, and a lot of these people are doing absolutely sterling work under difficult and, at present, dangerous circumstances, and I think we should, metaphorically, take our hats off to them. (Hear, hear—Applause.)

The hon. Mr. Awori referred to the possibility of owners of shops in markets being able to get some sort of lease to enable them to raise money on the tenure of their land. That question is being dealt with by the Native Lands Trust Board and I hope to be able to put something up in the fairly near future on that matter.

The hon. Mr. Jeremiah paid a tribute to the work that the Government is doing

as regards African agriculture, particularly as regards the conservation of water in the African areas. I am very glad he did so. I think the work that is being done in his constituency is particularly good. He also said that the Government should do more to tell Africans about what is going on in the African areas. The Government should do more to tell Africans what is going on in these matters but I would suggest that Members on the Council also, particularly African Members, should pay far more attention to what is going on, producing the real wealth, the solid real wealth, of the country by the development of the African areas rather than spend practically the whole of their time on political matters, on catching stars of particular ilk, or trying to link themselves to stars of this particular type.

Now, Sir, I would like to deal not only with my hon. friend, Mr. Odele, as more recently, with the Interjectionist by my hon. friend, Mr. Cooke, about the big business of holding peace meetings. The African Members know perfectly well why they cannot hold meetings because discussions have taken place recently on this subject. They know that they cannot hold meetings because a number of them very recently indeed showed a most extraordinary attitude towards the leaders and towards the whole of this *Mau Mau* business. They went into print about it. They had a Press conference about it and the result of that Press conference was such that I put them completely out of it. (Inaudible.) It was quite impossible in those circumstances, to allow them to hold public meetings. I would also say quite frankly that a number of them, I very much regret to say, are discredited.

Mr. Odele: On a point of explanation, Sir, in those Press conferences we were misinterpreted very badly and some papers supported us in the fact that we denounced *Mau Mau*.

The Member for African Affairs: I am very glad to hear that they did denounce *Mau Mau*, but many papers came along and published such a report of their conference, as I say, which was hopelessly embarrassing to the Government and made it quite impossible for the Government to say at that moment "Right, go ahead and hold meetings"

[The Member for African Affairs] The reports were at that moment, that they did in fact, support people who were well known to be behind the present trouble.

Mr. Cooke: What about the conference the hon. Member had at home—was an interview with the Press? Would the hon. Member deal with the interview by the Press he had on arrival in England?

The Member for African Affairs: I dealt with the interview of the Press in a formal debate. (Hear, hear.) A question was asked by my hon. friend, Mr. Odele, and I answered it. I do not propose to repeat those remarks that this is a temporary incident—I hope to goodness it is—I would say the only way this can be a temporary incident, the only way it can possibly be stopped, is by taking an aggressive attitude towards it. The merely negative attitude taken by a very large number of Kikuyu who, unfortunately, are practically the only people at present involved in this business is quite useless and the more everybody can do to persuade these people that a positive attitude, an aggressive attitude, towards these horrors that are going on around them is absolutely essential, the better. (Hear, hear.)

I was very pleased to hear the hon. Mr. Odele talking about 'taxation.' He said he did not care for graduated tax, but he would like a flat rate of tax on some people and a different graduated tax on people who have rather more income. I may be extremely dense, but I cannot really see the difference. I remember not very long ago having to see the difference on other hairs he was trying to split. That seems to me to be a hair—I cannot see any difference between those two rates of tax and graduated poll tax. Several hon. Members have talked about graduated poll tax, and I have taken note of their remarks.

Now, Sir, the hon. Mr. Odele said an extremely wise thing. He said that as soon as in this country would be anxious to have self-government as now exists in Southern Rhodesia and many Africans would like to see the Gold Coast here, I believe that is exactly the case. There are very large numbers of Africans here, I believe, who do want to

see a Gold Coast here. I am perfectly equally convinced there are a good many Europeans who want to see a Southern Rhodesia set up here. I agree with Mr. Odele. We have to find the middle way; that is absolutely essential, that is the issue. That is why I believe we have had so many troubles recently, because a number of African leaders are perfectly convinced that there must be a Gold Coast set up in Kenya; and that, Sir, the Government could not possibly accept. (Applause.)

Mr. Natioo (West): Mr. Speaker, generally at the time of the presentation of the Budget, the Member presenting it receives a spate of applause and congratulations from this side of the Council, whereas in detail it has always been the case that on very many important points, the point of view is quite different. In this particular instance, I believe, Sir, that the Member for Finance, with his usual wizardry, has presented a Budget in which there are very few points of major difference as far as this side of the Council is concerned; and for that reason our congratulations to him are more sincere than just mere routine.

There are, Sir, only two or three points on the matter of general policy of the finance with which I would like to deal here. One of them is the question of the Asian land on which there were, I read from the papers, some sharp exchanges between the Member for Agriculture on the opposite side and some Members on this side of the Council. During the last few years, Sir, from my personal knowledge, I know that actual frustration has been experienced by us in trying to get something done for the Asian community as far as agriculture is concerned. I agree, Sir, that there are difficulties, that the position of land is not easy but I am convinced that for whatever reasons the Government has not been able to bring the same sense of sincerity and effort to give a certain amount of the land to the Asian community, and which is good. What the Member for Agriculture said the land to the Government was giving the land to the Asian community who were refusing the Asian community to give this as an example. The Government is giving the land to the Asians as on the race-course issue. There are very large numbers of Africans here, I believe, who do want to

[Mr. Nathoo]

a tip of 100 to 1 chance and tells the Asian Members to back it with the hope that the 100 to 1 chance comes off. In these days of tight finance I do not think that the Asian community has the means to take such out-of-the-way chances and we do beg of the Government to see that some sort of further progress is made in making some good land available to us.

With regard to the education question, Sir, I am surprised to see that so far no mention has been made of the fact that the Government has been made by the Government that a greater amount of assistance is going to be accorded to the grant-in-aid schools. For many years we have been pressuring the Government and the various Members in charge of the portfolio have always agreed to the fact that the communities which have been doing a tremendous lot to help themselves, deserve more help and in this year I am glad to see that that assurance has been materialized, and I would like, Sir, on behalf of the Asian community particularly, to thank the Government for the very generous consideration they have given to the grant-in-aid case.

With regard to the Civil Service, Sir, whilst I agree with the hon. Member for African Affairs that competitive examinations are not the only things which matter in selecting people for the various posts, I cannot let his remarks go unchallenged when he says that competitive examinations have no value. They must have some value, Sir, and until unless the Government can find some such method whereby the selection is made equitably to all sections of the community, a greater amount of potential

THE MEMBER FOR AFRICAN AFFAIRS: If I did say that competitive examinations were of no value at all, I certainly would draw it. I had no intention of saying that.

MR. NATHOO: I accept the explanation of the hon. Member for African Affairs, but I do believe that, particularly in technical matters like medical and legal posts, the person's qualifications should entitle him to the same remuneration, irrespective of his race.

Sir, there are many points and details which I am sure we shall get an oppor-

tunity to discuss when the various portfolios come under consideration, but the one disturbing fact of the whole Budget has been the State of Emergency which has been existing for some time. Mention was made by the hon. Member for Rift Valley about the effect of this state of affairs on the finances of the Colony as regards future capital. It is quite certain, Sir, that new projects which have been thought of by various big interests in the City of London, have been temporarily suspended, pending the result of what is happening in this country but, Sir, a very disturbing fact has come to light recently during my visit to the sub-continent of India and Pakistan where I have just come from. I have met, Sir, one or two city bankers from London with whom we had some business discussions just before the State of Emergency was declared. These merchant bankers had agreed to give almost as much as £500,000 for the financing of banking credits for commercial concerns in this country for the purchase of these goods.

I was shocked and perturbed to hear that they have decided, until such time as they can see how things are going in this country, not to give a single penny of these finances. I am sure, Sir, these are not the only isolated examples, but there is a policy in the City of London that until and unless some sense of security is assured to the City as regards the country's state of affairs, not only new schemes will not be undertaken; but the ordinary day-to-day running of the businesses will be seriously affected. For that reason, I do hope that every section of the community will support the Government in the effort to restore peace and order to this country for the lasting benefit of the various inhabitants of this country. (Applause.)

Sir, I have very little to add except to once again congratulate the hon. Member for Finance for his very lucid Budget and our congratulations to the Government for having presented such a wonderful state of affairs, in spite of the fact that the State of Emergency exists.

Sir, I beg to support.

THE MEMBER FOR FINANCE: Mr. Speaker, first of all, Sir, I should like to say "Thank you" to those hon. Members who have made nice references about myself and about the speech and the

[The Member for Finance] and Sir Budget in general. I would like, Sir, to express at this time my thanks—my personal thanks as well as recognition on behalf of Government, of this Council, of the work that has been done behind the scenes on the Estimates by officers such as Mr. Butter and Mr. Khan, and the people who have worked with them. The two officers I named, Mr. Butter and Mr. Khan, have worked many hours and late into the night in order to present the Budget which was, to a certain extent, disrupted in preparation by events beyond our control.

My hon. colleagues have covered many points that have been raised, and I will try to deal with the others without going into too much detail. I should like first to deal with the remarks of the hon. Mr. Muku, who, I regret to see, is not present. Sir—in the words of the hon. Member for Kiambu—he twitted me on my silence in relation to African agriculture. It is not often I am blamed in this Council for being silent. It is a new and unusual experience. My hon. friend, the Member for Agriculture, gave the figures of surplus African cash crops, and showed what development had taken place in that regard; but the figures that I quoted in my original speech, Sir, were figures of real volume and of production, and statistics on this basis are not available for African agriculture, and I can only repeat—indeed, perhaps I should have done it in my original speech, as Mr. Matthews did last year—that all the solutions are that African agriculture is so many lags behind the general expansion. (Applause.)

The figures I did quote were those which were capable of verification by statistics. It might interest the hon. Member and his colleagues to know that the value of output of African agriculture, as shown in the net Geographical Output Report of Kenya, will show that in 1947 the figure was 15.4 millions, and in 1951 the figure was 22.1 millions; but, as I have said, Sir, there are no data available relating to African agricultural production, and the only possible approach therefore of a statistical department is through the way of known African tribal diets. Consumption thus calculated is assumed to equal production. Consequently, because it is peasant agriculture, are quite reasonably assumed to be

"Nil"—hence the gross value is taken as equal to the net value, and that is as far as we can get at the present moment.

Hon. Members of this Council are well aware that, in a burst of economy in the thirties, the hon. Members of the Council at that date destroyed our statistical Department, and it is this type of thing which shows how great is the loss that we suffered by the economy of that time. (Hear, hear.) Indeed, if we have had at times to gear up the figures on which our progress must be planned, and if that has been guesswork, it is because there was destroyed, at that time the machine essential to produce those figures without which, in a planned economy and a world of this kind, there can be no real basis for taxation, for fiscal policy or for planned development in general.

However, Sir, we will press forward with an attempt to obtain these statistics, but I must say that it will be some time before reliable figures are available. Some hon. Members, Sir, have dealt with the question of capital—the flow of capital. One hon. Member dealt with management and many Members have dealt with the aspects of labour. Well, Sir, it may be again that in my opening speech—which I felt was quite long enough as it was—that I did not refer to what I felt to be a very obvious fact, and that is that capital is necessary, good management is necessary and labour is necessary, and unless they work in co-operation then the real wealth of the country will not be expanded, because it is those three things in co-operation which produce real wealth and, without any one of them, no progress can be made.

It is indeed also essential that it should be recognized that all three should receive their just reward.

Now, Sir, I should like to turn to the speech of the hon. Member for Central Area, Mr. Chanan Singh, which was his candid speech, and I should like to congratulate him on it, if I may. (Applause.) He will forgive me if I do not altogether agree with some of the points that he made. He raised several matters about the form of the Government finance. He suggested that the Budget should be divided clearly into two parts—capital and revenue Budgets. Well, Sir, to a great extent we already have two

[The Member for Finance] Budgets. We have the Colony Budget and the Development and Reconstruction Authority Budget, and though the division is not always entirely clear, nevertheless it does exist to that extent. The Government is examining the matter in order to ensure that the Development and Reconstruction Authority Budget does represent capital and, indeed, we have taken two important steps towards this end. We have removed, in 1952, the Public Works Non-recurrent Vote, except for certain uncompleted schemes and renewals, to the Development and Reconstruction Authority Budget. Secondly, in 1953, we have included in the Colony's Budget certain recurrent expenditure which was previously met from Development and Reconstruction Authority funds. There are still items of a recurrent nature in the Development and Reconstruction Authority Budget but, in accordance with the recommendations of the Planning Committee, we propose to transfer these progressively to the Colony Budget. There was a reason—and a very good reason—why at the time these recurrent services were placed in the Development and Reconstruction Authority Budget. Many of them represented arrears of development; but the time has come, I think, for them to be transferred to the Colony Budget. Again, it is advisable, I suggest, to do this gradually in order that we should ascertain what services are required on a permanent basis, and to what extent the Colony can support those services.

The hon. Member asked for an inventory of capital assets. I should like to say that a list of assets, created during the years of the development programme, can be seen from the annual Development and Reconstruction Authority Accounts. A complete list of assets, insofar as buildings are concerned, is maintained by the Public Works Department, but of course, Sir, many of the assets that have been created are not assessable. The money has produced other things. For instance, our money spent on education, medical services—that money is spent on the creation of assets which can never be shown in any balance sheet, but which should be reflected in the development of the country. I will suggest in many cases they are assets far more valuable than bricks and mortar. (Hee, hee.)

The hon. Member said that when the inventory is completed, then it should be possible to calculate the cost of depreciation, and that that depreciation should be a first charge on the revenues of the State. I feel that the hon. Member is reflecting his association with the Railway Administration which, of course, is a commercial concern, in which the full cost of the services is passed on to the public as charges, and capital assets are often renewable after a fairly short period; but, of course, Sir, the Railways do not raise money by taxation. In the case of the Colony, the major capital assets that we create are in two classes. They are water supplies and buildings. There are others, but those are the two major classes. Water supplies—the cost of the service—is almost completely reflected in the cost of water—in charges for water. In the case of buildings, the Colony meets the cost of replacements as and when the need arises. Buildings, of course, last much longer than the normal loan period in many cases. If, indeed, we were to follow the hon. Member's suggestion, we should be charging the present taxpayer both with the loan service charges, and with depreciation. We should indeed be charging the present taxpayer twice over for the same assets and, to that extent, we should have to put on one side money that can be used for the development of those very things which the hon. Member so desires, "education and medical services and social services of that kind."

But it is—if I may say so—the normal confusion that takes place between commercial accounting and Government and local authority accounting.

The hon. Member also made reference to classifications in expenditure estimates, and suggested that they should be framed so as to show what we pay to people in the Colony and the amount we pay to people living outside the Colony. I would suggest to him, Sir, that estimates are not shaped to provide statistics. That is the task of subsequent analysis; but they are designed to ensure—and I think hon. Members will agree—that Government has tried in these Estimates to ensure—the maximum administrative and financial control, and to facilitate consideration by the Legislature of the country.

[The Member for Finance] I was glad to hear the hon. Member for Rift Valley—who, I regret to say, is also absent—welcome the steps taken this year to present the Estimates in a new form. I hope that further progress in presentation of the Estimates in even more flexible form will be made, and when we are in a position to set up a consolidated fund procedure.

The hon. Member for Kiambu—who is also absent—asked questions about Africa's real tax figures. The total number of adult African males in the three particular districts of Kiambu, for Hill and Nyeri, according to the 1948 census, was 358,000. Therefore I suppose that the estimate of 170,000 taxpayers in these districts in 1953 was not an unreasonable estimate. The revenue accounts of the Central Province, as asked from the three districts, Sir, show an increase of only 25,000 in 1953 estimates as at the time these estimates were prepared, it was thought that the 1952 figure would not be reached. Therefore the estimate was kept to what I thought a low and reasonable level. However, increased tax collection has now effected—something not entirely connected with recent police and colony activities—and it does look now, Sir, as if the 1952 revenue figure will be realized, and we hope that the 1953 estimate may be slightly exceeded.

Finally, from the point of view of all the figures that the hon. Member asked for, according to the 1948 census, the total Africa population for the three districts I have named was 744,000.

Now, Sir, the hon. Member for Kiambu asked me about the figures of increase in the minimum wage, as compared with the fall in the value of the £1 over the period 1948-1952 of Sh. 20 to Sh. 14. The Minimum Wage Board did not start its operations until May, 1948, and I should like to give the other correct figures and link the hon. Member with the arithmetic for himself. In Nairobi, in May, 1948, Sh. 13 plus Sh. 5 for housing. In Mombasa in May, 1948, Sh. 27 plus Sh. 4, 25 for housing. In August, 1952, Nairobi, Sh. 30 plus Sh. 6; 50 for housing and for Mombasa, Sh. 57, 25 plus Sh. 8, 25 for housing. Of course, it makes no great

mathematician to see that the rate of increase in minimum wages has been greater than the decrease in the purchasing value of the pound, but of course there is always the continuous drive, and natural drive of labour to get better conditions, which has increased the margin. The mere fact that the figures are there does not mean to say that more than the minimum wage in 1948 should not have been recognized as the correct standard.

Mr. Cook: What about the price of maize?

THE MEMBER FOR FINANCE: I will deal with my hon. friend in a moment or two. Now, Sir, to turn to the offensive—my mistake, Sir—to turn to the inoffensive remarks of my hon. friend, the Member for Nairobi West, who, I see, is also absent, I will not attempt, Sir, to compete with the hon. Member across the floor of the Council in the exchange of either complimentary insults or insulting compliments. (Laughter.) I regret to have to say this in his absence, Sir, but quite frankly I feel that abusive exchanges, however delicately expressed in charming wit, are of little value at the present moment except, perhaps, to momentarily enliven the atmosphere of Council. Indeed, beyond that, they contribute little to our present position.

Of course, Sir, the Government is not a Government of bureaucrats; nor is it run on bureaucratic lines. The hon. Member is, indeed, well aware of that. Of course, if the Government makes a decision, then, Sir, it is a bureaucratic Government. But, if it does not make a decision, then it is not a Government.

"Sometimes," Sir, I long for the days when it too sat on the benches of the other side and could have it both ways, as many hon. Members seem to desire. Those happy days seem temporarily to have passed!

Hon. Members are well aware too that the Government takes very few steps without full consultation with the hon. Members' opponents; that many Government bodies and committees have an unofficial majority.

Now, Sir, the hon. Member for Nairobi West used one phrase, namely, which I must protest. He too can admit

[The Member for Finance] said that this Colony is dashing headlong into financial disaster. I am quite sure the hon. Member did not mean that, it was merely an example of that exaggeration of emphasis of which he is so able and charming an exponent. But, it is not a phrase calculated to maintain confidence which we must maintain to attract that capital investment which all hon. Members must agree we must have. It is not indeed a phrase calculated to change the minds of the city bankers to whom my hon. friend, Mr. Nathoo, referred.

Government is well aware, Sir, that with world conditions as they are, a careful watch must be kept upon our position—so that we can produce frequent economic surveys and forecasts, we are asking for an economic research unit. But our currency is well backed. Our reserves are sufficient to give us breathing space and time to readjust ourselves. But, of course, then I, like my friend, the hon. Member for the Coast, have heard this cry for years. Doubtless my friend, the hon. Member for the Coast, also listened to the hon. Member for Nairobi West many years ago, when he made what is probably a classic example of his oratory, his fine oratory, in a talk entitled "The Dance of the Gnats in the flame of the setting sun". Sir, the gnats still dance, and the sun has not yet set. (Hear, hear.)

Each year, Sir, each year that we have had this pessimistic prognostication, the initiative and the drive of the people of our country have carried us a step further forward. (Hear, hear.) But, what did the hon. Member offer as a solution? Something startling? Something sensational? A cut in our expenditure? Well, that may have been at the back of his mind, but, Sir, really the gods in their high heavens must have laughed at the final surprise—the denouement—the appointment of yet another committee! (Laughter.)

Sir, the hon. Member referred to me as a decapodic cuttle fish. He omitted the decapodic, but, by abuse research, I found that decapodic is what a cuttle fish really is. He should, Sir, have completed his analogy. He should have told the Council that the cuttle fish has a calcareous internal shell, so that, when

you get through the outside, there is resistance, on the inside. (Laughter.) has long arms with suckers which where in this Colony I found the real position that I am under no illusion as to their capacity, and I do not believe will find the suckers there.

The other mistake he made, Sir, very grave scientific mistake, he said that I had clouded myself, as did a cuttle fish, with iridescent ink. Well, the ink of the cuttle fish is not iridescent it is just plain black, and—this is not important, Sir—it is only used when a decapodic creature is attacked. (Laughter.)

Now, Sir, I must refer briefly to the speech of my hon. friend, the Member for the Coast, and indeed I would like to congratulate him on it. (Hear, hear.) We do not always see eye to eye, but at least we have those frank exchange of battles across the floor of the Council which, I believe, in their conflict, bring out sound common sense on both sides. (Hear, hear.)

I must say, Sir, when I listened to his I began to think that a really marvelous fellow I must have been on the outside of the Council—wink, I think I said, Sir, (Laughter.) He twisted me to use the word of the hon. Member for Kiambu, with now being full of pride and power. Well, at least, Sir, I may express my gratitude to him that he did not go further and use the obvious, as I say that I was full of pride and prejudice.

I will not repeat again, Sir, the whole arguments about the cost of living, because I am sure my hon. friend will only say, "the same old story", but, Sir, the Council should think very seriously about the introduction of food subsidies at a time when prices are falling. In the United Kingdom, the present Chancellor of the Exchequer has indeed, in order to keep taxation within, even, its present limits, he has had to reduce his food subsidies. In other words, at a time of falling prices, he has had to release on to the market higher prices, with all the complications that ensue, and they have a taxable capacity and flexibility which we in this country, do not possess. But we

[The Member for Finance] have quoted the United Kingdom time and time again. Now, Sir, let us go across and look at another dominion. Let us look at Ceylon and see what they have had to do as a result of the difficulties they have got into through food subsidization, which started on a very moderate level. Sir, the Budget deficit of the Ceylon Government in September was chiefly due to Rs. 300,000,000 in food subsidies. As this expenditure on food subsidies has been so large, the Cabinet had now decided to fix a ceiling of Rs. 161,000,000, and Mr. Senenayake appealed to all countries to sell cheaper rice to Ceylon, and what measures had they had to take to adjust this. They had to face a continuance of a recent sugar price rise—Sir, we may not have done many things, but I think I am right in saying we have been able to reduce the price of sugar recently—an increase in the guaranteed price of paddy, a 10 per cent surcharge on existing import duties on certain luxury and semi-essential goods, 10 per cent surcharge on assessed income tax for one year. These are the prices of food subsidies. And hon. Members must weigh very carefully in their minds whether, at a time when, if there is any tendency, it is a tendency in a downward direction, we should be right to embark upon a policy of this particular kind.

MR. COOKE: What about South Africa?

THE MEMBER FOR FINANCE: I will get the hon. Member the figures for South Africa if he wishes, but I did not propose to stay all the morning answering in detail.

MR. COOKE: Mr. Speaker, I have always emphasized that the only subsidy I have ever urged in this Council is the subsidy of maize. That would cost the country about £600,000, and that would be offset, probably, by a lower cost of living allowance to the various Government employees and so on.

THE MEMBER FOR FINANCE: Sir, my hon. friend, the Member for the Coast has, I think, forgotten the figures that were put forward by my hon. friend, the Secretary to the Treasury, in the debate before last on the cost of living. The £600,000 would bring little, or no

effect, and, Sir, I do not believe that it would bring any relief in urban wages at all, because what the African desires in his urban wages is a higher standard of living. And, Sir, the figures that I have given, which the hon. Member for Kiambu asked for, show that, in so far as the purchasing value of the pound is concerned, our increase in wages is ahead of that, and the margin is a drive towards better conditions which the African would not be prepared to sacrifice. Sir, if the price of *posho* fell by Sh. 10 a bag to-morrow.

MR. COOKE: As this is a very important matter, will the hon. gentleman give way again?

The consumption of maize by the urban Africans is 1,200,000 bags. At a subsidy of Sh. 10 a bag, that would come to the £600,000. The African, therefore, would save Sh. 10 a month, more or less, the African family man. That Sh. 10 a month would be used to improve his standard of living.

THE MEMBER FOR FINANCE: If the answer is that the hon. Member wants a subsidy on *posho*, not to reduce the impact of the cost of living, but to increase the margin available for a better standard of living, then even more would that be a disastrous policy.

MR. COOKE: Both.

THE MEMBER FOR FINANCE: Now, Sir, I believe that, in our changing situation, it would be an unwise policy to accept. The Cost of Living Commission—and again I do not wish to reach from reports which have been quoted time and again in this Council—only regarded it as a temporary expedient and had regard to the long-range policy which Government did not accept.

The other point, Sir, is that I believe that the increase in wages, which is a clear reward, is a better way than subsidization. It would be a very dangerous position, I submit, if indeed the African labourers in urban areas were to receive less in actual wage packets, because of the subsidization element. It is a position that has not been thoroughly understood by even such an advanced class of workmen as the British working man, and I am still less so I believe that it will be understood by our African urban workers.

THE SPEAKER: It is now eleven o'clock. Council will suspend business for 15 minutes.

Council adjourned at eleven o'clock a.m. and resumed at fifteen minutes past eleven o'clock a.m.

THE MEMBER FOR FINANCE: The hon. Member for the Coast referred, as other hon. Members have, to the increase in education fees. I will not deal with this matter in great detail because there is sure to be a debate on the Education Department estimates. I would like to point out that there is still a very large element of subsidy by the taxpayers to parents of all races, and that the alternative to increased fees is either increased taxation or a reduction in other expenditure.

Sir, I made this note last night—all hon. Members who doubt this seem to forget the additional aid granted to European, Asian and Goan schools by an increase in the grant-in-aid. My hon. friend, Mr. Nathoo, did, at any rate, recognize that Government had tried to do what it could in this respect.

Now, my hon. friend the Member for the Coast referred to the Widows' and Orphans' Pension Fund. I would like to explain the background to this problem. Although it is not possible to fund the scheme at the moment, the interest tables are guaranteed. I am sure hon. Members realize that this is a contributory pension scheme. An actuarial review, which took place some four or five years ago, showed, indeed, that there was a deficit on the fund, which has to be met, of course, from Government funds, so that already, indeed, there was a fairly heavy Government contribution, having guaranteed the six per cent tables. The rate of interest which is now available to invest funds, and we have called—we are calling for, because I do not believe the letter has gone, although it is drafted—we are calling for an actuarial review of the scheme and if, indeed, that review shows it is possible to meet the point of my hon. friend, I assure him consideration will be given, but of course, the interest that at present exists is needed to meet the contributors' part of the pension. However, I would like,

Sir, to place on record that under the Pensions Increase Ordinance of 1951, which came in only a short time ago, Sir, tells me that widows and orphans under the Widows' and Orphans' Pensions Scheme receive, if they were in receipt of a pension before 1st January 1946, a pension and an increase of 7 per cent under the Pensions Increase Ordinance, 1951, plus one-half of the current cost of living allowance rate payable to serving officers. If in receipt of a pension for the first time after 1st January 1946, they receive their pension plus one-half of the current cost of living allowance. I hope that will show my hon. friend that, indeed, Government has had some regard to the unfortunate position of widows and orphans who are on fixed incomes in a world where prices have been steadily rising.

Now, on the question of export duties. I do not now propose to repeat the arguments. I have noted, I think, a slight change in the attitude of some Members on this contentious subject. Of course, Sir, hon. Members who have changed their position in that respect will, I am sure, remember that my predecessor, Mr. Matthews, gave an assurance that export duties would not be used for recurrent purposes, and unless this Council signified in a Motion its desire to relieve the Government from that assurance.

The steel industry, Sir, has asked for an individual consignment basis for application of the export duty, and an amending Bill will be introduced and I hope, will receive hon. Members' support. I do not mean to say that some hon. Members will be expected to support the export duty, but if the export duty must be applied, I hope they will support the more lenient method of application.

We have received an application from another industry which is subject to export duty, that they should be taken on an individual consignment basis, and I hope, before the end of the session, to be able to apply the same method of application, to that particular industry.

The hon. Member for Mau raised a point with regard to taxation on farms. He pointed out that the incidence of taxation on farmers, whose incomes

(The Member for Finance) are far greater than those of other taxpayers with fixed incomes, and suggested this could be best remedied by taxing farmers on average profits over the last three years. Now, Sir, experience in the United Kingdom, when such a basis was attempted, proved that it was unsatisfactory, and, as a result of the report of the Royal Commission in 1920, it was abandoned. I think it is necessary to stress to this Council the difficulty experienced by taxpayers in times of falling profits in meeting tax demands based on inflated profits in the past.

The hon. Member made reference to the average base of supply to coffee profits. I can assure the Council that there is nothing magical about the formula, which, under the law, can be applied to all plantation crops, but examination of the coffee records showed that in Kenya the coffee crop fluctuates to an extent unknown among other crops. Over-bearing one year gives rise to a dormant period next year, and for this reason, it became necessary to relate fluctuation for tax purposes by relating expenditure to the crop actually produced. The law as it stands, however, distinguishes between annual crops and permanent crops, and I should heed a lot more argument before I was convinced that there was any reason to disagree with that particular distinction.

Now, Sir, I come to the speech of the hon. Member for the Rift Valley. Sir, it is no empty phrase when I congratulate the hon. Member on the speech that he made. It was a speech of moderation; a speech of realization of the position in which we have found ourselves and might well find ourselves, and it was, Sir, a helpful and constructive speech. I would say to him that Government, of course, this must have been made obvious from what I have said already, about the revenue position with regard to the Development and Reconstruction Authority and the Budget problem—has noted his point. I believe there is a great deal in what the hon. Member said and I am sure that he will give the Treasury time to review and overhaul its machinery and I think Government will listen to the remarks made in this connexion with great attention.

Now hon. Members—African and

Asian Members raised the question of salaries, and, indeed the hon. Mr. Oddele spoke about Makerere graduates. There must be something, Sir, in transfer of thought, or perhaps Mr. Oddele would not mind this once if I said "Great minds think alike", because when I wrote this last night I had down to announce as an interim measure, the decision made about Makerere graduates entering a point in the scale, as from the 1st of January, 1953—Sir, it is proposed that the entry point for Makerere Grade II, scale £190-£300; and Grade I, scale £315-£405, which are to be introduced into Uganda should apply, in Kenya with effect from the same date.

It has been decided too, Sir, that African Assistant Administrative Officers who are serving on Makerere scales should enter at £276 in the scale, and that officers at present in the posts should receive increments over and above that salary in proportion to the number of years' service they possess. This point will be fairly high for officers with any special qualifications after a three years' course. It is understood that it is designed for officers with five years' training, if they were appointed with less experience, then the point of entry will be recommended as £252. It is proposed that serving officers will receive salaries which they will ordinarily have reached; or will be granted, once increment above the new entry point for every three years complete service, with various adjustments. I think that shows Government was not, indeed, waiting for the hon. Member to make his speech, this morning before having taken this decision.

Now, Sir, some hon. Members opposite have persisted in referring to European, Asian and African scales of salary. I think, Sir, if they go back to the White Paper of 1948, in which the Government made its decisions, afterwards, approved by this Council, on the Holmes Salaries Commission, they will see that this Government definitely decided that Government salaries and African scales of European, Asian and African scales of salary were not acceptable to it; that salary were not, indeed, what have come there should be, indeed, the scales "A", "B" and "C", which allow removal from one to the other of people of outstanding merit and ability.

Now, Sir, some time ago, the Government issued a circular regarding these

[The Member for Finance]

"A", "B" and "C" scales, and asked heads-of-departments to make recommendations for promotions to higher scales of Asians and Africans who were on the "B" and "C" scales but who were of proved merit and outstanding ability. There are, of course, difficulties and adjustments to be made before the final realization of the instruction which was contained in this circular, but I can assure hon. Members that circular has gone out and Government is determined to press forward with the promotion of outstanding officers whatever their race and whatever their colour. (Applause.)

Some hon. Members, Sir, raised the question of what is known as the three-fifths rule. On that, I can say very little, Sir, except that discussions have been taking place inside Government on this matter for some months past; that the position is under review; it is being examined and I would ask hon. Members not to press me further than that at this stage.

The hon. Member for Kiambu, Sir, raised a point about Savings Bank funds. I can assure him his remarks will not be forgotten. He will understand, I think, the Savings Bank funds are almost fully invested at present.

MR. HAVELOCK: Not here.

THE MEMBER FOR FINANCE: Now is perhaps not the time to divest, but when funds are needed, then I can assure him that action will be taken which will have full regard to the interests of Savings Bank depositors; to whom we owe a duty, and the needs of the Colony for finance.

The hon. Member for African Interests, Mr. Awori, again—I regret to say he is not here—raised the question of the provision of financial assistance to African farmers and traders. My hon. friend, the Member for Agriculture pointed out the difficulties. The fact is that without individual tenure, there is a lack of security which makes loans of this kind a risk which no commercial bank would undertake. I must make it clear that it is not only the putting up of a building, of a store that provides sufficient security. The mortgagor must have an exit for his asset. If, indeed, I lend—of course this is a purely hypothetical and absolutely impossible example, Sir—if I were to lend

my hon. friend, Mr. Naiho, £10,000 in his house, I would be perfectly safe because I would know that I had a security which was readily saleable, and I could realize at least the greater part of the money that I had lent. But if, however, I lent the money on a shop in an African village and I had to foreclose, what is my security? What chance have I of getting from that mortgage and realizing over a reasonable proportion of my financial asset is obvious, under those circumstances that until there is this negotiability of assets, it is not only the building of a house or of a shop that constitutes a difficulty. Nevertheless, the Government does realize that there is this desire, the anxiety, on the part of African farmers and African traders, to push forward and it will do what it possibly can.

We have been discussing, for some time now, and I hope we shall be able before too long, and I know that my hon. African friend must get tired of hearing "To-morrow, to-morrow, to-morrow," but I can assure him we are trying to do it, the possibility of a scheme where the Government and African district councils could act on a joint partnership basis, and that scheme is under discussion, and close examination. If, indeed, we can find a basis where the integrity of the individual is backed by the ratepayers of the African district councils, and they take their share in possible loss, then I think we may possibly find some basis but I can give no more than a hope. So I can only say the scheme is under discussion and close examination.

One other point on local government authorities, Sir, and my hon. friend, the Member for Health, Lands and Local Government, did point out, of course, that the Local Loans Authority would be available as a borrowing source to all local government authorities. He has already, in conjunction with the Treasury, moved towards the consideration of another way in which we can financially assist the development of African local government, and that is a review of our financial relationships with African district councils, and the grant basis, because it is possible that it will be better to move over to the type of grant basis—I know that he would agree with me in this—that is applied to ordinary local government authorities. It has the advantage of having more money; it has the

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[The Member for Finance] inevitable disadvantage, that if you have more money, you have more control. Nevertheless, I think it will be of value to the development of African local government. It is, as my friends the hon. Mr. Jeremiah and the hon. Mr. Gikonyo know very well, the basis on which such authorities such as the Nairobi City Council work.

Most hon. Members have welcomed the Estimates Committee, and I will move a Motion in due course. I believe, referring to the hon. Member for Kiambu, that the efficiency and economy work of the Public Accounts Committee could then cease. But it would be left to the Estimates Committee to decide which departmental estimates it wished to consider during the year, with a view to ensuring efficiency and economy within the policy implied in these estimates. There is only one point I would like to make on that, Sir, and I expect to see the hon. Member for Rift Valley finish it this. Although the Chairman of the Estimates Committee is always a Government Member, I believe it would be undesirable and desirable to follow the United Kingdom practice in that the Chairman of the Public Accounts Committee is always a member of the Estimates Committee, thus providing a most valuable link between the two ends of the work.

MR. HAVELOCK: Hear, hear.

THE MEMBER FOR FINANCE: The hon. Member's colleague, Sir, received this with acclamation. I was a bit worried about the hon. Member himself.

MR. BLUNDELL: I only wanted to ask the hon. Member whether he was considering, in the future, special allowances for overworked Unofficial Members?

THE MEMBER FOR FINANCE: That, Sir, rests in the hands of hon. Members opposite. (Hear, hear—Laughter.)

I am glad to note, Sir, hon. Members' approval of the increase of the Civil Contingencies Fund by £200,000. "By," I was a little worried because hon. Members said, "To." The hon. Member for Rift Valley said, "By" because that was what was in the original speech. I intend to move a Motion before the end of the year—a Motion to increase the

fund to £250,000. With this machinery, Sir—with the hon. Member for Kiambu—with the assurances already given, the Standing Finance Committee will disappear, and we could give an expression of gratitude to a body, which during my seven or eight years in this Council, has had a lot of brickbats thrown at it, but has done an exceptionally good job of advising on expenditure in 999 cases out of 1,000. (Applause.)

Now, Sir, as I draw to a close, it was perhaps natural, I must admit to a little feeling of disappointment that the debate on the Budget has tended rather to cover the matter of the Emergency than our economic situation. I had hoped that this year we should have concentrated on an economic debate and left the various matters of policy at the various departmental Heads; but alas! the Emergency has overshadowed the debate and that has not been possible. I did, Sir, at the very beginning of this debate, in the very first paragraphs of my speech, point out that the damage that this Emergency could do was on one side, assessable, the actual expenditure, on the other side, unassessable. But, Sir, I will say now that, unless the situation alters very drastically, I have no intention of introducing any Interim Budget, and I have no intention that the cost of the Emergency shall be met by additional general taxation. (Applause.) I shall propose, before the end of the year, a Resolution asking for a grant from our 1952 balances to an Emergency—Expenditure—Fund, an account for which would, at a suitable date, be placed before this Council for discussion and, I hope, approval. In that way, we shall use the fat of 1952 to even out the thinness, if thinness it is, of 1953.

Sir, to conclude, the shadow that is relying over us at the moment is regrettable, but I do believe, Sir, it is only a temporary cloud. (Hear, hear.) I believe that inside this, the initiative, the energy that inside this, the initiative, the energy and drive of our people is still going forward. The pencil, Sir, with which I have motioned from time to time to hon. Members opposite, is an example of that. Members opposite, is an example of that. It says: "X" Pencils. Njoro, Utility. It says: "It is, indeed, I believe one of the first batch of pencils manufactured in Kenya, and it was brought to me this week. That, Sir, is an example of how

[The Member for Finance] progress is still going on. There is indeed, and I wish them success, every hope that they will reduce our imports and make us self-sufficient in yet another small group, but it is these—many small groups that are essential to us in a Colony of this kind. (Hear, hear—Applause.)

I believe, Sir, that as this temporary cloud of Emergency passes away, as people realize that it is after all confined to small sections of our population—as people realize the soundness of our financial position, because it is very sound, as they realize that there are tremendous opportunities for development in Kenya, and as they realize the Government's anxiety to see that capital, rightly used, receives a just reward, then I believe, as the cloud passes, our former progress will go on with renewed vigour and probably even greater speed. In that, I am sure, I express the hope and the determination of all the Members of this Council. (Prolonged applause.)

The question that Mr. Speaker do now leave the Chair was proposed.

THE SPEAKER: Even if this is carried in the affirmative, I shall not leave the Chair as there is nothing to go into Committee on. We will call the next Order of the Day.

The question was put and carried.

COMMITTEE OF SUPPLY

THE MEMBER FOR LAW AND ORDER: I beg to move that Mr. Speaker do now leave the Chair.

As you are aware, Sir, this is an occasion when it is customary for this Council to review the Government's policy in relation to the particular Votes which come before it, because the Government is asking this Council to grant supply to meet expenditure for the coming year. It happens, Sir, that this year this review falls to be made when the Colony is passing through a difficult and anxious and critical period. It is, Sir, in critical times such as these that I like to recall one of the great traditions of our people, a tradition which, I think, is peculiar to the British people, but one which we have succeeded, in great measure, in passing on to peoples of other races who share our common

citizenship. It is our tradition in times of difficulty and stress to put aside sectional interests, to forget private factions, to rise above personal divisions and above all to eschew recriminations.

Mr. BURNDELL: What is the hope (Laughter).

THE MEMBER FOR LAW AND ORDER: And, first and foremost—and let me challenge this, if he dare—to put in the forefront the welfare and the prosperity of our country. (Hear, hear) In the past, that tradition has enabled us to achieve a unity of purpose and a determination—and a resolution which has astonished the world. I hope that we in Kenya, despite the fact that our community consists of many different races, can achieve that same unity of action, that all working together, the Government, the legislators in this Council, and equally important, if not more so important, the people of all races outside this Council, can achieve our goal, which is in a sentence, to extirpate, to destroy and to stamp out this evil Mau Mau movement which has brought so much trouble to this Colony and in particular to the land of the Kikuyu. If we can achieve that unity of purpose and determination, then I feel confident that this Colony can look forward to a future which, with the potentialities of its people and its lands, holds out very great promise. I emphasize, Sir, that we should look forward to the future because whatever has happened in the past, whatever sins of omission and commission have been made in the past, is the future which matters now. By it means let us look to the past for the purpose of learning our lessons which will guide us in the future. In that, Sir, there is profit. What is not profitable I suggest, is to look to the past merely for the purpose of recrimination or fault-finding, especially since, by so doing there is grave risk that we shall dissipate our efforts and fail to achieve that united action amongst all races and peoples in Kenya which will enable us to put an end to the Emergency with the minimum of delay.

Now, Sir, serious though the situation may be, it must not be forgotten that the trouble is confined to one tribe. That is clearly demonstrated, if demonstration is

[The Member for Law and Order] necessary, by the circumstances surrounding the activities of the Mau Mau movement in the Northern Province of Tanganyika. There, as everyone knows, is a small, isolated colony of Kikuyu people, and it is amongst them, and them only, that the Mau Mau conducts its activities. Those circumstances clearly show, Mr. Speaker, that the Mau Mau is what I may describe as a Kikuyu epidemic. Those circumstances—in the Northern Province of Tanganyika also prove, again I say, if proof were necessary, that this movement is not directly caused by economic factors. The Kikuyu in that Northern Province of Tanganyika have no land grievances, nor any economic grievances that are peculiar to them, and yet you find that the same secret ceremonies, the same perverted pagan ritual, and, worst of all, the same intimidation of witnesses are taking place. In other words, you have there precisely the same symptoms in that small pocket of Kikuyu as we have here in Kikuyuland, which demonstrates beyond any possibility of argument in my submission that this Mau Mau movement is essentially a Kikuyu disease. It is not necessary even to go to Tanganyika Territory for proof that that disease is confined to this one tribe. It is possible for anyone to-day to drive almost from one end of this Colony to the other without seeing any manifestation of the Emergency unless it is in parts where the Kikuyu are working or living. I heard it put the other day—I think put very succinctly and with reasonable accuracy that the area affected by the Mau Mau movement in the Colony was comparable in size to the county of Surrey in a country comparable to the size of France. I mentioned these matters, Mr. Speaker, not to minimize in any sort of way the seriousness of the movement, but in order to assist those whose knowledge of Kenya and this movement is dependent entirely on the foreign Press, to see this problem in a more balanced and better perspective. In a word, Mr. Speaker, the task that is before the Government and before the country is to exterminate a secret society confined to one tribe. That is our task.

Now, the first phase in the accomplishment of that task took place when the Jock Scott operation was carried out on

21st October—a month ago to-day. That operation, I claim, Mr. Speaker, was as well conceived and as well executed as any operation of its kind could possibly be. Over a hundred persons living in scattered parts, many of them without any fixed or permanent place of abode, were arrested between midnight and 4 a.m. on that day. That meant, as hon. Members will appreciate, a great deal of detailed investigation and preparation by a great number of people, and it was inevitable that organization of that kind should mean that very many people would have to be brought into the preparation of the plans of a highly secret character. Nevertheless, the element of surprise was retained and the vast majority on the list to be arrested were, in fact, taken into custody and were placed behind bars before the first light on the morning of 21st October.

Now, the Jock Scott operation was not only a success in the matter of the arrests which were made that morning but also in the measures taken to prevent outbreaks of violence, strikes, demonstrations or incidents of that kind, which might possibly have occurred as one of the reactions to these arrests. This was achieved, Sir, largely by the concentration of strong police and military forces in the critical areas at the critical time. Here, again, hon. Members will appreciate that a great deal of detailed and careful preparation had to be made to ensure the success of that part of the operation, involving, in this aspect, Her Majesty's Government in the United Kingdom, the Chiefs of Staff, the Admiralty, the War Office, and the Middle East Command. But such was the co-operation and the co-ordination and the whole-hearted support which this Government received from all these services, and from Her Majesty's Government, that overwhelming force was brought to bear with superb precision in the early hours of the morning of 21st October, and the result was, as everyone knows, that the operation went off with smoothness and with complete success. Indeed, judged by those standards, namely, preventing disorder or demonstration, the Jock Scott operation was a hundred per cent successful, and I feel that this Colony owes a debt of gratitude to all those authorities to which I have referred and whose co-operation and

[The Member for Law and Order] support made it possible. (Prolonged applause.) Last but by no means least, this Colony owes a debt of gratitude to the Mother Country, which did not fail and never will fail, to give help to her offspring whenever she sees that they need it.

Now, the days which followed 21st October were, naturally, days of some tension and anxiety, as the news of the arrests spread throughout the Colony and in particular, throughout the Kikuyu reserve. Strangely enough, the news of the arrests spread much more slowly than one might have expected in view of the legendary reputation which the bush telegraph has for transmitting news of that kind. I was myself in the Kikuyu reserve two days after the Emergency and found that, at one place at least, the news of the arrests had only reached there a few hours before I myself was visiting it. There were, it is true, during those days following the first phase of the Jock Scott operation, rumours of strikes and threats of strikes in the City and, therefore, it was necessary to keep substantial forces standing by to deal with such a situation if it should eventuate, so that the Government could ensure that essential services, communications, food supplies, and the like were not completely disrupted if a general strike had supervened upon the operations of 21st October.

When it became reasonably clear after the lapse of a few days, that such eventualities were not likely to arise, then steps were taken to meet what I may describe as the second phase of the Jock Scott operation. Now, I would describe that second phase, Sir, as the operation of occupying the Kikuyu reserve with police and military forces. The latter, that is to say the military, were moved forward from the perimeter in considerable numbers right into the heart of the reserve, where they were split up and broken down into small units, as small as a platoon, and, indeed, much smaller than the military authorities would normally wish to operate, the object of so doing being to ensure that as many posts as possible were established on the ground right in the Kikuyu reserve. This operation, the second phase I will call it, was completed about

the beginning of this month. The object of that movement, Sir, was to establish centres of strength and confidence in those parts of the reserve where previously there had been no units, whether of the military or of the police, stationed. It was planned and designed so that the law-abiding African should see in those centres, established in the manner I have described, places of protection to which they could go and get information which would then enable the police to pursue and to arrest and capture those criminals who were promoting and propagating the Mau Mau movement. It was also the intention that those centres of strength that were established throughout the reserve should be the bases from which controls could operate in their efforts to round up and arrest the Mau Mau criminals who had taken refuge in the hinterland leading towards the foothills of the Aberdares. The policy, therefore, of that second phase was to set up strongholds, if I may so call them, from which confidence could spread and radiate to the people throughout the reserve or, to put the matter in another way, the first stage of the Jock Scott operation having been concluded, then all the forces of the military and of the police were re-grouped and re-deployed in the reserves. The forces of law and order, in other words, were then closing in on the Kikuyu reserve.

At this point, Mr. Speaker, I should like to depart from the chronological sequence in order to make some observations about the Kikuyu reserve, having reached the point where I have described that how the military and the police were closing in on the Kikuyu reserve. The heart of the matter so far as this trouble is concerned, (Hear, hear.) There is really no doubt about that at all. There are, of course, manifestations of the Mau Mau movement outside the reserve, in the White Highlands and, to a lesser extent, elsewhere. There are some areas outside the reserve, particularly in Laikipia, where the activities of the Mau Mau movement are particularly virulent. But those activities outside the Kikuyu reserve are fed by streams and rivers which have their source in an inland sea which stretches from Kiambu to Nyjer. There is very little doubt, Mr. Speaker,

[The Member for Law and Order] that if this subversive movement were stamped out in the reserve, then the activities outside the reserve could be brought under control comparatively easily and comparatively easily. The problem, therefore, is to tackle the Kikuyu reserve. I said at the beginning of my speech that we might well look back on the past with the object of learning some lessons which would guide us in the future. It is plain now, looking back on the past, that our intelligence system in the Kikuyu reserve was very inadequate. The reason for that, Mr. Speaker, as a sentence, is that the Kikuyu reserve was virtually unpoliced and consequently the police were without eyes or ears in the Kikuyu reserve. It is true that a start had been made on the policy of policing the Kikuyu reserve in 1949. Before Sir Philip Mitchell became Governor there was no policy at all of policing the Mau Mau reserves, but during his Governorship that policy was initiated and it was intended to pursue the policy progressively year by year until all the Mau Mau reserves were fully policed. Now the first police stations and police posts in the Kikuyu reserve were established in 1947. There were very few of them and they were established, naturally, as it was a beginning, on the perimeter of the reserves. I repeat, we should not have had even those established if the policy which had been pursued for the previous forty years or more had not been changed about that time. But although a few police stations were established in the Kikuyu reserve in 1949, it is, I think, still substantially correct to say, that until this year the Kikuyu reserve was practically unpoliced. The result of that, certainly, was that the Government did not know as much of what was going on there as, indeed, it ought to have known.

There was and there still is, another great difficulty which handicaps the development of an efficient intelligence system in those areas. I refer to the difficulty of language. It is, unfortunately, true that very few officers of Government can speak the Kikuyu language and anyone who is familiar with the operation of an intelligence system will realize that it is one of the greatest handicaps in the working of an intelligence system efficiently. It is, moreover, a par-

ticularly difficult handicap to remove on a short-term basis but it is one which, in the long run, is of the greatest importance and which we must succeed in overcoming, no matter what disadvantages may stand in the way of doing so from other points of view. Now these two defects, namely, the lack of policing in the Kikuyu reserve and the difficulty of language, have meant, as I have said, that our intelligence system was very inadequate and it explains why we knew too little of what was going on in the reserve until this subversive movement began to show its head this year in overt acts of violence and in particular in the intimidation of witnesses and loyal citizens who were desirous of helping the forces of law and order. I can assure the Council that everything possible is being done to remedy these deficiencies in our intelligence system with the least possible delay. The Government has already enlisted the services of one of the most outstanding experts in intelligence in the British Commonwealth, a person whose advice has been sought by the dominions and colonies and has always proved of the greatest value, and I am sure will also prove of great value to this Colony.

Now, Sir, I may have painted a somewhat depressing picture of the Kikuyu reserves but there is another side to it, about which I should like to speak to the Council.

I have myself on various occasions driven hundreds of miles through the Kikuyu reserve and although it is true, as I have said, that the Mau Mau movement is widespread throughout the reserve, yet there are some parts of it which are occupied by Kikuyu who are as loyal and as devoted to the Throne as any people in Kenya. I remember well quite recently standing on a ridge in the reserve and looking across the valley to a group of buildings on the opposite ridge which were pointed out to me by the Administrative Officer who was accompanying me; he remarked, "There is no Mau Mau over there". That group of buildings, Mr. Speaker, was a mission station. It was in an isolated position, consisting of a school, a church, and a hospital, staffed by Europeans and Africans, (who devote their lives to the temporal and spiritual welfare of those who live around them. There are in the reserve many other mission stations

[The Member for Law and Order] of that kind—belonging to all denominations, and it can be said of them all, I think, almost without exception, that they have been, and still are, and will continue to be, islands of resistance, islands of loyalty, in this subversive sea.

The value of their great and unselfish work, I think, has not been wholly appreciated by many people in this Colony. They have not only carried out their self-appointed task but they have done far more than that, they have inculcated, by precept and example, a discipline and a respect for authority and they have maintained standards of conduct and behaviour which is part of the heritage of our Western Christian civilization.

Moreover, they have shown themselves to be capable, not only of looking after the spiritual welfare of their flock, but they have shown in a most practical manner how to resist the *Mau Mau*. It was one of the mission stations which, some little time ago, first started a system of self-help which is now known as the Home Guard, that is to say, a system of getting their people to keep guard and watch on their station and on their district, in those days armed only with sticks and staves. Subsequently, in discussions with the Christian Council of Kenya, it was urged that Government should try to extend that system of self-help throughout the locations in the reserve. That idea has been adopted and it being put into practice as rapidly as possible in the reserves. The Home Guard is a term I give it because it is one easily understood in our language, but the native word is *njama* and the hon. Member for African Affairs will be able to tell Council when he speaks in this debate of the rapid progress that is being made in organizing those *njamas* in these areas. Sir, if that movement of establishing Home Guards spreads throughout the reserves, and is as successful, as I hope it will be, then, I think we can say one very good thing will have come out of our present troubles. It will show that the Kikuyu people, that the African people, have become conscious of their responsibilities for the maintenance of law and order and not only conscious of them, but are prepared to discharge them and inculcate a sense of law and order and of responsi-

bility for law and order which has hitherto, existed. I hope that that movement will not only be established for the period of the Emergency but will continue afterwards and thus add another limb to the forces of law and order throughout the Colony.

But in mentioning this development a *njama* and the Home Guard we should I think, give some credit to those many stations which I have described as islands of resistance out there in isolation in the reserves, because it was they who first started the idea and who passed it on to the Government. Let us, therefore, give credit to those to whom credit is due as let us not forget, when this trouble is over, how well they have served the cause of law and order in this difficult time (Hear, hear.)

Now, Sir, if I may return to the second phase of the Jock Scott operation which, as I described, our military and police were setting up their central strength in various parts of the reserve with a view to creating confidence amongst the people living in the neighbourhood. That second phase has lasted something like 14 days or, perhaps I should say, getting on for two weeks. There have, during that period been a number of individual cases in the operation sense and by that I mean that the police and the army have organized sweeps and drives, as they are called, with a view to rounding up suspects, and finding criminals who were taking refuge in those districts. It has achieved a measure of success in this regard but not as much as we had hoped for. The fear of the peasant to come forward and give information to the military and the police prevents them making as rapid progress in that regard as one would wish but there have been signs that this fear is diminishing in some cases. Phase two was, however, a very necessary and indeed an essential part of the plan before the operation moves into what I may describe as Phase Three, which is the phase to which we are now entering.

That phase, as contrasted with phase two, which I described as occupying the reserves, may be described as consolidating our position in the reserve. Now this consolidation involves a number of different, correlated operations. Some of these operations it would not be to

[The Member for Law and Order] present be in the public interest to disclose, but I can assure the Council that, although it would not be proper for me to mention them now, they are being pursued relentlessly and vigorously by the Government.

The paramount consideration in the reserves at the present time is to re-establish the administration of the criminal law. It is unfortunately true that in a large part of the reserve the administration of the criminal law has broken down, because the guilty men are not being caught and punished and the reason for that, Sir, in a sentence, is that the people are not prepared to come forward to give evidence in a court of law. Until the people do that, the courts cannot function efficiently and it is correct to describe the situation in those limited areas as one in which the administration of the criminal law has broken down. But one that difficulty of obtaining evidence can be overcome and the criminal law can once more begin to be administered efficiently, when that has been achieved, then there is *de facto* an end of the Emergency. It is the duty of all members of the community to assist in the administration of the criminal law. It is clear that one of the operations in the third phase of Jock Scott will be to enforce upon the people in the Kikuyu reserve the realization that it is a communal responsibility to assist the police and the forces of law and order in the administration of the criminal law. (Hear, hear.) Measures to this end are under consideration and indeed, to some extent, they have already been decided upon, as was explained by the hon. Member for Development when he addressed the Council yesterday. The point to bear in mind is that to enforce the realization of this communal responsibility on the people in the Kikuyu reserve does not necessarily involve punishing them for committing the offence but imposing sanctions on them for failing to take reasonable means to prevent the offence being committed. (Hear, hear.) In other words the people in the reserve must realize that it is their communal responsibility to take every reasonable precaution to prevent the law being broken, whether the breach of law involves *Mau Mau* meetings or intimidation of witnesses or whatever it may mean;

and if it is established that in a particular area the majority of the people have failed to take reasonable means to prevent such breaches of the law taking place, then the Government, under the authority and sanction of an Emergency regulation, will impose on that community in that limited area, the vast majority of whom must accept the responsibility for the failure, a punishment to deter them from continuing in their irresponsible ways.

THE SPEAKER: Order, order.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, I beg to move that the Bill set out in the Orders of the Day be exempted from Standing Orders Nos. 10 and 12 to enable them to be read a First Time.

The question was put and carried.

BILLS

FIRST READING

The British Standard Portland Cement Company, Limited (Bamburi Factory) (Amendment) Bill—(The Member for Kiambu)—Order for First Reading read—Read a First Time.

THE SPEAKER: In accordance with the Standing Orders, the Private Bills Standing Order No. 101, it will be necessary for somebody to move that the Second Reading be taken on a particular day, otherwise it has to "go over" to the next meeting of Council.

MR. HAVELOCK: Mr. Speaker, I beg to move that the Second Reading be taken tomorrow.

The question was put and carried.

The Supplementary Appropriation (1951) Bill—(The Member for Finance)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time tomorrow.

The Advocates (Amendment No. 2) Bill—(The Solicitor General)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time on Tuesday, 25th November, 1952.

The Law Society of Kenya (Amendment) Bill—(The Solicitor General)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time on Tuesday, 25th November, 1952.

The Penal Code (Amendment No. 2) Bill—(The Solicitor General)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time on Tuesday, 25th November, 1952.

The Education Bill—(The Member for Education and Labour)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time on Tuesday, 25th November, 1952.

ADJOURNMENT

THE SPEAKER: That completes the business on the Order Paper, Council will stand adjourned until Tuesday next at 10 a.m.

Council rose at thirty-seven minutes past Twelve o'clock p.m.

Tuesday, 25th November, 1952.

The Council met at five minutes past Ten o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTION

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to give notice of the following Motion:—

"BE IT RESOLVED that this Council approves an amendment being made to the Second Schedule to the Pension (Increase) Ordinance, 1951, by order of the Governor in Council made under proviso (iii) to sub-section (2) of section 3 of the Ordinance, to provide that with effect from the 1st August, 1952, where the pension is a pension specified in the First Schedule to the Ordinance then subject to the provisions of the Ordinance—

- if the pension does not exceed £70 per annum the increase shall be 27½ per centum of the amount of the pension;
- if the pension exceeds £70 per annum but does not exceed £210 per annum the increase shall be 27½ per centum of the first £70 of the pension and 8½ per centum of the remainder of the pension;
- if the pension exceeds £210 per annum the increase shall be 11 per centum of the amount of the pension."

ORAL ANSWERS TO QUESTIONS

QUESTION No. 52

MR. MATHU:

What is the Member for Law and Order proposing to do to minimize the victimization of the innocent Africans by the police during the duration of the State of Emergency?

THE MEMBER FOR LAW AND ORDER: I cannot accept the implication in the Member's question that innocent Africans have been deliberately victimized by the police. A necessary method of hunting evildoers during the present Emergency has been by large-scale sweeps and searches and, in the course of these, it is inevitable that some innocent Africans should suffer some temporary inconvenience. The remark

[The Member for Law and Order] has with Africans themselves; if they cease sheltering criminals and co-operate with the police, then sweeps and searches will cease to be necessary.

QUESTION No. 53

MR. MATHU:

Is the Government aware that failure to grant individual land titles to the Kikuyu has caused feeling of insecurity and frustration to these people? What is the Government doing about this having regard to the recommendations of the Committee on Agricultural Credit to African Farmers?

THE MEMBER FOR AFRICAN AFFAIRS: The Government has no reason to believe that the failure to grant individual land titles to the Kikuyu has caused any general feeling of insecurity and frustration to these people, whose rights as a tribe are completely safeguarded by the Native Lands Trust Ordinance; the absence of such title has certainly not prevented the sale of individual plots of land in the Kikuyu districts.

The Committee on Agricultural Credit to Africans, while advocating loans for Africans on security, found that there were serious obstacles to free transfer of rights inherent in the customary system of land tenure and doubted whether it would be possible to secure loans against land, except in "certain" cases, in the Kikuyu districts where clear individual titles to land were recognized by custom-ary law.

The Government agrees that it is desirable to create some form of individual right of occupancy in the native lands and the report of the sub-committee of the African Affairs Committee on Land Titles in Native Land Titles, which was submitted as Paper No. 1 to the Committee on Agricultural Credit to Africans, has formed a basis for the Government's examination of this matter.

Plans have been considered by the African district councils whose response has been cautious and varied; some have rejected the principle out of hand, others are prepared to give it a trial. It is intended to initiate "pilot" schemes in selected areas within the framework of the Native Lands Trust Ordinance.

It cannot be expected, however, that schemes involving such a fundamental departure from the traditional systems of land tenure can be introduced by a stroke of the pen and examination of the legal implications has been curtailed by the necessity for the declaration of a State of Emergency. Moreover the whole question is shortly to be examined by the Royal Commission within whose terms of reference it falls.

QUESTION No. 54

MR. MATHU:

What is the Government proposing to do to grant negotiable title deeds to plottolders in African Markets who have invested large sums of money to erect business premises in permanent materials?

THE MEMBER FOR AFRICAN AFFAIRS: Sub-section (4) of section 31 of the Native Lands Trust Ordinance, Cap. 100, states that leases for a term exceeding one year shall be in the form of grants under the provisions of the Registration of Titles Ordinance, Cap. 160, to which an accurate survey is a pre-requisite. A very large number of markets have been set apart, particularly in the Central and Nyanza Provinces, and the survey of individual plots in such markets is a very large task on which the Director of Survey hopes to make a start in the near future.

A similar problem has arisen in the case of plots in townships and trading centres in the native lands. Proposals which will provide for an annual lease, automatically renewable up to the maximum period of 33 years, provided that the conditions of the lease are complied with, have been approved. Rules under the Native Lands Trust Ordinance will shortly be promulgated putting these proposals into effect.

Markets are set apart in the name of the African district councils, which pay compensation under the terms of the Native Lands Trust Ordinance and which allot plots therein. The conditions of the tenure of the plots are, in general, laid down in African district council by-laws. The question of the provision of some form of annually renewable lease for use in Markets is under consideration.

It must be made clear, however, that it will be a very long time before title deeds

[The Member for African Affairs] in the form of grants under the provisions of the Registration of Titles Ordinance will be available owing to the necessity for survey which must be considered in the light of the general survey requirements of the Colony as a whole.

The negotiability of all leases in the Native Lands, whether annual or for 33 years, is governed by section 34 of the Native Lands Trust Ordinance which prohibits transfer of any interest in the land, or part thereof, comprised in the lease without the consent of the provincial commissioner who shall consult the Trust Board in cases where the land exceeds 50 acres or the local board where the land is less than 50 acres. An appeal lies to the Governor from the refusal of the Provincial Commissioner to give his consent.

MR. MATHIU: Arising out of that reply, particularly when it refers to townships, is Government prepared to initiate a pilot scheme for granting title deeds in plots granted to Africans under what has been called "The Vasey Scheme", for example?

MR. BLUNDELL and MR. HAVELOCK: Answer!

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, I must ask to have notice of that question.

QUESTION No. 44

MR. HAVELOCK:

In view of the fact that landowners in the Embakasi area have suffered grave inconvenience because all land transactions and development have been stopped in that area for some eight months and no decision has yet been announced by Government as to whether this land will be compulsorily acquired, or not, will the Member for Health, Lands and Local Government consider requesting this Council to amend the Ordinance concerned so that no more undue delay will occur in the future between the time the land is "frozen" and the time it is acquired and compensation paid?

THE MEMBER FOR HEALTH LANDS AND LOCAL GOVERNMENT: Mr. Speaker, the answer is in the negative. (Laughter.)

MR. HAVELOCK: Mr. Speaker, does hon. Member remember the long delay in the Changamwe land settlement? Does the hon. Member really consider that eight months of freezing land is fair? (Cries of "Speech!")

Does the hon. Member consider that individuals can suffer loss and inconvenience, while Government is allowed to dilly-dally as long as they like?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, that is quite a lot of questions to answer. I am not sure that I have got them all right in due order, but I can answer generally.

First of all, Sir, may I say that the Government does not accept the statement, which purports to be a statement of fact, contained in the original question, that all land transactions and development at Embakasi have been stopped for some eight months. That, Sir, is quite incorrect. Nine land transactions in the Embakasi area covered by the aerodrome proposals have been approved; two proposals for the completion of development already started have been approved; two proposals for cultivation and planting have been approved; and there is only one outstanding case where any hardship is alleged that has not yet been completed and satisfaction given.

I am happy to assure the hon. Member that, in that particular case, the Government has decided to acquire the property in advance of the general action that may or may not be taken under the Land Acquisition Act, subject to agreement as to the price.

Now, Sir, I deplore as much as the hon. Member does the very long delay that took place in the Changamwe acquisition. That has already been explained, and I do not propose again to repeat the explanation. I think, Sir, that hon. Members, on reflection, would generally agree that the Government cannot tie itself down to a definite time limit in cases of this kind, for the circumstances that may govern the acquisition are often outside the control of this Government. It would in some cases place a heavy burden upon the taxpayer of the Colony if there were to be a time limit imposed, and the Government was unable to proceed

[The Member for Health, Lands and Local Government] under the Land Acquisition Act because the time limit had expired. I can assure the hon. Member that every endeavour is made to avoid hardship in these cases.

In the Changamwe case there were no allegations of hardship. The landowners were all left in peaceful occupation of their land, just as they have been for several years past, and I never knew of a single case of hardship. Had we had evidence of that kind, I feel sure that any application would have been treated sympathetically.

I think I have covered the general reply of the hon. Member's questions, except if I have not replied to them all in full detail.

QUESTION No. 47

DR. HASSAN:

Will the Government please state who is responsible for supplying water supply in the trading centres of Sultan Hamud, Emali, Kibwezi and Voi and what action, if any, has been taken or is proposed to be taken to ensure uninterrupted water supply being made to these trading centres whose development is at present considerably retarded for lack of same.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The Member for Agriculture and Natural Resources is the Member of Government responsible for water supplies throughout the Colony. He is advised by the Water Resources Authority which, in turn, is advised by the Regional Water Boards.

If the Government, as a matter of policy, cannot accept responsibility for providing a reticulated water supply to any or all trading centres however small and irrespective of whether such supplies are economic. On this point the Water Resources Authority, recently submitted a recommendation to the Member for Agriculture and Natural Resources, who has accepted the recommendation, to the effect that, except in the case of administrative centres, the installation of a piped supply should not be considered for investigation or construction by the Hydraulic Branch of the Public Works Department unless the initial demand

is for at least 5,000 gallons per day with a potential demand of 10,000 gallons per day, or unless alternatively consumers are prepared to pay a surcharge to ensure that the supply is self-reimbursing.

As regards the four centres mentioned, no proposals so far have been received in respect of Sultan Hamud or Emali, which are both small trading centres obtaining their supplies from the Railways Administration. The local residents should communicate with the district commissioner if they wish to put forward proposals.

As regards Kibwezi, the local residents have stated that they are prepared to meet the cost of installing a reticulation system to be supplied with water from the Railway's pipeline provided the cost is not too high. The Hydraulic Engineer is therefore preparing an estimate of the cost of installing such a reticulation system.

As regards Voi, which is a larger place and an administrative centre, it is expected that there will be no difficulty in providing an improved supply from the new Mzima Springs-Mombasa pipeline as soon as this has been completed. In the meantime water is drawn from the Tsavo ex-military pipeline which was taken over by the Railways Administration when no longer required by the military authorities.

MR. MADAN: Mr. Speaker, arising out of that reply, would the hon. Member say if any steps have been taken to provide a water supply for Saba Saba, where the residents offered to supply half the cost of installing it?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I cannot answer that question off-hand, but I will inform the hon. Member later. I will make inquiries.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, I beg to move that, until further notice, on Tuesdays and Thursdays, business shall not be interrupted under Standing Order No. 10 at 12.30 p.m. but shall be suspended at 12.45 p.m. and resumed again at 4.30 p.m.; and that the time for the interruption of business under Standing Order No. 10 shall be postponed until 7 p.m.

MR. BLUNDELL seconded.

MR. HAVELOCK: Mr. Speaker, may I ask, under our Standing Orders, as far as Committee of Supply is concerned, that means presumably that morning and afternoon sittings will count as one day?

In that case, if Government do not want it that way, we had better make it quite clear it will not be that way, but according to Standing Orders, it will be that way unless we make some remark about it.

THE SPEAKER: I think it counts as two days. Standing Order No. 136, paragraph (1): "For the purposes of this Order, a day shall be deemed to mean any day on which the business of supply or the business relating to financial statement, as the case may be, is taken exclusively for at least two hours prior to 1 p.m. or for at least two hours after 1 p.m." The evening would count as a supply day. (Laughter.)

The question was put and carried.

COMMITTEE OF SUPPLY

Draft Estimates of Expenditure, 1953—
Vote 3—1—Office of the Member
for Law and Order.

THE MEMBER FOR LAW AND ORDER has moved: "That Mr. Speaker do now leave the Chair".

Debate adjourned.

Debate will continue.

MR. HAVELOCK: On a point of order, may I rise? It is the matter to decide the time limit put on these debates. There is a time limit on the main policy debate, when it is moved that you leave the Chair on a financial statement; I do not think there is any time limit on statements for policy Heads. As I remember, last year there was a time limit of half an hour, if asked for, for four Unofficial Members, and ten minutes for everyone else. Then we were in Committee. This year we are in Council, I would like your advice on what procedure we should follow in this regard.

THE SPEAKER: The Standing Orders are silent on the matter. Certainly there is a limitation on speeches in the debate under paragraph (a) of Standing Order No. 132, but there is apparently no time limit on speeches either under (b) or (c), but both (b) and (c) fall within the

allotted number of days under Standing Order No. 136. So, therefore, Members knowing that they are using up the allotted days — (Laughter) — will, in doubt, restrain themselves or restrain themselves lengthily. But I cannot enforce either a half hour rule or anything like that unless there is some Sessional Order, or a Sessional Order is moved recommending a Sessional Order be made. It is entirely the Members' own hands.

THE MEMBER FOR LAW AND ORDER: Mr. Speaker, since the Council adjourned last Friday, several serious and grave incidents have occurred both in the settled areas and in the native reserve.

In the Thomson's Falls area the Europeans were attacked by a gang of Africans with wanton savagery and one of them has since died. In the Fort Hill area a loyal headman and two tribal policemen, who were acting as li escorts, have been murdered. In the Thika district, a gang of Africans attacked two Asians in murders fashion and robbed them of their property.

I am sure the Council would wish to express its sympathy with those who have suffered in these and other grave incidents during the week-end, and specially with those who have suffered bereavement.

Mr. Speaker, these crimes have been committed against a background of tension which followed upon the closing of the independent schools last week-end and which has also manifested itself in view of the impending trial at Kapenguria. The Council will have noticed that the victims of these outrages are members of each of the three races in the Colony, Europeans, Asians and Africans. It is clear, Mr. Speaker, beyond a peradventure, that there is a common enemy. If the plea which I made last Friday for a united front needed any further endorsement, it is surely to be found in these grave happenings during this last week-end. We can, I suggest, Sir, best show our sympathy in a practical way by a common resolve and an inflexible determination to catch and punish the criminals who are responsible for these crimes; not only the actual

(The Member for Law and Order) preparators of the crimes, but those who harbour and consort with such criminals.

Already, as many hon. Members must be aware, retribution is being meted out to those who share responsibility for the crimes at Thomson's Falls, by seizing their stock, by cancelling their resident labourers' contract, and by sending them back to the reserve whence they came. Nor will the Government's efforts cease until the actual criminals who committed this crime are captured and receive the drastic punishment which they richly deserve.

But the events of the past week-end, Sir, have not all been on one side of the edge. The affray at Kiruara has demonstrated what the penalty is for those who openly defy the forces of law and order. (Hear, hear.) I am sure the Council will agree with me when I say that the police officers in command of that party and the police askaris who were acting under their command discharged their duty with commendable courage and judgment. (Hear, hear—applause.) I trust that the lesson which they have taught the lawless mob on Sunday morning will have a salutary deterrent effect on others in Kikuyu land and elsewhere, who think that they can defy the forces of Government. It is perhaps significant, Sir, that this lawless mob, of some members of it, had been required a few days ago to engage in the communal work of constructing roads for the new police station which is going to be established at Kiruara. They were demonstrating, in part at least, against that action of the Government. That, I say, Sir, is significant because it shows how much they dislike this plan of setting up police stations in those lawless areas of Kikuyu land. Then, when they heard of the arrangement, they thought in their simple primitive way that they could prevent the plan being carried by these demonstrations. They are, of course, mistaken, and I need hardly say that the police station will be established on the day and at the time when it was always arranged that it should be established, and it will be manned as originally planned, and those who in that neighbourhood, or elsewhere, either overtly or covertly try to

oppose those plans will be brought to understand, in no uncertain way, that the strong arm of Government is a great deal stronger than theirs and is there in the reserve to stay.

I spoke on Friday last of the measures that were taken by Government now that we are entering upon and, indeed, have entered into, the third phase of the operations in this Emergency. I mentioned, almost in passing, and without discussing in any detail, that there were certain secret and confidential measures which were in hand, but which it would not be in the public interest for me to disclose, or indeed to discuss, in this Council. I hope that hon. Members will not press me on that because they must understand, and I am sure they do realize, that there are occasions when it is premature to discuss plans of a confidential character. I think, at least, I could add this, that part of those confidential plans will be to implement recommendations made by Sir Percy Sillitoe for improving the efficiency of the intelligence system of this Colony.

I also mentioned, as the second measure that was in hand, for the third phase, the system of communal punishment by seizure of stock, by closing of market places and measures of that kind, to be taken against those who, if not actually perpetrating a crime, at least are aiding and abetting it by refusing to discharge their duty by informing the police of the activities of the criminals, of which they are aware.

I was about to pass on to deal with the third and, in some ways, the most important measure of the third phase, namely, the policy of close policing as it is called in the Kikuyu reserve. It is close policing in the Kikuyu reserve, in my submission, the key or one of the most important keys to the solution of our difficulties in that area. There are, altogether 40 locations in the Kikuyu reserve and it is the intention to establish a police station in each location. In those locations, which are larger than the average size, it is the intention to establish a police post as an appendage to the police station. Each station will be manned by approximately 25 men, and each police post will have about 14 men stationed at it. Every police station that is in charge of one, sometimes two

[The Member for Law and Order] European officers, and a group of police stations, will be placed under the charge of a senior police officer who will in turn, be described as being in charge of a sub-division. Thus, when these stations are established, there will be a network of police stations from end to end and from ridge to ridge throughout the Kikuyu reserve.

The advantage, Sir, of this system of close policing can scarcely, in my view, be over estimated. From these stations police patrols will go out regularly both by day and by night, visiting all the huts, the habitations and the *shambas* within that area. It is estimated that in this way these patrols will be able to cover the whole of the area under their control at least once every seven days and, in the case of more important places, their visits and their patrolling will be at far more frequent intervals than that.

Therefore, Sir, it must follow that in a very short time the police in those areas will know firstly who lives in these areas, secondly, what they do, thirdly, what strangers or visitors they have, whom they are associating with, and what activities they are conducting either by day or by night. That is the way, Sir, and the only way, in which to police the reserves; or, indeed, to police anywhere efficiently. It is the work of the man on patrol as we say here, but—as they say elsewhere—the man on the beat, which really is the really efficient policing that is done in this country and elsewhere. The fundamental principle is that the police get to know the people and the people get to know the police and this is proved by experience in all parts of the world as well as in this Colony, the result is that the criminals are deterred and the loyal, law-abiding citizens are encouraged and gain confidence to go to the police with their information and to tell them of anything which is unlawful or which is of a subversive character in their neighbourhood. And they are so encouraged because the police, to whom they give that information, are not here to-day and gone tomorrow, but are there always, and one might say, at their elbow, and immediately available to give them protection if there should be any threats or

any danger of reprisals against those who are assisting the forces of law and order.

I am told, Sir, that it will be with the recollection of older Members of this Council, that a similar method was applied in the Kitoshi area when there was the same trouble some years ago. The results of that experiment, if I may so call it, although now it is established and has ceased to be experimental, has been that that area which was at one time troublesome, is now relatively satisfactory. A tribe which was at one time troublesome and difficult, is now, I have heard it described by experienced provincial commissioners as a relatively satisfactory tribe.

MR. BLUNDELL: Touch wood!

THE MEMBER FOR LAW AND ORDER: Certainly, I have heard it said that information comes in to the police in that area very well and quickly. Once or twice though not very recently, but not so very many months ago, there have been indications that there might be trouble in that area, but information has come in to the police, who are always stationed in that area, from people whom they have got to know, whose confidence they have won, and the result has been that before any trouble has got under way, it has been nipped in the bud and the potential criminals have been put where they can do no further harm. That is an experience which, I think, is encouraging to us in considering the merits of the policy of close policing in the Kikuyu reserve.

May I refer to one further illustration, which I suggest does give ground for belief that this system will achieve the results which we hope for? It was only about a fortnight ago when I was driving around the Kikuyu reserve that I called to enquire, among other places, at a mission to see how they were getting on and I was told this; that the people round about had more courage, those were the words which were used, "have more courage to come and give us information." Then was added this significant sentence: "You see, we now have three askaris here, both day and night." And if that illustration is typical of what we may reasonably expect to happen throughout the reserve when police

[The Member for Law and Order] stations are established in the way I have described, then I think we can look forward with some confidence to the spread of that spirit of co-operation with the police. That, more than anything, will help to restore law and order throughout the Kikuyu Reserve, as it as, in the past, helped to restore law and order in the Kiold area.

Now, hon. Members may well ask, "That sounds very well, but when is all this going to start? When will it happen, when shall we see this wonderful network of police stations stretched from end to end of the reserve, covering hundreds of square miles, manned by several hundreds of police askaris, commanded by a substantial number of European officers? When is all that going to be completed?" The answer, Sir, is that it will be completed by 10th December. (Applause.) The hon. Member for the Coast smiles with incredulity.

MR. COOKE: Sir, I was smiling at the remarks made by the hon. Member for Nairobi West. (Laughter.)

THE MEMBER FOR LAW AND ORDER: Sir, I claim that putting a plan into action in that manner is moving at a very considerable speed. Scores of rondavels have to be erected in order to house these men. I have mentioned how that work is being done in the reserve by communal labour. And, in connexion with that, we had this incident at Kiruara on Sunday, but that will not delay completion in that sense, nor will there be any delay whatever in the construction of these rondavels, except in so far as that may be imposed by the weather which, of course, is beyond everybody's control. In addition to the construction of the rondavels, and simultaneously with that work, arrangements are being made to collect the necessary askaris from less affected areas and put them on the ground in the places where they will be required when the police stations are completed. The recruitment of European officers presents the greatest difficulty because, as hon. Members know, we have had, for some time, on order—if I may so describe it—a large number of European police officers from the United Kingdom and, certainly, it would not help, to expedite delivery, merely to add additional numbers to those already in the hands of the

Crown Agents. In those circumstances, it is necessary to improvise and that is what is being done. With the assistance of the military, arrangements have been made to second young men from the Kenya Regiment to undertake this work until permanent police officers can be made available to take over from them. These young men are being given an intensive course in police training—what I may describe as a "crammer's course"—and some of them are already prepared to go out on to the ground. The response to the requests which have been made to the Kenya Regiment for volunteers for this work has been very encouraging. (Applause.) Speaking for myself, I can hardly think of any way in which a young Kenyan can better serve his country, at the present time, than by volunteering for this work. (Hear, hear.) I feel sure, although they may not have had much time for training, or much experience, they will acquire themselves with the greatest credit and efficiency when they are engaged upon this work. Therefore, Sir, this system of close policing will be working on the ground by 10th December. I feel sure, and all experts agree with me in this, that the closer policing of the reserve will bring about a marked improvement which will manifest itself not only in the reserve but in the settled areas outside.

There is, of course, Sir, another aspect to this process of consolidating our proposition in the reserve to which perhaps I ought to refer in passing. Besides the closer policing, it is now recognized on all hands, that it is necessary to have closer administration in the reserve—(Hear, hear)—by which is meant that there should be sub-stations where administrative officers would be posted throughout the reserve; in the same way that there will be police stations established throughout the reserve. This is a matter of great importance with which my hon. friend, the Member for African Affairs, will deal in detail in his speech in the course of this debate.

Apart from the sanction imposed upon the people who observe the law by the presence of police, there is a further sanction of punishment. The punishment, which is meted out to criminals when they are caught and convicted by the courts of the Colony. It is necessary, when criminals are caught, that the pun-

[The Member for Law and Order] ishment should be a deterrent—(Hear, hear)—especially so in present times, a deterrent not only to the individual himself by a deterrent to any others who might be tempted to follow him along the same criminal path. Consequently, Sir, a Bill has been introduced to this Council during this session, to amend the Penal Code by increasing the maximum sentences that may be imposed for crimes of a grave nature with which we are concerned or may be concerned during the present State of Emergency. For example, the crime of rioting, the penalty for which was, or is at the present time, five years, is increased to life imprisonment. The penalty for being an accessory after the fact for murder is increased from seven years to life. The penalty for causing grievous bodily harm is increased from seven years to life. There are many others as hon. Members no doubt observed, in the list which is set out in the Schedule to the Bill, and I may add this; that the list should not be regarded as the final list, and the Government would welcome suggestions from any hon. Members on either side of the Council. If they are put forward, I can assure them that they will be given most careful consideration.

There is another measure to which greater attention must be given during the third phase of this operation. I refer to propaganda and information services. As the African Information Services are the concern of the Member for African Affairs, again I will not deal with that measure in any great detail but I should like to tell the Council this. I had the opportunity only a few days ago of talking with a senior official in a Defence department in Malaya, which is the department responsible for dealing with the Emergency in that country. He told me that in their experience it had been found that the two major and most important weapons in the armoury of Government were propaganda and intelligence. The best proof of the importance of propaganda is to be found in the fact that terrorists who surrender admit that in this field more than in any other, the Government have the upper hand; it is in this field more than any other that they are hardest hit. Various methods that are used; the written word, the spoken word, radio, films,

mobile address vans and so forth. Each of these various media are used for putting across to the people the positive side of Government's policy, information about Government's achievements and at the same time, what I may call the negative side of Government policy which points out the evils of race hatred and dissension among races within the country. It is the view of those who have had great experience of these things, that the importance and value of propaganda in the field, cannot be over-estimated. Therefore, I hope, Sir, that in going into this third phase, and indeed, we must look also into the future in this matter, our slogan will be propaganda, more propaganda and yet more propaganda, so that the people in the reserves and elsewhere who have been misled in the past shall see more clearly in the future, which is the right and true road which they should follow. For propaganda, Sir, good propaganda, is really material which fertilizes the seeds of good government and makes them germinate and grow.

There, Sir, in outline, those are some of the measures which are necessary for Government to introduce in phase three. If I may summarize them, firstly there are those confidential measures which I would not be appropriate to discuss now, beyond emphasizing that they include new methods and improvements in our intelligence system. Secondly, the communal punishments in the circumstances which I have described and thirdly, close policing in the reserves, and in that regard, I should include the development of the home-guard system throughout the reserves. Fourthly, the increase in the maximum of penalties and fifthly, the development of propaganda. These measures, Sir, will certainly suddenly cut our energies but we shall not falter until we reach our goal. The Mau Mau movement has been in existence for many years and it is not to be expected, or at least it is not to be reasonably expected that it can be exterminated in a matter of days or in a matter of weeks; whether it takes a long time or a short time depends in a large measure, upon whether the Government and the people of the country of all races, make a common cause to achieve their goal, putting aside and forgetting past differences and past dissensions. We must, as I said at the

[The Member for Law and Order] beginning of my speech, look forward to the future, for forward along is the hope of the future, and with this hope, Sir, we shall, undaunted by our difficulties, once more place this Colony on the high-road which leads to happiness and prosperity. (Applause.)

THE MEMBER FOR DEVELOPMENT continued.

MR. HARRIS: Mr. Speaker, Sir, I was very gratified this morning to hear the hon. Member suddenly become a man of aggression as a result of the happenings of this week-end. I felt that towards the end of his speech he lapsed again into his rather slow methods of his speech before the adjournment on Friday. He stated, Sir, by saying that this gave us an opportunity for an annual review of his department. I would rather think of it, Sir, as an annual stocktaking, and in stocktaking one sees how one has used one's assets, what assets one has, what one intends to do with what are left in the future. We were asked, Sir, not to indulge in recriminations. I have taken that suggestion to heart and I only wish to remind the Council of two pieces of history. We had a special session in September to pass Emergency legislation, made necessary by the events in September. On this side of Council, Sir, I think all hon. Members believe that if the powers for which Government asked were granted, they would be able to surmount the difficulties with which they were confronted. We did in fact, Sir, have the authority of the hon. and learned Member for Law and Order himself when he said on 25th September:—

"Nevertheless, these measures combined with the police and executive control which they authorized must have first priority for if there is one's principles above all others which in my humble opinion, has to be learnt in this country, it is that which is expressed in the memorable words of Edmund Burke, "Good order is the foundation of all good things."

Later on, Sir, "But experience has shown that in some respect the Statute Book as it exists to-day is deficient to deal with the situation with which we are confronted. There are gaps which in

the interests of maintaining good order in the present situation, must be filled and these "Bills which the Council is asked to approve to-day, are designed to fill those gaps." I feel, Sir, if we look round the country to-day, we must feel that either the hon. Member's assessment of the situation in September was very wide of the mark, or else the powers for which he asked and which were granted to him, have not been properly implemented.

The hon. Member, Sir, has mentioned some of the crimes of the week-end. He has only picked out the high-lights and I would like the Council to know of the number of crimes in this country which were reported in the local Press on Saturday and Monday. On Saturday, we had reports of an assault on a night watchman; a raid on the house of an African school teacher at Makangu; the body of a Mau Mau victim found at Embu; thugs attacked a Catholic Mission at Chinga; there was a forced oath-taking ceremony at Githunguri and seven cattle were poisoned on a farm at OI Joro Orok. That was Saturday's paper. Monday's paper, Sir, was even worse. There was a gang attack on the house of Commander and Dr. Meiklejohn; there was the murder of the headman and two tribal policemen to which the hon. Member referred; there was also the riot at Thika when there were more than 40 casualties. Gang robberies of shopkeepers and schools took place at Kandara, there was an attempt to prevent a cleansing ceremony at Githunguri; there was a daylight raid on Mr. Randall's farm at Rumuruti with the theft of arms; there were two cattle hamstringed at Aguthi; a Kikuyu shopkeeper was beaten up at Sagana and finally, Sir, there was the Asian shop-breaking at Thika.

THE SPEAKER: It is now Eleven o'clock. Council will suspend business for fifteen minutes.

Council adjourned at Eleven o'clock p.m. and resumed at fifteen minutes past Eleven o'clock a.m.

Mr. Speaker, Sir, just before the break I was cataloguing the crimes as they appeared in the Saturday and Monday newspapers. I think it would be far to add one last crime to the catalogue,

[Mr. Harris] and that is the mass murder of five loyal Africans—Mr. Clarke's farm at Mboni on Saturday night.

Now, Sir, this makes a very formidable list of crime for a matter of some 48 hours, and I think the hon. Member, whilst trying to do this country a service by the overseas Press by minimising the seriousness of the present situation, perhaps gave a wrong impression to those people in this country who are putting up with the present trouble with very great and admirable restraint. (Hear, hear.)

The hon. and learned Member for Law and Order likened Kikuyu land to Kenya as Surrey was—or is—to the country of France. I can only assume, Sir, that he thought it was not very serious, because he was making allowance for the Gallic temperament in considering that the crimes were not so very serious after all, and I think they are extremely serious. May I remind the hon. Member, Sir, that the heart is to the body even smaller than Surrey is to France, but a fatal disease of the body politic can be just as fatal as a disease of the human heart.

I was very surprised that the hon. Member should say that one of the difficulties of Government was the lack of intelligence in that they did not know what to expect until this subversive activity commenced this year.

Mr. COOKE: Hear, hear!

As long ago as 1937 the Scott's Inland Mission warned Government of Communist activities in the reserves, and from 1937 onwards there have been many examples of warnings to Government on the same lines, and even in Government's own publication, the African Affairs Department Annual Report for 1951, the Provincial Commissioner for Central Province says: "A sullen, subversive, anti-Government, anti-European feeling can always be found among certain sections of the Kikuyu, and it is necessary to protect the loyal majority of the tribe from being exploited through their genuinely felt grievances over land. This feeling finds its most extreme form in the illegal Mau Mau most extreme form is its beastly and barbaric oath-taking, binding those who take it to oppose and disobey the Government, and use

violence, if necessary above all in secrecy concerning the association. The association continued in Kiamba, Fe Hall and Nyeri".

That, Sir, is the 1951 report of the Government's "most respected advisers". I feel, Sir, that all hon. Members of the Council were gratified by the statement made by the hon. Member for Development on Thursday. This was further amplified by the first tea meeting of this morning's speech by the hon. Member for Law and Order, but there is a feeling abroad in the country that whilst Government is taking power Government is not enforcing the power which she has taken with necessary resolution.

We have been told, Sir, that communal punishment will be inflicted in restricted areas where no undetected acts or acts of violence occur. If it is intended this should be carried out retroactively. I submit that—even on the crimes I have mentioned over 48 hours—I submit that there will hardly be a bicycle, a cow or goat left in Kikuyus to-day.

Government, Sir, are to be congratulated on the action they took under phase one, but, whilst the hon. Member for Law and Order surveyed the scene under phase one, he dealt with the present very scantily and concentrated most of his remarks on the future. I submit that at this stage in the Colony trial—that unless Government are resolute in the present, the future is merely of academic interest. The hon. Member, Sir, was most dramatic when he told us how soon the new police stations were going to be built in the reserves. He stated that they should be ready by December the 10th, and sat back awaiting the cheers.

Sir, his own argument is that it is necessary to gain the confidence of the loyal people of Kikuyuland, and all the police stations in the country will not get that confidence by December the 10th. I think Government are to be congratulated on getting their police stations, but do not let them feel that is the end of the crisis. It is just the beginning of getting down to the job of cleaning it up. It is felt, Sir, that during recent months there has been far too much emphasis in this country on the

[Mr. Harris], better of the law, and not nearly enough on the spirit of justice and on the requirements of these times.

It is perhaps interesting that on the Central Criminal Court in London there is a right hand and scales in her left hand, and over the portico of that court is inscribed: "Defend the children of the poor and punish the wrongdoer". The Council will note that it is "punish the wrongdoer", not "let us see if there is any legal way in which we can prevent ourselves from punishing the wrongdoer". There is far too much of that kind of outlook on the criminal activities that are taking place in Kenya to-day.

I can see when the Secretariat vacate their temporary abode, and the Law Courts in Kenya are left to their proper purposes, that they may be able to put a symbolic statue on top of the Law Courts, symbolic of the people of Kenya, law, not justice. I see a law clerk, his back bowed with poring over his books, a pen, or maybe even a Kenya pencil, in his right hand, and in his left his authority, "The Laws of Kenya".

I feel, Sir, that that is where we have gone wrong in dealing with people who do not understand the intricacies of the law. What we want is good quick justice which is appreciated by all law breakers.

The hon. Member, Sir, mentioned that Government had plans which he could not divulge. It would be very foolish of any Member on this side of the Council to suggest or ask him to indicate more than he has done already but I feel he will forgive me if I mentioned one or two things which he may already have in mind. I would warn Government here that it is quite stupid at the present time sending police or military into distressed areas unless the commanding officers on the spot have the most absolute discretion as to whether they will open fire or how they will act. I have always believed ever since this thing started that Mau Mau oath-taking ceremonies are an incitement to rebellion and should be treated as such—(Hear, hear)—and fire should be opened without further warning.

I believe, Sir, that at the moment, whatever the hon. Member's intelligence

tells him—intelligence service, I mean—(Laughter.)

Mr. BLUNDELL: There is a distinct difference!

Mr. HARRIS:—my intelligence service tells me that in the battle for the loyal Kikuyus we are losing at the present time. The loyal Kikuyu are learning that it pays them better to risk the punishment of Government and to attend Mau Mau ceremonies, rather than to risk the wrath of Mau Mau, and until we change that attitude by positive action, the position will continue to deteriorate. The safety of the State, at present time, is paramount and everything else must be subservient to the safety of the State.

Some ten days ago, the Assistant Commissioner of Police, Criminal Investigation Department, published a factual statement of 37 murders that had taken place this year, and if anybody wants evidence of the bestiality of this thing called Mau Mau and the necessity of taking every step, however unorthodox, to stamp it out, I would refer them to that statement.

There is, Sir, a modern tendency noticeable all over the world for public opinion to focus attention on the murderer rather than giving sympathy to the murdered, and I think it is most important—in this country, at the present time, that we should do everything to ensure that no undue publicity is given to murderers. The other tribes of Kenya are watching the Kikuyus at the present time, and if Government fails to use the firmest action in dealing with the Kikuyus and making an example of them to other tribes, there will never be a phase three, because the hon. Member will be worried with phase one in other places.

Now, Sir, during the July debate in this Council on law and order, Mr. Nicol mentioned that he considered that the time had now come for the separation of the duties of Member for Law and Order and Attorney General. I believe that the events of the last few months have emphasized the necessity for this change. (Hear, hear.) I think the hon. Member, himself, would be the first to agree that it is seldom that one finds a man of law and a man of action in

[Mr. Harris] person. I have the greatest admiration for the hon. Member as a man of law. I believe, at the present time, to deal with the subversive activities, we have got to find somebody with a considerable knowledge of offensive, military action, and somebody who knows the African mentality and the African psychology, and I think the time has come for the separation of those two posts to allow the Attorney General to draft Bills, also still necessary, and a man of action to take charge of offensive methods against subversion.

Finally, Sir, I would not like anything I have said to be interpreted outside this country as meaning that we are in a state of civil war. I do not believe that will ever happen in Kenya, for the very simple reason that we have virile immigrant races in this country, who will see to it that we will not allow subversion, murder and thugery to get the better of us. But it is necessary, Sir, to goad government into a sense of urgency and I would say to the people beyond the borders of Kenya that things are not nearly as bad as you have probably been led to think, but there is a possibility that they will get that way unless Government pursues this matter with the greatest activity, and drops its present academic approach. (Prolonged applause.)

GROUP-CAPT. BRIGGS: Mr. Speaker, the hon. Member for Law and Order, in his speech, has suggested that it is unprofitable to delve into the past, and I would agree with him if I did not think that there were lessons to be learnt from a study of what has happened in the past. (Hear, hear.)

I, therefore, feel that I must trace the course of events during the past few years preceding the present disturbances in the country. As long ago as 1948, Kikuyu agitators and demagogues were touring the country stirring up racial hatred against Europeans and inciting their followers to plunder, burn and rob, country by those means. At the same time, they started the lie that the Europeans had stolen the Africans' land in this country. I think, working on the old Communist and Nazi theory that you have only to repeat a lie often enough for it to be accepted as fact. All this was

allowed by the Government of the day in the name of Democracy.

At the same time as these agitators were being allowed to spread their pernicious propaganda without let or hindrance, Government action, such as the abolition of the *kipande*, the dissolving of the Glancy Report and other actions of a similar nature, naturally led to subversive elements among the Kikuyus who believe they only had to agitate long enough, and noisily enough, to achieve any object that they might have in mind.

Well, Sir, in that connexion, I would refer to the repeated statement of the hon. Members for African Interests, that the cure for the present disturbances would be to give an immediate increase in wages throughout the country. I believe nothing could be more disastrous than to do something of that sort at the present time; it would have exactly the same effect as the actions to which I have already referred. I do not want to be felt that I am necessarily opposed to an increase in the wages of African labour—that is not so, I would welcome an increase in wages because I believe it is part of the economic plan for this country, if there is to be an expanding economy—(Hear, hear)—but I do not believe that the present time is the time to implement it, and, indeed, when I does come it must be accompanied by an increase in production and an increase in the will to work.

In my opinion, Sir, in the past there has been a lack of will to rule on the part of Government, and failure to understand how unready are the masses in this country for the freedoms and responsibilities of democracy, particularly the responsibilities—

THE SPEAKER: Order, order. In a debate which we are now carrying on, the rule of relevancy must be strictly preserved. I am only uttering that as a warning now. If any hon. Member, in the discussion of the office of the Member for Law and Order, starts involving himself in broad economic matters, wage questions, and things of that kind, which are not strictly to the purpose, then other Members will also rise and take up these points and waste a great deal of time. It must again be impressed on hon. Members that this debate, unlike the Budget debate where the rule of

The Speaker's authority is practically thrown overboard, must be kept strictly to the point of the subject of this particular Vote.

GROUP-CAPT. BRIGGS: I am sorry, Mr. Speaker. I think, Sir, that all Members on this side of the Council welcome the measures which the Member for Law and Order has referred to, and also his assistance to the amendment of the Penal Code, but to my mind, it is quite useless to increase the sentences of imprisonment unless prison conditions are such that it is a real deterrent and I believe, at the present time, conditions are not sufficiently rigorous. I would ask the hon. Member for Law and Order, when replying, if he will, perhaps, clear up that particular point.

The second point I have come to, Sir, is that I do believe that these measures will lead to the administration of simple justice. I do feel that the legal technicians have been allowed to stand in the way of the administration of simple justice. Now, Sir, I will refer to one specific point.

About three weeks ago, 16 *Mau Mau* suspects were arrested on a farm bordering my own. Those 16 suspects were put in jail and there were later released, although they all had *Mau Mau* markings on their arms, on the grounds that *Mau Mau* markings were not considered to be evidence of membership of the *Mau Mau* society. Now, Sir, when that information reached me, I made a protest to the provincial commissioner, and I later heard that the intention was to arrest these 16 *Mau Mau* suspects under the Emergency Regulations, and in this morning's paper I saw that five of the Africans on this same farm had been brutally murdered. Well, Sir, I am now in a position to say whether the 16 *Mau Mau* suspects had been re-arrested or whether they had been released and set large for a time, and then re-arrested, but one cannot escape the conclusion that if they were released, there may well have been some connexion between that and the crime to which I have referred.

The hon. Member for Law and Order was referred to the lack of information shown in the reserves in the past. I would point out to the hon. and learned Member that the situation that was growing up in the country was well

known to all the European farmers, and I believe it was equally well known to the Administration in the field, and surely they must have submitted their opinions and an indication of what was happening to the Member for Law and Order and the hon. Member for African Affairs. And so, I do feel that the hon. Member for Law and Order, and the hon. Member for African Affairs must share the responsibility for the state of affairs which has arisen to-day, owing to the fact that no action was taken over a very long period. (Hear, hear.)

Now, Sir, I am afraid that some of the hon. African representatives must also share responsibility for the state of affairs to-day. It is incredible to me that with their close contact with the Kenya African Union and, presumably, with their constituencies, that they were quite unaware of what was taking place, and if they were aware of those facts that they failed to report them.

MR. COOKE: They did report them, time after time!

GROUP-CAPTAIN BRIGGS: The speeches of the hon. African Members in the past few days indicate what I hope is a change of heart on their part, but I hope that their future words and deeds will prove the sincerity of what they have said.

As recently as November 3rd, the hon. Mr. Awori said in an interview with the Press, when he was being interviewed in connexion with the Kenya African Union with which he had just taken office; this is the extract: Asked whether they would denounce adherents to subversive movements, he said they were not informers and would not do the work of the police. They would, however, tell their members to co-operate with the Government and would make every effort to purge the Union of *Mau Mau* adherents.

Well now, Sir, in my opinion, that is going only half way and I do feel that they could very well have co-operated to the full with the police and helped them to purge the Kenya African Union of *Mau Mau* members.

This is what the hon. Mr. Mathu is reported to have said only last August, when speaking to the United Kenya League. He then said that the European

[Group-Captain Briggs] the community of Kenya thought in the terms of the sixteenth century, when from East Africa and West Africa they were taking us as slaves; and selling us like sheep and goats. He also made a further reference, he spoke of the British being chased out of Asia, the East and other places.

I can assure the hon. Member that we have no intention of being chased out of Kenya. (Hear, hear.) The hon. Member should also be aware that the British first came to East Africa to stamp out the slave trade. It is a matter of historical fact.

I would here, Sir, like to make it plain that I am not speaking in any spirit of animosity, but because I believe there is a need for frankness. I do not think it is possible to build up racial harmony in this country when two of the races abuse and misrepresent the European community, and I do not believe that any good purpose is likely to result as a result of lack of frankness on these matters.

In this regard, I must say I believe that a certain section of the Asian Press bears a heavy responsibility.

I believe, Sir, that there is a happy and prosperous future for this country, if it can be built up on a spirit of teamwork between the races, and also of pride in Kenya, and if individual nationalism can be dropped and all can work together, and I believe that now is the time for people of all races to show their determination in that direction by co-operating to the full for the restoration of law and order in this country. (Applause.)

MR. AWORI: I must say, Mr. Speaker, that I am very unhappy indeed, because of this trouble in the country. When I read in the Press what is happening in Kenya, I do not think it is good for

First, I would refer to the speech of the hon. Member for Law and Order which he made on Friday. I entered during the course of his speech, and to telling how the war was going on. It was wondering whether Kenya was in the same situation. Now, Sir, I believe he

was quite right in telling us what the situation was in the country, how the Emergency started, and all that. But I wonder—is it the policy of Government to restore peace by the gun? No, Sir, it is the policy of the African to restore peace by means of violence? No, Sir, I think all that will take us nowhere. As the previous speaker has said, it is the confidence alone that we are able to make this country better than it is. I feel that, as I said before last week, lots of us are to blame, but I do not think that we shall achieve anything by extreme methods. It has been proposed, Sir, in the Council, that Government should use more drastic methods to fight this violence, but I do not think that will take us anywhere. I very much abhor, when I read the newspapers and hear over the radio, innocent people of all races being killed, being murdered and it affects me as a human being, but alone my colour or anything of that sort. I was surprised and I was appalled at the murder of Commander Mellick at Thomson's Falls. I know he is a European, but it affected me that a man who has stayed in the country for 30 years has made a living in this country—suddenly have hooligans cut short his life. Not only that, but very many others as has been mentioned. The other day a loyal African and a headman were killed. I wonder whether the policy of the Department of the Member for Law and Order is to restore peace in this country by means of the gun, by means of the military and police force. I do not think, Sir, that we shall achieve anything by that. What is happening? I have got so many reports—from the Kikuyu reserve, lots of innocent people are suffering—women being raped by some of the military; children being taken by their mothers are arrested and taken by the military. All this is bringing bitterness into the country and into the reserves. I do not think we shall be able to convert these people when we see all these things happening. In the case of Europeans, I do not think they will be happy, they will have no confidence in the Africans when they see these hooligans killing their people—perhaps tomorrow it is my brother—perhaps tomorrow it is the brother of a European Member of this Council. I do not think anything will happen unless we come to study the roots, the causes of this trouble and

the bottom of it. I do not think we are taking more drastic measures, as have been proposed in this Council, to achieve anything. Bitterness is provoked, particularly among the Kikuyus, by the police alone who will restore order in this country.

I come to the affair that occurred near Thika, where some Africans were taken by the police. I would suggest that Government should appoint an independent commission of inquiry into this matter on which at least one African should be present to know exactly whether the police were wrong or whether these people were wrong. All we know is what we have read in the papers and what Government officials have told us. At the same time, we have got independent memoranda from people who were on the spot. We are not prepared to believe them because we were not there. I suggest that at least a commission should be appointed to inquire into the cause of all this. I understand that a boy aged 15, called Ngugi Mutinda, was the cause of this, because he was born mute and suddenly started talking, and people came near to kill him. I cannot contrast that with what the Member for Law and Order has said—but I would only suggest that Government should go into details of this case before we can arrive at any decision.

I come to the next point, Sir, when the hon. Member for Law and Order has mentioned the trouble in Kitosh. That is a troublesome area and these people are taken up *Dini ya Msambwa*. I think *Dini ya Msambwa* is different from *Dini ya Mau*. *Dini ya Msambwa* is more serious than anything else. The fellows who preached *Dini ya Msambwa* had nothing to do with the land, or anything like that. It is a fanatical association and has nothing to do with this. I do not think that the measures which Government have taken to prevent the trouble in Kitosh should be taken as likely to be effective in this area. I do not think we should compare it with the way the *Dini ya Msambwa* was curbed in the Kitosh area.

Now, Sir, the hon. Member for Nairobi South said we should have someone who really knows the African men— I agree with him, entirely, but

I think that man will only be an African, and nobody else. (Laughter.) I feel he would be, and I suggest that during this time of Emergency we should have Africans on the other side who would advise Government on what should be done and we should not leave Government by themselves to do it for us.

Again, the hon. Member for Nairobi South mentioned the fact that a lot of Africans are afraid of being killed by the *Mau Mau* hooligans. That is true, and they are not prepared to come forward and give evidence to the Government. Therefore, we must make a situation, an atmosphere, in this country in which there will be no fear and in which people will come forward. They are not prepared to come forward if to-morrow they are going to have their heads chopped off. That I agree with entirely.

Now, Sir, I am not going to speak much. An unhappy man does not like to talk much and waste the time of the Council, but I will talk and I will say, and I will answer the hon. Group-Captain Briggs about what he said about my statement to the Press. As a politician, Sir, I am not going to be a hypocrite and I am going to be realistic. I am going to say what I think in my heart. When I mentioned that the Kenya African Union was not going to be a group of informers, I meant it. I meant that the policy of the Kenya African Union was not going to be the policy of police informers. As an individual, I can assist the Government in whatever I think is best, but I do not think that any political organizations like, say, the Electors' Union or the Kenya Indian Congress is going to take up that work. Therefore, Sir, I believe myself that I am prepared to co-operate with Government and to tell my colleagues to do that, but I am not going to put it in the policy of the Union, that is it is their work that they have got to do.

Now, Sir, I come to the final point. Where do we go from here? With all this, we opposed the special Bills in this Council because we knew they would not be effective. We believed they would not be effective. By then there was very little violence. Now these Bills have been effective, so far, violence has continued in this country. We were blamed id that we never co-operated with Government but we knew, because we are the in-

[Mr. Awar]

digenous people of this country—we know the mentality of the people, we know what is good for them. But they thought we were fools, they thought we were not co-operating; time as proved that we were right. I feel that the African opinion and the African confidence must be captured by the Government before we can achieve anything. That is very important. I feel we must be taken into their confidence. I personally hate violence, particularly in this area in Kenya. They have nothing to gain, whether a European or an Asian goes out of the country. So far I have not suffered under any white settlement. I have got my land, and I do not think that anybody is coming to take it, but I feel that these people who have suffered or who think they have got a grievance—that something should be done about it so that we can have a good policy in this country and have peace. I suggest, Sir, as things are going on, let us have a conference between the Government and these Kikuyu, who will go into the whole picture and see what is wrong. If the only way of doing it is by implementing these drastic laws, the only thing I can suggest is "throw the whole of the Kikuyus in the Central Area into the Kikuyus in Ocean"—(Hear, hear)—so long as you have all these Kikuyus and you bring in all these drastic Bills you will do nothing. I feel that Government should take us into its confidence in a round-table conference. Let us discuss these things. Government should not be afraid of opposition, they should not be afraid if they give the Kikuyus this, that they will be called a weak Government—no, Sir, they will be a strong Government, a Government which has known that it has been wrong.

Sir, I am not going to take the time of Council, but I feel that if the policy is not changed, we shall achieve nothing in this country.

MR. SLADE: Mr. Speaker, in the speech that we heard from the hon. Member for Law and Order I discerned belated recognition, if only implied recognition, of many things that have been said to that Government for many years, and the fact too often to take advice and accept information from those who have sunk

their lives in this Colony. Many of these professional men, men of courage, farmers, missionaries, civil servants, we have made our homes here, have made our homes here, have made our homes here, not only for what we can get out of Kenya, but also for what we can do in Kenya. That is why we are here now, and that is why we cannot be moved.

During those years, we have had lessons, even though civil servants were flit in and out of our higher positions, may not believe it, and among these lessons, two most pertinent to the present Emergency are these. First, the Administration of this Colony has become centralized and our local administrative officers are moved from pillar to post so fast that our Administration has lost its pristine strength, and where, in the provincial commissioners and district commissioners were beneficial control, ruling with power and righteousness knowing the people who they ruled, and justly respected and obeyed, now they have to hurry from station to station, never having time to know the people whom they are required to administer and with all their long hours filled with working on paper for the benefit of the best—

THE SPEAKER: It is, of course, a fact that in the past the law and order has been the duty of the Administration, but there will be opportunities later to discuss any defects in the Administration generally, but we are dealing now with the Vote which is Vote 3-1. The Office of the Member for Law and Order, and I would request the hon. Member for the Aberdeen to say how it is relevant now to discuss the matter that he is now discussing. I am asking the hon. Member to explain the relevancy. I do not want myself.

MR. BLUNDELL: Mr. Speaker, you are not raising a point of order on this debate? Is this not a point of order on the debate? I wish to speak to this point of order you have raised, Mr. Speaker.

THE SPEAKER: I was first of all asking the hon. Member who has the floor how he explains the relevancy.

MR. SLADE: Mr. Speaker, after pointing out the two lessons that we have learned, one of which is the centralization of Administration and what we

Mr. Slade] from it, I was going to go on and discuss certain measures which will improve the present situation, one of which is being decentralization of Administration and greater power for the administrative officer on the spot which I submit, Mr. Speaker, is directly relevant to the question of this closer administration of the Kikuyu Reserve, which the hon. Member for Law and Order referred in his speech.

THE SPEAKER: If the hon. Member for Rift Valley wishes to address me as a point of order, he may do so.

MR. BLUNDELL: Mr. Speaker, I would respectfully submit that the hon. Member for Aberdeen is in order in the line of argument he is presenting, because the Member for Law and Order, in opening the debate, clearly stated the Member for African Affairs would subsequently deal in this debate with administrative matters which the Member for Law and Order, himself, introduced.

THE MEMBER FOR LAW AND ORDER: Mr. Speaker, if I may respectfully say so, I would beg to support what the hon. Member for Rift Valley and the hon. Member for Aberdeen have said, because the administration of law and order in the Colony and, in particular, in the Kikuyu reserve, is so inextricably bound up with the administrative officers as well as with the police, that it would be inconvenient, I suggest, with respect, Sir, if any one discussion in that subject were limited only to those aspects of the administration of law and order which were the direct concern of the police. For my part, I would support the arguments which the hon. Members for Aberdeen and Rift Valley have submitted to you as to the relevancy of that line of argument.

THE SPEAKER: It is not just the relevancy of the line of argument, it is a question of whether the Member is speaking to the purpose of the particular Vote. The particular Vote is the Office of the Member for Law and Order, and it is my duty to confine the debate to that on the Motion: "That Mr. Speaker do now leave the Chair." If the hon. Members—if any hon. Member wishes to expand the subject at all,

then he is under a duty to move an amendment in order to get the subject confined. You cannot, on the debate, "That Mr. Speaker do now leave the Chair", discuss any other matter than the matter of the particular Vote on which you are getting the Speaker out of the Chair in order to go into Committee to discuss. That is the point that I am making, and I am hoping hon. Members will appreciate it. They have ample opportunity to move an amendment to raise all sorts of other matters if they wish or matters incidental to the main question.

MR. SLADE: Mr. Speaker, I should like to thank the hon. Member for Law and Order for his attitude in this matter. I shall endeavour, Mr. Speaker, to keep on the rails, though I do hope that I am permitted to deal with matters arising out of what the hon. Member for Law and Order has said in opening this debate.

THE SPEAKER: I do not think that you are appreciating the point of ruling at all, if I may say so; the Member is dealing with law and order under his office, and not under Administration whatsoever, though he may have mentioned, incidentally, that Administration has something to do with it, we are strictly here confined to this particular Vote. I must insist that the debate does not wander from that unless an amendment is moved to raise the matter that you wish to raise.

MR. SLADE: The second lesson, which I hope is relevant, is that the system of criminal law and procedure which our civilization has developed over a period of 2,000 years, and which we have attempted to apply, lock, stock and barrel, to a population with only 60 years' contact with that civilization, is ill suited to that population—a population to whom prison is a comfort rather than a stigma; to whom the sanctity of an oath to speak the truth, as opposed to an oath to commit murder and beastialities, is meaningless; to whom the privileges of a witness are unknown and to whom the niceties of our criminal procedure are not understood.

Mr. Speaker, it is in the light of those two lessons, among others, I submit, that we must consider the action that has

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to be taken to meet the present Emergency. I do not propose in the limited time to deal with any particular details, but I wish to discuss principles only and, in particular, the principles relating to two aspects of this Emergency which really are the two aspects, or the two categories under which the hon. Member for Law and Order has dealt with them. One is punishment; the other is cure.

On the side of punishment, it is essential, in the first instance, to appreciate fully the material with which you are dealing. You are dealing with people who, in my submission, do not appreciate any punishment that they do not see, and know to have been inflicted. That, among other reasons, is why prison is such an ineffective punishment to those people. Punishments that were known in England 200 years ago—pillory, stocks, branding, hanging for theft—were not, I believe, abolished because they were wrong, they were very necessary at the time when they existed. It was only because our civilization grew out of them that they became unnecessary. (Hear, hear.) That is not the position that we have reached with these people in this Colony to-day. The punishments that Africans understand are punishments involving ridicule, loss of property, corporal punishment in the presence of their friends—things that are seen and known, with nothing that is to the imagination. Such are the punishments appropriate for lesser offences among them, and I would ask Government once more, as I asked in July, to think back to the native laws, and customs which were developed by the Africans because they suited them, and in particular the system of clan fines—clan responsibility. When I raised this in July in this Council, I was told that it was a fantastic idea, and it was confused with communal fines, which, of course, are a perfectly different thing. Since speaking in this Council, I have been told by leading Africans in my own constituency—men not employed by Government positions—spontaneously, that where an African commits a crime, his clan must join in the responsibility of paying the fine. Again I ask Government to consider that view.

Again, on the question of punishment, a most vital thing is to devise methods of punishment for those who insist to use a colloquialism, "sitting on the fence". Half our troubles at the present time, I believe, are due not only to the fear that many Africans have of the Mau Mau, a fear greater than that which they have of Government, but to the belief that they can "sit on the fence" and wait and see who wins, even to the extent of tacitly supporting criminals who, for the time being, appear to be on the stronger side. And, without prejudice to detailed proposals, I ask Government to devise speedily and effectively wherever it may be, systems of punishment where those who may be suspected of having stood by and allowed crimes to be committed, to be punished as accessories to those crimes. In all the incidents that are happening in the settled areas now, there is every reason to believe that, in almost every case, the crime is committed, have been a part of what is going on—have given information to help the incident, and should be punished accordingly. (Hear, hear.)

I am very happy to learn that Government is moving in that direction. I would like to express appreciation of the proposal that, in such cases, there should be suitable confiscation of property and removal of employees from the place of their employment.

Now, what for those who do not organize and instigate Mau Mau is not going to argue whether or not the activity is treason or rebellion in the eyes of the law. But I say this, it is equal, and worse. People who fear thousands of others to take out in commit murder, to destroy, to defy Government, are the greatest criminals society can have. The justification is capital punishment, as I always understood it, above all other justifications, that you remove once and for all from society an anti-social being, and if there was an anti-social being, it is the man who leads and organizes Mau Mau (Hear, hear.) In the name of those who represent, or have represented—two of whom have been murdered, many assaulted and robbed, all living in anxiety for their lives and property—

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demand the death sentence for those offenders.

Now, Mr. Speaker, as to the cure. The hon. Member for Law and Order has described this trouble as an epidemic among the Kikuyu people, spreading out from the Kikuyu reserve. It is, I think, a very good description, and the remedy is isolation of the Kikuyu reserve, and within the reserve just that kind of closer administration that he had outlined to us, but I would suggest more so. Speaking in this Council, in July, I pointed out, or tried to point out, that the whole essence of educating people or bringing them forward is discipline without discipline, you cannot begin. And it is the lack of discipline that has been at the root of most of our troubles in these latter years. (Hear, hear.) The fact is that the Kikuyu reserve has got to go back to school again. Indeed, it has got to become a reformatory. I do not mean to say that term with the unpleasant implications that it normally has, but I mean a school where reform begins, and a very primary school. And here, Mr. Speaker will pick me up if I am out of order, but in the primary schools that we have always had in this Colony, and in colonial administration everywhere, there has been arbitrary administration on the spot. It goes hand in hand with law and order, Mr. Speaker, because it is the administrator who administers the law and order by arbitrary justice. He is judge, prosecutor, and administrator all in one, and that is what we must have here. No amount of police will do it by themselves. Along with the police must be the administrators, such as we knew in the past, who are free from centralization and free from the niceties and difficulties of our complex judicial system. (Hear, hear.) And I would, Sir, say there, in defence of my profession—(laughter)—that our troubles heretofore have not been due to any faults of the part of our judges or magistrates. Indeed, if anything, it has been due to their too conscientious, not conscientious, but very conscientious administration of the law. But it just will not do with what we have to deal with to-day.

There are other measures for that reformatory which I would like to propose, but I am afraid I would be called

to order for speaking out of turn. I may have another opportunity.

Of course, there must be the isolation of that reformatory by rigid systems, rigidly enforced, of pass laws and registration, and those who have offended should be so well marked for the future that their movements in and out of the reformatory are very closely controlled indeed. Simultaneously, Mr. Speaker, with the establishment of this reformatory, not afterwards, must come cleansing of the other infected areas, the forest reserves and the settled areas. A drastic purging of all, not only proved, but suspected of being associated with this Mau Mau. It may be this reformatory will not be ready to receive them immediately but if that be so, they must be held, held under custody, not taken up and released, but held until they can be returned to the reformatory.

Over all, in both respects, we must never lose sight of the necessity of protecting and encouraging the loyal African. (Hear, hear.) We have always tended to take the loyal of any race too much for granted. (Hear, hear.) We must get a change of heart in that matter, and now is our opportunity, because if this Emergency has done one good thing, it has brought us before us clear as daylight the best of the Kikuyu, outlining the really fine men that we never knew before. On them now we can draw for our true leaders, responsible leaders, to assist as prefects in this reformatory, with just reward and just recognition of what they can do and what they have done.

Mr. Speaker, I think, for a moment, we must assess the present position. Since the belated, but wise declaration of a State of Emergency, there has been a steady dwindling of confidence. I speak only of course—I represent only Europeans—but I know that I can speak for all races in my constituency in that respect, and the necessity to restore that confidence rests in the words of the hon. Member for Law and Order—"vigour and relentlessness"—but, just as I spoke of punishment being seen and appreciated by simple people, so vigour and relentlessness will mean nothing if they are only in the mind of the man who applies them. It must be seen as such, and when troops are stoned and jeered at without retaliation, it does not appear to be

[Mr. Slade] vigour in the eyes of simple Africans. And when men are arrested with *Mau Mau* markings on them, or as men notorious to their fellow Africans for mischievous activities, and soon afterwards released, as has been done in large numbers in Naivasha, that does not appear, in the eyes of the simple African, to be relentless. Government has got to show more clearly that it means what it says.

Perhaps our greatest anxiety of all arises as regards the relationship of the Government of this country to our mother country. I do not think we need the hon. Member for Law and Order to remind us of what we owe to the mother country, not only for the help that has been sent us in this Emergency, but for past help in many ways, finance and defence, wise administrators, and not least, the heritage that we have from the mother country. (Hear, hear.) But the mother country also owes this Colony something for unwavering loyalty, sometimes under severe provocation, at all times. There are some in the United Kingdom. I fear, who do not understand that. Perhaps they do not even know it. They sometimes seem to forget that they are their own blood. But it is time to issue a warning. Let not those in the United Kingdom who do not know, or care, believe that we who are fighting a vital battle for the future of this Colony, will tolerate any longer a game of party politics in which Kenya Colony is made a pawn. (Hear, hear.)

The people who I represent have endured much with great restraint. Restraint implies discipline; discipline implies strength. If they see still the necessary action for the welfare and, indeed, survival of this Colony hampered by mischievous criticism in England, or even by fear of such criticism, their strength likely to burst its bonds, and their say any more in this position, as a Member of Legislative Council, but I say that I would sooner resign that position than ask my constituents to continue to have confidence in a Government from which applause is gone. (Prolonged)

MR. MADAN: Mr. Speaker, like every one who is interested in the welfare of

this Colony, I have listened with great attention and interest to the speech of the hon. Member for Law and Order and the various speakers on this subject of the Council. I have noticed a marked difference between the speech of the hon. Member for Law and Order, the European Members on my right and the African Member who spoke on my left. I felt, listening to them, that the Government Member was not speaking to a person who has only to criticize but who has to put measures into effect and naturally, with that goes a certain responsibility. In listening to the European Members I felt that they were on occasion carried away by passion. I think one must concede in certain cases that there is some justification for it. We all know of the ghastly happenings that are taking place in the settled areas, and those incidents which cannot be tolerated easily, not by law-abiding, responsible citizens, at any rate. The African Member who spoke, Sir, felt that his people had a right to their grievances, and to only remedy was in redressing their grievances. I am, Sir, of the opinion that not only between the two of us only does not lie the remedy, because I must say straightaway that there is a necessity, absolute necessity, for taking strong action in this matter. (Hear, hear.) On the other hand, I also say that it is not the time to try and give way to those miscreants who are trying to introduce a state of fear and lawlessness in this Colony. But what is needed more than anything else is a sense of co-operation between all the races to which reference has been made.

Now, Sir, I should like to issue a warning. That sense of co-operation is not going to be achieved if European Members stand up and say, as the hon. Member for Rift Valley said, that there are only 17,000 taxpayers in this Colony—a statement which is—

THE SPEAKER: It is quite out of order in this debate to answer the arguments made in the Budget debate—absolutely out of order. I must ask the hon. Member not to do so.

MR. MADAN: Sir, I submit that the desire for racial co-operation is not going to be achieved unless we begin to think in terms of being East Africans or, nearer home, like Kenyans. That is

Dr. Madan's only way in which we are going to achieve racial co-operation, and for my part I find it, I must use the word, I find it disgusting when various Members stand up and say "The European community is entirely with the Government in this State of Emergency", and the Muslim community, and the Indian community, and the African community. I think what we should say is that the East Kenya is with Government in this Emergency.

Sir, it is necessary to refer to what has happened over the week-end, because there is one incident which has created a very unhappy situation. It is not that I minimize the seriousness or the gravity of what has happened near Thomson's Park, if I only refer to what has happened near Thika, in a small place called Mikindi. It is a small trading centre which was occupied, and I say so, which was occupied, by Asians who were about ten to twelve shops there. Last Friday they were attacked by a gang of about 50 to 60 Africans in the early hours of the morning. They were robbed and looted. They defended themselves as much as they could, but they were up against heavy odds, and after the incident was finished, after one of them had been robbed of everything that he had and had earned during his lifetime, the Asians left and abandoned that trading centre. Now, lest somebody should say that that was a cowardly attitude to adopt, I say that I do not blame them at all, because in that spot there was no protection available to them at all, but even that is not important. What is important is that a certain trading centre of an area in the Colony which is in trouble has been abandoned by a section of the population, and I ask, Sir, whether that section of the population is European, African or Asian, it is the worst precedent that we could have allowed to happen. (Hear, hear.) Because those who were responsible for these people having to abandon Mikindi would think in their minds that they have achieved a part of their object, and they might go and attack other centres, too. The point is of no matter as to whether those who have gone consist of Europeans, Africans or Asians. The point is that these people must not be allowed to think that the Govern-

ment and the people of this Colony are giving way to them. (Hear, hear—Applause.) If you achieve that, Sir, the expansion of lawlessness that has taken place in spite of all the measures that we have adopted will be brought to begin with, within a confinement where you can deal with them.

Going back to the case of Mikindi, Sir, those people who suffered loss and damage and who were in peril of their lives will, I hope, receive sympathetic consideration from the hon. Member for Finance for the loss they have suffered as a result of the subversive activities of those who were responsible for it.

ADJOURNMENT

THE SPEAKER: Order, order. It is now 12.45 p.m. In accordance with your Resolution passed this morning, business will be suspended until 4.30 p.m.

Council rose at forty-five minutes past Twelve o'clock p.m. and resumed at thirty minutes past Four o'clock p.m.

Tuesday, 25th November, 1952.

(Evening Sitting)

MR. MADAN: Mr. Speaker, what has happened in Makindi, must compel us to focus our attention on the other small trading centres. I refer to places such as Saba Saba and Margua which lie in isolated places and are completely at the mercy of thugs and marauders. I think, Sir, one could say in military language, and I regret to have to say it, that Makindi is gone, and the informed and intelligent opinion in the district appears to be that the next point of attack will be Saba Saba. I am able to give expression to this opinion because I travelled about in this district yesterday in my constituency, and I travelled about quite a bit. The people there require, to produce the psychological effect that the hon. Member for Law and Order referred to they required that police posts should be established in these centres, and I would ask him to give serious consideration to this suggestion. I think it is most important that, whatever else happens, people should be induced to remain where they are and not to abandon their places of residence out of fear of loss, or possible loss, of life and property. I must say, Sir, that it does not speak so well for the third phase of the "Jock Scott" operation, to which the hon. Member referred, and which he described as "an attempt to consolidate the position of the forces of law and order in the affected areas. Closely connected, Sir—right to defend life and property is also a right to possess fire-arms. I understand district commissioners in Fort Hall, Karatina and Nyeri have refused to issue fire-arms to Asians, and I should suggest, in fact I request the hon. Member for Law and Order or the hon. Member for African Affairs, who are really responsible for the matter, to instruct the district commissioners concerned that in proper cases permits should be issued to Asians to possess fire-arms. If people are going to be attacked, and if their life and property are going to be in jeopardy they should at least have the means to defend themselves. It is true, Sir, that emergency conditions demand emergency measures to meet them, and I think it would be

a great mistake to allow ourselves to descend into a false sense of security. For that reason all of us, and I include my African friends also, of us will have to remain on our guard for a long time, if we are to make sure that the position does not deteriorate and does not become any worse than it is already. People who engage themselves in subversive activities acquire a disease of the mind which can be cured only easily nor effectively in a short measure of time. But I have no doubt, Sir, that in the end the forces of Government in the sense of responsibility which is common to decent citizens in this Colony possess will triumph, and peace and good order will be restored in the Colony. It will take time of course but that cannot be helped. It is important, however, Sir, that in the meantime we do not lose faith, not only in the Colony, but in our country, but in ourselves also. We must maintain complete faith in our destiny in this country if we are to give a struggle such as we are facing with now.

What is happening in Kenya now is not only a challenge to the forces of good government, and to forces of law and order, but I think it is a challenge to our moral values also. I consider it is necessary, Sir, that while we use all the force that is necessary to maintain proper conditions in the country, that we should keep a complete guard on our conduct in the future, because I think we should set an example to others, to all in fact, that it pays to be law-abiding citizens, and it pays to work together and collectively for a common goal which is the progress of the country and all races living in it.

Sir, the hon. Member for the Aberdeens said that at least one good person had come out of the present State of Emergency, that we have found the good Kikuyu. I think there is yet another point that we have found, as a result of this Emergency; in the past, the Indian community often came in for attack, our loyalty came in for attack both from the public platform and sometimes in this Council. The number of Asians who have volunteered themselves for duty under these conditions is gratifying. Sir—(Applause)—and I should like to assure the Government that it

(Mr. Madan) has confidently further draw upon our manpower, and they will—I am sure—benefit themselves properly. In this I am sure, Sir, the Government may draw upon the manpower of the law-abiding citizens, the African citizens, and I have no doubt the Europeans of course.

Sir, I beg to support.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, Sir, I beg to move that the debate be adjourned until to-morrow evening.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

The question was put and carried.

It was agreed that—

1. Committee of Supply—Draft Estimates of Expenditure, 1953:—

Vote 3-2—Immigration Department.

Vote 3-3—Legal Department.

2. Committee of Supply—Draft Estimates of Expenditure, 1953:—

Vote 2-7—Office of the Member for African Affairs.

to be taken to-morrow.

BILLS

SECOND READING

The British Standard Portland Cement Company, Limited (Bamburi Factory) (Amendment) Bill

MR. USHER: Mr. Speaker, Sir, I beg to move that the British Standard Portland Cement Company, Limited (Bamburi Factory), Ordinance, 1951 (Amendment) Bill be now read a Second Time.

Sir, I need not detain the Council long over this. Hon. Members will recall the passing of the original Ordinance about a year ago, and I am happy to inform the Council now that the company has proceeded energetically with the project. It is becoming quite a landmark and will be still more so, as Members will realise, when I tell them that the kilns themselves will be 110 feet high and they are well on the way there now. The work is really ahead of schedule. That is to say that it is hoped that production may take place round about July of next year. (Applause.)

Sir, this Bill is largely uncontroversial. The first point which it seeks to set right is a technical one, because the company had a right in the land that was conferred by statute whereas we have law here for the registration of titles. It is now sought to issue title to the company in accordance with the law of the land.

The second point is that in some ways the land held by them was not altogether suitable. In the southern part there was a portion of land owned by a private owner, and it was a sort of island in a sea of cement. Access would have been difficult, and it has been arranged that other land of equal, or nearly equal extent, be granted to the company in place of the land originally granted. This also suits the company very well, and it has been, I understand, agreed by all parties that this is the reasonable thing to do.

The third point, Sir, concerns coral cutting. Hon. Members may remember that as a result of the Select Committee's findings and recommendations, rather a certain area of land was excluded from the right to win coral. I shall return to that at the end because it is the one controversial point.

The last matter, Sir, with which the Bill deals is as to the road. The road as originally envisaged would have been a long one, and inconvenient to the residents thereabouts, and it is sought to find another route, or rather to establish another route which will be convenient to all. About that also I am instructed there is no controversy whatsoever.

Now, Sir, about the coral cutting or the coral winning. I have studied the proceedings of the Select Committee on the original Bill and I find that the objections taken by certain residents in a cross petition to that Bill were that there would be inconvenience or nuisance from blasting. In other words, that there would be noise and there would be dust. It was pointed out at the time that there was a buffer of Crown land—250 yards in width—between where this might take place and the residences. Nevertheless, the Select Committee recommended that there should be no winning of coral for some time in that particular area.

Since that, the company has discovered that this particular land holds the best building stone and they wish to get on

(Mr. Usher) with the business of building their houses and staff quarters, and so on, as quickly as possible. They, therefore, made what seems to me the reasonable proposal that there should be no blasting or anything of that sort, but that they should win coral by excavation.

The points taken in a cross petition are that the nuisance would still be there. The nuisance would be caused by noise and by dust and possibly by mosquito breeding.

I just want quickly to traverse those points. As to mosquito breeding, I think we all know that excavation is always controlled by the medical officer of health concerned, and the proper arrangements will naturally be made to obviate that possibility. Quite apart from that, so far as I know, water does not lie in coral for a sufficient time to make that a danger.

As to the noise, that, of course, no longer is a valid argument.

The dust might be considered a valid argument by anyone who does not know the coast, because he might not know that the wind is always off the sea and would take any dust there might be further inland and further away from the residences. It is not quite true that the wind is never off-shore—it is off-shore for certain short periods at the change of the monsoon, but the wind is only off-shore at night.

Sir, I do not feel the objections now taken to be very reasonable, but, nevertheless, I understand that you will rule that, in the circumstances, the Bill must go to a Select Committee, so I will not labour the point, except to say that the objections seem to me to be abstract whereas my proposal is concrete. (Laughter.)

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to second the proposition that the British Standard Portland Cement Company, Limited (Bamburi Factory) (Amendment) Bill be read a Second Time.

In doing so, I want to support what my hon. friend has said. I took the precaution of going over the ground where the factory is being built only last week, and I questioned them particularly on certain points my hon. friend has

raised. It is quite certain that all the necessary precautions will, in fact, be taken. I would have thought that, naturally, when this Bill goes to Select Committee, as I believe it must do, then, of course, all objectors will be fully heard and their point of view fully considered, but, Sir, in my own view, at the present time, the public interest in regard to the continuation of this project on the most favourable terms is overwhelming, is the best economic interests of the country. At the present time, Sir, the construction of this factory represents a most valuable capital investment for the Colony. It is doubly valuable at the present time. It demonstrates that those who are making large investments as entrepreneurs have at this time confidence in the future of this country. I suggest that that too is a point that must be taken into consideration.

I have great pleasure in supporting my hon. friend.

The question was put and carried.

THE SPEAKER: Under Standing Order No. 101, I rule that, as there is a Petition, the Bill should go to a Select Committee.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, I beg to report that the Select Committee has appointed the following Members of Council to be members of the Select Committee to consider the British Standard Portland Cement Company, Limited (Bamburi Factory) (Amendment) Bill—

The Solicitor General (Chairman).
The Member for Health, Lands and Local Government,
Mr. Usher,
Mr. Gherisi,
Mr. A. B. Patel,
Sheriff Abdulla bin Salim,
Mr. Jeremiah.

BILLS

SECOND READING

The Education Bill

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that the Education Bill be read a Second Time.

The first draft of this Bill was prepared in the early part of 1951. It was discussed with representatives of the voluntary

(The Member for Education and Labour) agencies who are responsible for a large part of our African education system, and with the European and Asian and with the African advisory councils. A number of African suggestions were made by those authorities and these were incorporated in the revised draft of the Bill. The Bill was then submitted to Executive Council in April.

It was examined in great detail by a sub-committee of Executive Council, consisting of three experts, Mr. Patel, the Bishop Beecher and Mr. Vasey, on various aspects of the education system. As a result of this further examination, certain additional amendments were made to the Bill, which was eventually approved for publication by the Governor in Council, and it appeared in the Gazette of 21st October.

Members will see, therefore, that this measure has already received very careful examination by people having special knowledge of its subject matter.

The last section, 83 of the Bill, repeals the present Education Ordinance, Chapter 91, which was passed in 1934, and also the District Education Boards Ordinance, Chapter 91. The new Bill differs from the existing legislation in three main respects. Firstly, it remedies certain defects and anomalies which 18 years' experience have revealed in the present legislation.

Secondly, it incorporates in the law provisions necessitated by the approval of the Beecher Report on African Education.

Finally, it gives the Member and the Director, increased powers in certain respects which experience and, especially experience during the last year, has shown to be necessary. For example, section 16, relating to management of schools, and section 58, about the closure of schools, and section 59, which relates to the power to take over schools which have been closed under section 58, gives complete discretion to the Member, and they make no provision for appeal against the decision by the Member.

Now, at first sight, Members may disagree with these provisions, but there is no doubt in my mind that they are necessary. Experience has shown very plainly that the powers conferred by the existing law

and the procedure which has to be followed under the existing law, do not give adequate powers of control and, although there is no provision in the law for an appeal against the Member's decision, I am quite sure that the Member would be called upon to answer if—and I do not think this is going to happen—and if he exercised the powers which are given to him improperly, or unreasonably, the matter could be raised in this Council, the Member would then have to explain the action which he has taken. I believe Members will agree that would be a very effective control on the Member.

I do not propose to go through the Bill in detail, section by section, because it is my intention to move its reference to a Select Committee. But I think I should give a brief description of the general scope and contents of the Bill.

Part I consists of definitions. Part II is concerned with central administration and defines the functions of the Member and the Department. Part III provides for the appointment of the advisory councils and defines their functions and constitutions. The advisory council, of course, exists already and, to a considerable extent, this Part reproduces what is in the existing law. Part IV deals with religious instruction. The basic principle is that religious instruction must be given in every public school. I think all Members will agree that the teaching of one of the great religions of the world is an essential part of the education of children. This provision is right and must remain in the Bill. Part V refers to the management of schools. The essential section is 16, to which I have already referred. It gives the Member, as I have said, complete discretion to approve or to refuse approval of managements. Part VI deals with the Boards of Governors. These already exist for the Alliance High School and three other African schools, and I think it is likely that this system of boards of governors for schools will be extended to other schools in future. Part VII deals with school committees, and defines their composition and their functions. Part VIII is concerned with district education boards, which, as Members will recall, play a vital part in the African education system. They are responsible for primary and intermediate education in the African land units, deriving their funds from fees, a share of

[The Member for Education and Labour] the African district council's rates, or, in some cases, a special education rate, and from a Government grant. Section 33 sets up the composition of the District Education Boards and sub-section (a) provides a chairman of the board to be appointed by the Member. At the present time the district commissioner is the chairman of the board in every case, and at any rate for the time being, that arrangement is likely to continue. Part 9 deals with regional education boards, a conception derived from the Beecher Report. Although they have not any legal backing at the present time, they are responsible for dealing with African land units for African education above the intermediate level, and outside those areas for African education generally. But it is intended in due course to appoint the district education boards to take care of African education outside the African land units.

Part X deals with the control of schools. Members will see that section 54 (3) gives the Director absolute discretion to refuse any application for the registration of the school and if he does refuse, this means that the school cannot legally be carried on. Admittedly this is giving a large authority to the Member. As I have said, we are satisfied that that power is necessary and I personally am perfectly satisfied that it is necessary. Sections 58 and 59 deal with the closing of schools and power to take over schools. I have already referred to these sections. The powers given to the Member are, admittedly, large but I am absolutely convinced by experience during the time that I have been doing this portfolio, which is during the last year, that the powers sought to be taken are absolutely necessary.

Part XI deals with teachers and section 61 makes it illegal for any person to teach at a school unless he holds a certificate or a licence to do so, issued by the Director of Education. In this particular case, there is provision (in section 62) for an appeal against an order by the Director, refusing or cancelling a certificate or licence to teach. Since the refusal or cancellation would deprive the teacher concerned of his means of livelihood, it seems right that

in that case an appeal should be provided.

Part XIII deals with fees in Government schools and Part XIIIa deals with fees in public schools other than Government schools.

Those are empowering sections which make it possible for fees to be prescribed.

Part XIII, which I see in my copy a wrongly printed, as Part XII, contains miscellaneous provisions which do not require any special mention.

Part XIV deals with compulsory education and it is, to a large extent, a reproduction of the existing Law, and gives the Governor power to prescribe areas and groups of children in them for whom education should be compulsory. Section 73 (2) keeps alive the relevant proclamations which have already been made under the present Law.

Part XV is the regulation-making section and requires no comment.

I have no doubt that Members on the other side will have various points to raise on the Bill. I have already said that if the Bill gets its Second Reading, I propose to move its reference to a Select Committee and I suggest, therefore, that any detailed comment or criticism on particular sections might more conveniently be dealt with in a Select Committee.

Sir, I beg to move. (Applause)

THE MEMBER FOR DEVELOPMENT

LADY SHAW: Mr. Speaker, there are a couple of small points which I want to raise before this Bill goes to a Select Committee.

One is that it seems to me a tremendous amount of the measures proposed in this Bill are not applicable in any way to either Indian or European education. It seems to me that it is an attempt to put into one Bill a lot of measures which would be useful in some directions and are perfectly useless when applied to European and Indian education in many cases and they are not applicable to them. I cannot entirely understand why it has to be one Bill. It is recognized that the different schools and different

[The Member for Education and Labour] of education are run under different types of advisory councils. I should have imagined it would have been better to have produced a set of rules which would have fitted comfortably for different races. I see the Bill is here now, and I cannot help again mentioning this thing which I have mentioned before. The European Advisory Council examined the Bill and put forward certain recommendations which, as the hon. Member has said, were accepted and embodied. They were extremely anxious that the passing of this Bill should not keep the door in any way upon the possible setting up of an education authority for the education of any race. I do not believe it does, but I should like to see the hon. Member's reply and assurance on that matter.

I have one or two matters on this question of the licensing of teachers which I think would be more suitably brought up in the Select Committee, so I am not going to produce them here, but I think they are matters connected with the licensing of teachers which will have to be gone into by the Select Committee.

Mr. Speaker, I beg to support.

DR. HASSAN: Sir, the hon. Member for Education and Labour has said that the Bill has been framed with the consultation and advice of all the leading members of all communities, Members of the Legislative Council and Executive Council. I am sure they must have given consideration to all these points, but there are certain things like boards of governors, school committees, district education boards, regional education boards, and it appears to me that their functions are all the same. I do not know why this overlapping of the authorities is permitted in this Bill by having about half a dozen controllers to control the education.

The second point is the question of teachers; that they must have qualifications and certificates from the Director of Education, to teach. I wonder what would be the fate of those who possess licences from the Education Department, although they do not possess the qualifications which are needed in this Bill. How will they be dealt with under this Bill? As this Bill is going to a Select

Committee, I think it will be proper for me to raise these points there.

MR. MATRU: Mr. Speaker, I rise to support the Second Reading of this Bill, and in doing so I have a few points I would like to mention now, in general, in the hope that an opportunity will be forthcoming when the Bill is discussed by the Select Committee.

The first point, Sir, is that I agree that religious teaching should be given in all schools. I think it is absolutely vital for the moral health of the community. On the other hand, Sir, I do feel, and I think the Bill provides for this, that we should provide for a conscience clause so that if any parents feel that they would not like their children to take up certain religious instruction from certain people, they should be allowed to do so. I do not think that any moral teaching which has any smell of force can really become moral and I do feel, Sir, that that is a point which should be borne in mind. My hope, Sir, is that there will be very few parents who would decide to take the option of a conscience clause. What I am suggesting, Sir, in case there are some, they should not be ostracized and they should be allowed to have it their own way.

The next point I would like to raise is the question of the composition of these various boards and committees, and to say, Sir, that in each of the appropriate racial advisory boards that I do hope that that particular community for whom the board has been set up, would have a preponderance of members in their board. I think that is absolutely vital, because if we have to associate all communities in the administration of education, the majority of the members of that particular section of the education, should be included.

The third point, Sir, I would like to raise, actually deals with the composition of the school committees, the district education boards and the regional education boards: What I have said about the advisory council applies to those bodies.

I hope, Sir, that when mentioning the district education boards, that in due course, as time progresses, we shall have definite local education authorities to control the education in their areas and I do not want again to go into detail of this matter, but it is a principle for which

[Mr. Mathu]

we should work, and very quickly. I would like the Member to think about that.

As far as the matter of the management and control of schools in closing and taking over is concerned, I have my fears and the hon. Member himself did indicate that he hoped that the powers given to himself and to the Director in exercising the provision would not be misused, and I entirely agree that that will probably be the case. On the other hand, I do feel that certain safeguards should be given in the way of appeals which do not exist now. That is a matter, Sir, I think should be dealt with properly in the Select Committee.

I support his views that as far as the teachers were concerned when it comes to refusing to licence or give a certificate for a teacher who has already been teaching, therefore, depriving him of his livelihood, that matter should be considered extremely carefully and I support his view that an appeal should lie with him in the case of a refusal for the licensing of a teacher.

Finally, Sir, I hope that the causes which now provide for compulsory education of some of the communities in Kenya, will be extended to the African community in a limited sense. This is no new thing—I think we have said this for the last ten years and at one time there was a point when we thought in Nairobi at any rate there should be compulsory education for the African children. I would like again to express the hope that this matter should not be lost sight of because I do feel it is through the education of the young children in these very difficult townships and areas that we should have a strong population with a morality that would stand them in good stead in temptations that are so common in cases such as this. I think the sooner we do that, the better for the whole country.

I support the Second Reading.

MR. HAVELOCK: Mr. Speaker, I am surprised that there was any comment on this Bill, on the Second Reading, as it was—as Government received their advice from such a very able panel of experts. However, I would like to say straight away, Sir, that I welcome very much indeed the principle as incorporated

in this Bill to the effect that education will be much more greatly improved and controlled by Government. And, it saying that, Sir, events of late have shown that Government have to be criticized very strongly for not having taken these measures earlier than to-day.

First of all, the matter of the boards of governors. Before I go on to what the hon. Mover said, I should like to support the hon. Member for Ukamba. It will be very difficult to incorporate different requirements of each race in one Bill. Reverting back to boards of governors, I would like to ask the hon. Mover—it is provided for, that if boards of governors be set up for certain schools, and should those boards in the opinion of the Director or the Member be recorded as sufficiently responsible to carry very much more authority and responsibility than may be visualized in the section here, that they can be given the powers which are now vested in the regional education boards and others. I ask that especially because I see that the regional education boards have complete financial powers. That is the body, seemingly, which collects the fees, makes out the estimates and so on. It would seem to me—especially in a big school such as, for instance, the Prince of Wales school, or the Duke of York school—it might well be, in the very near future, advisable to vest in the boards of governors very much more authority than, I think is visualized in the Bill.

On that particular point, Sir, I would like to bring to the notice of the hon. Member that the time is coming surely, when our big schools, such as the ones that I have mentioned, and, of course, I will not leave the ladies out—I will also mention the Kenya Girls' High school, that they will be looked upon and are becoming more and more looked upon by the settlers, as by the permanent residents of this Colony, as institutions which require—and deserve—their voluntary support, and I hope that it will not be very long before they receive legacies, donations and other types of help, both financial and otherwise, from the public of this country, over and above what they receive from the taxpayer and through the Education Department.

It is only when a board of governors is given real authority and real scope

[Mr. Havelock]

that, I think, what spirit will become alive in the citizens of this Colony, and that, I hope, will happen in the very near future.

I would ask, therefore, if the hon. Member would consider what I have said, and not only answer me on the technical question as to whether the responsibilities can be given to boards of governors, but also that he accepts the principle that this system should be encouraged by Government.

The only other point I have to make, Sir—it is my view, it may be right or it may be wrong—is that, specially, primary education will, for all races—already, of course, the Africans have done it—may well become the responsibility of local authorities. The detail is not a matter for discussion at the moment but is there any difficulty, and is there any door that can be closed on the passing of this Bill which would prevent local authorities, both urban and rural, or in conjunction, also over responsibility of, at least, the regional education for Europeans and Asians?

I noted in the hon. Mover's speech that he said he was considering district education boards should be set up for schools—African schools presumably, in areas outside the native land units.

That may, or may not be a good thing, but I would far rather see the local authorities taking over the responsibility for such schools, with the delegating their responsibility to committees formed of Africans, or the race specially interested in the type of education that is being handed over. I would much rather see that than district education boards springing up all over the country.

Sir, I beg to support.

THE DIRECTOR OF EDUCATION: Mr. Speaker, I would like to refer to a few of the points that have been made in the debate, and first of all to the comment by the hon. and gracious lady, the Member for Ukamba, regarding the fact that this Ordinance covers schools of all races and thereby, perhaps, does not deal so effectively as it might with any particular race. I really think, Sir, that although admittedly certain sections of it, in fact, only be applied to schools of

one particular race, it would scarcely be practicable to pass a number of Ordinances for all the various races, when the greater part of each Ordinance would contain the bulk of what is in the one before the Council now.

To deal with the point made by the hon. Dr. Hassan, I think I should allay his fears by saying that, in spite of the multiplicity of advisory councils and schools committees and boards, which are mentioned in this Ordinance, they all have separate functions, and they do not, in fact, overlap.

With regard to the point made by the hon. Mr. Mathu, about religious instruction, and the fact that no one should be forced to take religious instruction if they do not wish to do so, I would invite his attention to section 15 (2), which, I think, covers the point in question.

With regard to the hon. Member for Kiambu's remarks about boards of governors, a number of institutions under boards of governors exist already in African education, and these boards are responsible for preparing their own estimates and submitting them for approval to the Education Department. They collect the fees, and the difference between the estimated cost of the school and what is collected from fees and from other sources is paid to the board by way of a grant, and similar conditions, of course, would apply to any other schools which come under boards of governors in the future.

MR. HAVELOCK: Under what section of the Bill can this be done?

THE DIRECTOR OF EDUCATION: I think it is clear, Sir, so far as the schools which the hon. Member has mentioned, are concerned, that this can be done under section 19. There are two sections dealing with powers of boards of governors—one where a Government school is taken over and put under a board of governors, section 19, and, again, another section—21—where a non-Government school is taken over by a board of governors. Those two technical sections, between them, I think, cover all types of schools.

The question of district education boards in areas outside the native land units is one which has been inserted in

[The Director of Education]. the Ordinance, because it is a development which we think is likely to take place at some time in the future, though there is no immediate prospect of it.

There is one more point I would like to make, Sir, in referring to the remarks by the hon. Mr. Mathu in regard to control—the tightening up of control over schools—it is true that the powers given by this Bill are very wide, and may appear, at first sight, to be perhaps too wide, but I should like to make this point, that the underlying consideration in all this is the welfare of the school children. (Hear, hear.) It is absolutely vital that the persons who manage the schools, who teach in the schools, should be fit and proper persons to do so. It is also vital that, if a school does not conduct itself efficiently, or if it is found to be giving subversive teaching, that it should be closed, and experience has shown that the present machinery for closing schools, even when every energy and every effort is devoted to it, is far too cumbersome, if we had to wait for appeals, and go through complicated machinery, then there is opportunity for a lot of harm to be done. If a school is found to be harmful, it is, I maintain, important that it should cease to function immediately. (Hear, hear.)

In the one instance where a school was closed under the existing Ordinance, it took a very long time, and it may be that during the period while we were waiting to close it, a considerable amount of harm was done. That is the sort of thing we want to stop for the future.

Sir, I beg to support.

MR. MATHU: Mr. Speaker, I did not want to interrupt the hon. Member; could he, on a point of information, when you close down a school, could you get alternative facilities so that, immediately, children continue with their education if the welfare of the children is the first consideration?

THE DIRECTOR OF EDUCATION: Yes, Sir, there is provision for such action. In section 59 there is provision for such action to be taken.

MR. TAMENO: Mr. Speaker, last year I happened to have been a member of the Advisory Council on African

Education, and parts of this Bill we discussed then. I understood the essential thing for wanting this Ordinance to be put into effect was due to the fact that there are many African schools which are being mismanaged. Recently the Government has taken action to close down some schools of the Kikuyu Independent Schools Association. It looks to me that this Ordinance—if I sort of connect what I heard last year with the introduction of this Bill here, it looks to me that really there is no necessity for introducing the Bill because a number of schools have been closed and the others are going to revert to the district education boards and the African district councils. I would just like the hon. Member for Education to clarify that a bit, Sir.

SHERIFF ABDULLAH SALIM (Acting Representative): Mr. Speaker, I beg only one point to raise in connection with this Bill, and that is the question of licensing of teachers. We have connected with Arab education the teachers who are merely engaged to teach Greek and Arabic. I would like to know from the hon. Member as to whether they will be affected at all, whether it will be necessary for them to be granted a certificate in accordance with this Bill.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I think that the Director of Education has already covered most of the points which have been raised by Members on the other side but there are still a few on which I would like to say something. The hon. Member for Ukamba referred to the possibility of creating education authorities, and to deal with European or Asian or African education, at some stage. I think the question she was asked answered was this: whether there was anything in this Bill to prevent that happening. The answer is, no. There is nothing in the Bill to prevent an educational authority being set up for one of the communities, but I think there is no doubt that special legislation would be required for that purpose. Members are no doubt aware that in Tanganyika education authorities have already been created for the European and Indian communities. I think that if we were going to do anything of that kind here special

[The Member for Education and Labour] legislation for the purpose would be necessary to define the powers and functions and so on of the authority. There is nothing in this Bill to stop that being done.

The hon. Mr. Mathu referred to the composition of the advisory council and the district education and regional education boards, and said that he thought there should be proper representation of the community concerned on the council or board. That seems to be a perfectly reasonable and natural desire. At the same time I am sure he will agree, in view of the very large part which mistakes have played in the African education, that it is only reasonable that they should have a place on those authorities. He will, of course, or some member of his group, will have the opportunity of commenting on the composition of the boards and councils when the Bill goes to a Select Committee.

With regard to the powers given to the Member under sections 58 and 59 and to the Director under some other section, I do not think I said I hoped that they would not be improperly used. I said that I was absolutely satisfied that they would not be improperly used. (Laughter.)

Regarding the question of the compulsory education for the African community in various parts of the country, that is a matter which certainly will not be the right of the Member is no doubt aware that the hon. Mr. Gikonyo was asked a question which I shall be answering within the next few days on that very subject.

The points raised by the hon. Member for Kiambu, I think, have been covered by the Director of Education; I believe that section 19 (c) covers what he has in mind in respect of Government schools. When I was Director of Establishments two or three years ago I think it was, I did a considerable amount of work on this matter. I know that various difficulties would be encountered in the case of Government schools if it were attempted to place them entirely under a board of governors, but I do not think those difficulties could not be overcome if it could be decided that that was the proper policy.

There is nothing, as far as I know, to prevent education for any of the communities being made the duty of a local authority; but there again, if we should reach the stage where a local authority could be made entirely responsible for some branch of education, for example primary education, I believe that would necessitate legislation. There is nothing here to stop that being done.

The hon. Mr. Tameno said he thought that this Bill is not necessary, because under the Emergency Powers Order in Council, regulations have been made giving the Member power to close schools on certain grounds. That is not the case at all. That does not make this Bill unnecessary. In fact, at the time that this Bill was originally drafted, and its provisions were very similar, almost identical with what they are now, my predecessor, Mr. Vasey, did not know of course that the present state of affairs was going to arise. He took these powers, or intended to take these powers, in the interests of maintaining the standards of education in the schools. At that time it had nothing whatever to do with security or subversive activity by anybody, so that these powers are necessary.

MR. TAMENO: Would the hon. Member please explain whether the time that was specified for the other schools referred to district education boards. Is he going to assure us that the State of Emergency will still be there?

MR. HAVELOCK: May I make a point as well? Would the hon. Member answer my question as to whether it is the policy of Government to extend the principle of boards of governors?

THE MEMBER FOR EDUCATION AND LABOUR: I am not entirely clear about Mr. Tameno's point. There is a power in this Bill to take over the premises of schools which have been closed, and if that were done whether during the Emergency or not, it would be my intention to arrange for the district education board to run the school which was so taken over. I hope that answers the point which he has made.

MR. TAMENO: What I am getting at, Sir, is a statement which he made himself during the time that these schools were closed, and said that a few had been closed and a few others very soon will revert to the district education boards,

[Mr. Tameno]

and the African district councils. It was not to-day, but some time ago, but I thought it was relevant to my question.

THE MEMBER FOR EDUCATION AND LABOUR: Well, Sir, I am sorry if I have not been plain. The position is that there is power under this Bill, and under the Emergency Regulations, to close schools, and if schools are closed in accordance with those provisions, there is power, it is my intention in as many cases as possible to have them re-opened as district education board schools.

Regarding the question asked by the Member for Kiambu, I do not think it would be correct to say at the present time that it is the policy of Government for schools such as the Prince of Wales School to be placed under boards of governors and run in that way. I certainly have formed no such intention. But we have an open mind on the subject and are perfectly prepared to examine any proposition of that kind. I, myself, did some work, as I have said, some time ago on that particular matter.

The Hon. Shariff Abdullah bin Salim raised a question about Arabic teachers. I think they would require the Director's licence. That is a point I would like to look into, and I have no doubt later on he can be reassured on that point.

The question was put and carried.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I now move that the Education Bill be referred to the following Select Committee:—

The Member for Education (Chairman).
The Chief Native Commissioner.

The Director of Education.

Lady Shaw.

Mr. N. F. Harris.

Mr. H. Slade.

Mr. A. B. Patel.

Dr. Hassan.

Mr. E. W. Mathu.

Mr. V. Ododo.

Shariff Abdullah bin Salim.

THE MEMBER FOR DEVELOPMENT
seconded.

The question was put and carried.

BILL

SECOND READING

Penal Code (Amendment) (No. 2) Bill

THE SOLICITOR GENERAL: Mr. Speaker, I beg to move that the Penal Code (Amendment) (No. 2) Bill be now read a Second Time. Mr. Speaker, Sir, the purpose of this Bill is as explained in the Objects and Reasons, attached to it in its published form, to increase a number of penalties under the Code. The opportunity has at the same time been taken to include two small amendments which are contained in clauses 2 and 3 of the Bill and which do not raise the maximum punishments.

The amendment in clause 2 of the Bill refers to the minimum age at which a person can be sentenced to death. At the present section of the Code stands the minimum age is 18 years at the date of sentence, and it is considered that the appropriate date to apply as a criterion is the date of commission of the offence, as has in fact been done in the United Kingdom by the Criminal Justice Act of 1948 where an amendment in similar terms was enacted. The amendment referred to in clause 3 relates to the making of a Proclamation for the purpose of riot, and at present the section of the Code which deals with this matter, section 79, provides that such a Proclamation may be made by, among other things, commissioned officers of the military forces of the Colony. Well, now, as I all know there are many units of His Majesty's Forces serving in the Colony and that minor amendment will bring officers in them within the class of persons eligible to make the Proclamation.

The question was put and carried.

The whole of the rest of the Bill including the Schedule, refers to maximum punishments. In many instances the sections quoted prescribed offences which are based on English law, and in many instances the amendments proposed in the Bill seek to raise the maximum punishment for those offences to the maximum punishment imposed under English law. I have given notice that I shall at the Committee stage move a number of amendments to the Schedule to include certain other offences, and to raise the maximum punishment thereof

(The Solicitor General) that it would not, I think, Mr. Speaker, be appropriate in this debate to discuss the details of the various increases which the Bill proposes.

I accordingly beg to move.

THE MEMBER FOR LAW AND ORDER seconded.

MR. SLADE: Mr. Speaker, I have to give warning I am going to move some amendments in the Committee.

THE SPEAKER: You had better mention them generally in the debate now, I think. You have given notice. You need not speak if you do not wish to.

The question was put and carried.

BILL

SECOND READING

The Supplementary Appropriation (1951) Bill

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Supplementary Appropriation (1951) Bill be now read a Second Time.

This is to legalise expenditure incurred during 1951, and in excess of that authorized in the 1951 Appropriation Ordinance (1950). Hon. Members are well aware that there were Heads under which not so much money has been voted has been spent and the net result of the year operations was a surplus to the funds of the Colony.

Sir, I beg to move.

THE MEMBER FOR DEVELOPMENT seconded.

The question was put and carried.

BILLS

SECOND READING

The Advocates (Amendment No.-2) Bill (Bill No. 3)

THE SOLICITOR GENERAL: Mr. Speaker, I beg to move that the Advocates (Amendment No. 2) Bill be now read a Second Time. This, Sir, is a Bill which will concern principally those Members of this Council who are not only honourable but also learned. The Bill has arisen from the situation in which the Law Society of Kenya, which is a statutory body, has found that its very important functions, both statutory and

otherwise, can not possibly be performed on its available resources financial. At the moment, membership of the Law Society of Kenya is not compulsory for advocates. Accordingly it derives revenue only from those members of the profession who join it and, at present, a subvention from Government of £200 a year. It performs, as I say, some very important statutory functions. It makes recommendations regarding admissions to the local Bar. It provides three members for the Advocates Committee which, in addition to those three, is made up by the Law Officers. That committee has a number of important functions to perform, also, rule-making, and matters disciplinary, relating to the profession. Hitherto the secretary, or rather the hon. secretary, of the Society has been a practising advocate, and the Society has allowed its hon. secretary to serve also as a secretary to the Advocates Committee, but the work involved in these two tasks is now of proportions such that it is not right, nor proper, that a practising advocate should be asked to undertake them in an honorary capacity. It has, therefore, been necessary to engage a full-time secretary who will serve both as secretary to the Society and to the Advocates Committee. In order to enable the Society to meet its obligations this Bill has been placed before you and proposes, in short, that all practising advocates automatically, on taking out practising certificates, become members of the Law Society. The Law Society will then be fully and truly representative of the Bar. Hitherto we have had no fully representative body to the Bar, although the Society does perform functions which are really only appropriate to a fully representative body.

There is provision in clause 2 of the Bill for the Society to provide in its own secretary a secretary to the Advocates Committee, the present position, thereby, receiving statutory recognition.

In clause 5 provision is made for the relinquishment to the Society of admission fees and practising certificate fees. The Government subvention of £200 a year will, of course, be discontinued.

The only other provision in the Bill is that in clause 4, which refers to the position which will govern the professional

[The Solicitor General]
of any advocates who may be appointed as Queen's Counsel. It is likely, and I hope it will be done soon, that some members of the profession will take silk, and the provision in clause 4 will debar them from undertaking solicitors' work, though they may remain in partnership with another advocate who undertakes solicitors' work. They may not themselves, however, undertake that work since, of course, the status of Queen's Counsel is peculiar to a barrister and a barrister's function. I think, Sir, that the Bill requires no further explanation. It will, I think, be perfectly clear, at any rate to my hon. and learned friends.

Mr. Speaker, I beg to move.

Mr. MADAN seconded.

Mr. SLADE: Mr. Speaker, I would like to say a few words in support of this Bill. It may not seem a very exciting piece of legislation for many members of the Council, but for one who has practised as an advocate for some years and was once privileged to be President of the Law Society in this Colony, it marks quite a great occasion. The Law Society has gradually grown in stature from every small unofficial body in the years before the first great war right up till 1949 when it was incorporated by statute and now it is a great pleasure to see that it has earned the stature and dignity when it is considered sufficiently responsible to have jurisdiction over the whole profession. I would like to take this opportunity of congratulating the Law Society on having achieved that status. Likewise it is equally pleasant to see that the profession has reached the status when it is thought that some of them may be worthy of the dignity of Queen's Counsel take silk.

On the financial side there is no question of the logic of providing this Society with the fees paid by advocates—that the fees paid by advocates for the privilege of practising should go to the body that is to look after their welfare and their discipline.

For those reasons, Sir, I support.

The SPEAKER: Do you wish to reply?

The SOLICITOR GENERAL: No reply.

The question was put and carried.

BILL

SECOND READING

The Law Society of Kenya (Amendment) Bill

THE SOLICITOR GENERAL: I beg to move that the Law Society of Kenya (Amendment) Bill be now read a Second Time.

I fear I must inflict on the unfortunates and "unlearned" yet another process which, however, will not detain them very long. This Bill is complementary to the Advocates Bill which we have just dealt with, and makes consequential provision relating to membership of the Law Society. I feel that it will not amiss to expand the on the Object and Reasons. Accordingly, Sir, I beg to move.

Mr. MADAN seconded.

The question was put and carried.

Ordered to be read a Second Time and committed to a Committee of the whole Council.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read.

THE SPEAKER: There is no Chairman of Committees present so I will take the Chair.

COUNCIL IN COMMITTEE

[Mr. W. K. Horne in the Chair].

The Penal Code (Amendment No. 2) Bill
Clause No. 8

Mr. SLADE: I wish to move an amendment to clause 8 by adding at the end of the clause the words "with or without corporal punishment in any case". The clause as it stands is that the offence of maiming animals should be punished by a greater maximum term of imprisonment. It is my submission for reasons which I gave this morning that there are many cases in which corporal punishment is vitally necessary as a form of punishment. Really my submission is that in all cases in the nature of thuggery, which is the trouble we have been dealing with, corporal punishment is the appropriate punishment along with imprisonment. Therefore, I propose that it should be added as a potential punishment.

Mr. GIKONYO: I rise to oppose the amendment because I do feel that the punishment of corporal punishment has been discussed not only in this country but in other countries. I do feel that for whatever sentences you wish to impose I do not think it is right that we should discuss this question of beating people. I do not see the necessity of beating them. Put them in prison or fine them, but the suggestion of introducing this form of punishment, in my opinion, is very objectionable. It has been objected to not only in this country but in other countries. I feel this amendment should be opposed.

Mr. HARRIS: Mr. Chairman, I would like to support the amendment principally on the grounds that the hon. Mr. Gikonyo has put forward to us for opposing it. I cannot recollect any atrocity such as the Timau atrocity in any other country. I think we are dealing with a very peculiar people, and punishment applicable in other countries cannot necessarily be applied here because of the nature of the crime.

CLAUDE GHERSIE: I should like to support the amendment. For the benefit of the hon. Member for African Interests who suggests that corporal punishment is so appreciated in other parts of the world, with your permission, Sir, I would like to read an extract in the *East African Standard* from the Reuter correspondent only a few days ago. The appropriate paragraph is very brief; it deals with cases of violence in Great Britain. "The death of policemen is certain to intensify the campaign now being waged in Great Britain to bring back corporal punishment—banned by Parliament four years ago—as a means of stamping out the recurring crime menace." That is for the benefit of the hon. African Member. We have heard so many object strongly to corporal punishment with the contention that Great Britain is opposed to it, and it would appear that public opinion in Great Britain, in view of the crime wave taking place there, is changing, and that it is in a civilized community, not with people who are very primitive and only understand that kind of punishment.

Mr. COOKE: I would like to support the amendment, and like the hon. Member for Nairobi North, would mention that in a debate in the House of Lords

every single judicial officer in the House of Lords was in favour of corporal punishment.

We have an even worse situation in this country. I feel, Sir, we have got to take the gloves off in this matter. People who take to the sword must perish by the sword, and they who take to violence, corporal or otherwise, must receive the same treatment, particularly for mutilating animals. I advocate corporal punishment, even the cat-of-nine-tails.

I thoroughly support the amendment.

THE SOLICITOR GENERAL: Sir, corporal punishment is, as we all know, a very controversial topic. I cannot, on behalf of Government, accept this amendment, but I will go this far—and I ask my hon. friends opposite to receive this sympathetically and with understanding—I will go this far and undertake that the question of applying corporal punishment to offences connected with the Emergency by way of the Emergency Regulations, which will therefore be in force only during the Emergency, will not necessarily be most serious and immediate consideration. (Prolonged applause.)

Mr. HAVELOCK: Mr. Chairman, it is obvious that hon. Members opposite have not realized the importance of the views put forward by the hon. Member for the Aberdares, and the hon. Member for the Coast also expressed our feelings, but we feel extremely strongly on this matter. There is nothing worse, in our minds, than to inflict this filthy cruelty, this filthy damage on animals who could do no harm to anyone. Somebody said to me the other day, "After all, if I go to the moor and molest an old lady of 80, she may have a revolver under her pillow, but a cow has not got a revolver hidden in her udder." It is a most disgraceful, disgusting crime that has ever been committed in this country, and I am surprised that the hon. Mr. Tameno has not supported the suggestion for corporal punishment, because I know how deeply members of his tribe and other pastoral tribes feel about this matter. I have spoken to them outside this Council, and I also know from members who have just come back from Great Britain, that the man in the street when he heard you as disgusted as we are. It is to my mind a thing we should take extremely seriously.

[Mr. Havelock]

Why is it that the hon. Member only wishes to bring this matter in for the Emergency. When these filthy things are done, is it any better during the Emergency, or not during the Emergency. There is no difference in the crime. If the Emergency is lifted and we pass out of this 'frightful' phase we are passing through at the moment, if such a crime is not committed corporal punishment will not be administered. I cannot see the logic that it should be brought in under the Emergency Regulations only. It seems to me that the idea is that it might be easier to sell if it were done under the Emergency Regulations than if it were done in the Penal Code of this country. I feel extremely strongly that it is entirely the wrong principle to act upon. It is the crime we are disgusted with; it is the crime that needs the punishment, whether the Emergency is here or not.

I beg to support the amendment.

MR. TAMENO: Mr. Chairman, I feel that I must say solemnly it should go on record in this Committee. Every tribe that owns cattle, as far as this has happened, is concerned, it is very disgusting to them and they would not like it at all. If it were perhaps left to them, they would do anything they liked, but the implication that the hon. Member for Kiambu put to this Committee I am not going to accept, because if you bring in corporal punishment and it happens not to have the effect, it is useless trying to persuade Members of this Committee to accept it, and this Mr. Chairman, I feel should go on record.

The question of the amendment was put and on a division was negatived by 30 votes to 17.

The question that clause 8 stand part of the Bill was put and carried.

The question that clause 9 stand part of the Bill was put and carried.

The Schedule

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move that there be inserted in the Schedule in the appropriate numerical sequence of sections, the following:—

Section 62, unlawful oaths to commit offences, substitute for the words "for seven years", the words "for ten years"

Can I move them all together once in the amendment shown by notice, Sir, individually?

THE CHAIRMAN: Will you take them one by one.

MR. SLADE: I beg to move, as an addition to the Schedule, an amendment of section 61 of the principal Ordinance.

By substituting for the words "in fact to imprisonment" the words "shall be sentenced to death"

Section 61, Mr. Chairman, in the principal Ordinance reads:

"Any person who—

1. Administers or is present at the administering of any oath, or engagement in the nature of an oath purporting to bind the person who takes it to commit any offence punishable with death or to take any such oath or engagement not being compelled to do so is guilty of a penalty and is liable to imprisonment for life."

This section is concerned only with oaths to commit offences punishable by death, and it is my argument that when people get together and not only conspire to commit capital offence such as murder but actually bind themselves by oath to do so, they themselves are committing an offence that can only be punishable by death. My reasons were given in another debate which I referred to this morning, and I will not give them again.

THE SOLICITOR GENERAL: Mr. Chairman, Sir, again in this connexion I will undertake that the question of applying the death penalty to the sections which the hon. Member proposes in his Notice that is to say, the present section 61 and section 70 will be given immediate and serious consideration with a view to deciding whether or not they should be incorporated in an Emergency Regulation which would apply for the duration of the Emergency.

MR. MACONOHIE-WELWOOD: Mr. Chairman, there is only one point I would raise on the assurance given by the hon. Member. That is, if he can give us some idea of how long a time it will take before this favourable consideration could be given to it. I think this country, and indeed I, in this Council, are a little tired

[Mr. Macconchie-Welwood]

of consideration given to this Emergency which at the present moment is acute and which is so acute. Whatever is suggested to put it right, occasionally, from Government, will get a promise of favourable consideration but we do not get immediate action, and it is immediate action we want at the present time. I trust the hon. Member can give us an assurance that this favourable consideration will be given extremely quickly.

THE SOLICITOR GENERAL: I will give that assurance. I do, however, make it quite clear I do not bind Government to give a favourable answer. Serious consideration will be given, immediate and serious consideration, but I cannot, of course, give any assurance as to the outcome of that consideration.

MR. AWORI: Mr. Chairman, in opposing the amendment of the hon. Member for Aberdare, I maintain that you cannot meet violence by violence. You cannot remedy this violence of the country by punishing people in this way. I think that life in prison as it is now, is quite good enough, and a person who has been imprisoned for life is as good as dead. Therefore, I do not see any necessity for accepting the amendment about death in this connexion.

LADY SHAW: Mr. Chairman, in supporting this amendment, I would like to deal with one remark which has just been made, "You cannot meet violence with violence". I know we all know that, but we have been told to turn the other cheek but we also know that one of the very best known quotations in the world is, "Those that feel the sword will perish by the sword", and I think there is every possible precedent for meeting violence with violence. I should be very anxious to know what would happen if we did not meet violence with violence. (Applause.)

GROUP-CAPT. BRIGGS: Mr. Chairman, Sir, the fact remains that as matters stand, the law as it stands, *Mau Mau* oath-taking ceremonies are still taking place. Therefore I strongly support this amendment. It is quite clear at the present time the punishment is not a sufficient deterrent.

MR. GIKONYU: Mr. Chairman, I cannot support the amendment for one reason. It seems to me to have very important implications. We do know that

people force others to take oaths. Now, it may be construed that every oath taken has the purpose of going, perhaps, to commit a serious offence, and if this is passed, the result is that almost every man or woman, whether forced, will be considered to have taken that oath with a view to going to commit a serious offence. I think this is going to be a very serious position, and I am going to oppose this amendment.

MR. A. P. PATEL: Mr. Chairman, I have full sympathy with the amendment which has been moved, but I would like to say this. When we are passing an ordinary law concerning crimes, it will not be proper to be influenced by the events which are foreshadowing this Colony at present, because we are likely to be influenced in our attitude by the panic which has taken place and which has seized all the people in this country. That was the reason, Sir, which influenced most of the Asian Members to say that we should accept the undertaking which the Government has given that they will give serious consideration to this matter. That is the reason why we feel that, in a matter like this, when we are passing a law for a long time to come, we could not be hurriedly influenced in doing a thing which we may find that we have done under the influence of events which are taking place now.

THE SOLICITOR GENERAL: Mr. Chairman, Sir, the assurance which I gave was that immediate and serious consideration will be given to the making of an Emergency Regulation. The Emergency Regulations are made under an Order in Council by His Excellency the Governor. I am not the Governor!

The amendment was withdrawn.

THE SOLICITOR GENERAL: Mr. Chairman, Sir, I beg to move that the Schedule be amended by inserting in the appropriate sequence of sections the following:—

Section and Offence	Extent of Amendment
62. Unlawful oaths to commit offences.	Substitute for the words "for seven years" the words "for ten years".
62A. (1).—Compelling another person to take an oath.	Substitute for the words "for seven years" the words "for ten years".
62A (2).—Being present at and counselling to the administration of an oath.	Substitute for the words "for seven years" the words "for seven years".

[The Solicitor General]

May I make one point before I sit down, that is that in the Bill, as it has been printed, the Schedule is shown as three columns, although there is A (1) and A (2). There should, in fact, be two columns, as in the notice of my amendments. It merely makes clause 9 of the Bill, which refers to the Schedule, more intelligible.

Sir, these three sections which we are dealing with now, are all concerned with unlawful oaths and the increases proposed speak for themselves.

MR. SLADE: I propose an amendment to each of those proposed amendments, by adding in each case, "with or without corporal punishment". The reason for that is the same as the one I gave for the first amendment. Each of the offences described in these three sections is again part of this organized system of thuggery and should be treated as such, and the same argument applies therefore.

MR. GIKONYO: Mr. Chairman, I wish to oppose these amendments for the reasons as stated before.

MR. BLUNDELL: Mr. Chairman, we, on this side of the Committee, would withdraw the amendment against the assurance which the hon. Solicitor General has given. I would, however, like to say this. I cannot understand why Government cannot say now that they will indeed carry this amendment through under the provisions of the Emergency Regulations. What is the factor in the hon. Member's mind that causes him to give favourable consideration? Surely the essence of the matter is that those who administer the oaths are those who are causing the trouble. Now, the hon. Member for African Interests, Mr. Gikonyo, I think, was under a misapprehension. It is not those who receive the oath that will be dealt with under this amendment, it is those who give the oath. (Cries of "Both".)

I am referring to those who give the oath now. Those who give the oath, in my view, every one is a potential murderer. Every one, and not only that, I would go further and say that when men have gone away from the oath-taking ceremonies and, out of their co-operation with Government, have given

evidence and, subsequently, have been found dead; who does the hon. Member think kills them? Without any doubt whatever, it is the oath administration.

I have only to say this in withdrawing the amendment, in accepting the favourable consideration which the hon. Member is going to give, how much I regret, and I believe every hon. Member on this side of Council—how much we regret the hon. Member cannot stand by and say now he can accept it in relation to the oath givers. (Applause.)

THE SOLICITOR GENERAL: Mr. Chairman, the position of the Government is the same in relation to these amendments as to previous amendment. I can only say that the undertaking which I gave in the course of my previous amendment would, of course, embrace these amendments as well.

MR. BLUNDELL: Mr. Chairman, as we have it both ways. If we press the amendment to a division and we then lose, will the hon. Member's offer still remain open?

THE SOLICITOR GENERAL: Yes. There is more generosity on this side than there is on the other. (Laughter.)

The question that there be added to the amendment proposed to the Schedule by the Solicitor General, the words "with or without corporal punishment", was put and negatived.

The question of the original amendment was put and carried.

MR. SLADE: I propose an amendment to the Schedule of the principal Ordinance that will involve insertion in the Schedule of section 70 and the short description, managing an unlawful society. I had better read the principal Ordinance first so that my amendment can be understood.

Section 70 of the principal Ordinance reads: "Any person who manages or assists in the management of an unlawful society is guilty of a felony and is liable to imprisonment for seven years."

The amendment I propose is, to substitute for the words "is liable to imprisonment for seven years" the words "shall in the case of any proscribed unlawful society be sentenced to death and in any other case be liable to imprisonment for fourteen years". It falls

into two parts. The first part refers to proscribed unlawful societies. The reason for that suggestion is that we are concerned principally in this proposed amendment, with the activities of the *Mau Mau* and although we are certain in our own minds that management of that particular society warrants sentence of death, clearly there are other societies of a much less offensive kind—other unlawful societies. Therefore, I am trying to distinguish in this proposed amendment those that are regarded by Government as of the most deadly kind, and others I have left it open to Government to prescribe by publishing in the Gazette those unlawful societies to which this may apply. As to the remainder, the maximum sentence for other unlawful societies, that is to say management of them, I am suggesting an increase of the maximum from seven to fourteen years by the same reason, that is, the great variation you get between degrees of culpability of unlawful societies. Although there may be many where sentences of a months imprisonment may be quite adequate for those who manage the society, there may be others that are not proscribed which may yet be so undesirable that the maximum penalty of fourteen years would be required.

THE SOLICITOR GENERAL: Mr. Chairman, Sir, I have already explained the attitude of the Government towards this amendment, and I would be prepared to accept the increase from seven to fourteen years which my hon. friend has proposed and I, therefore, propose an amendment to his amendment, deleting the words which he proposes to be substituted in the third column of the Schedule and substituting therefor the words "is liable to imprisonment for fourteen years". The third column in the Schedule relating to section 70 would then read, "substitute for the words 'is liable to imprisonment for seven years', the words 'is liable to imprisonment for fourteen years'".

MR. SLADE: Sir, may I ask my hon. learned friend as regards the part which he wishes to delete, is he prepared to give the same undertaking for serious consideration and rapid consideration?

THE SOLICITOR GENERAL: Certainly—careful and serious consideration.

MR. SLADE: In that case, I am prepared to accept his amendment in place of my amendment.

The question of the amendment was put and carried.

MR. SLADE: Mr. Chairman, I am proposing an amendment to section 71 of the principal Ordinance, which is concerned with membership of unlawful societies. The amendment I propose here is that you substitute for the word "is liable to imprisonment for three years", the words "shall in the case of any proscribed unlawful society be liable to imprisonment for ten years, with or without corporal punishment, and in any other case be liable to imprisonment for seven years". The reason I give for this amendment is analogous to that in the case of section 70. In the case of *Mau Mau* and similar societies, it is our view that there should be punishment with ten years imprisonment, even for simple members of the society, and that there should be power to award corporal punishment. In the case of other societies, in order to secure the necessary elasticity, the maximum punishment should be stepped up from three to seven years.

THE SOLICITOR GENERAL: Mr. Chairman, Sir, in conformity with the stand which we have already taken on this side of the Committee, it is considered that the application of specially heavy penalties to specified societies in times of Emergency should be dealt with, if it is dealt with at all, by Emergency Regulation. I accordingly include this particular point in the assurance which I have given and repeated regarding previous clauses, and I move, therefore, that the amendment proposed by my hon. and learned friend for the Aberdare, be amended by deleting the words in inverted commas to be substituted and substituting therefor the words "is liable to imprisonment for seven years". The third column of the Schedule with regard to section 71 would then read, "substitute for the words 'is liable to imprisonment for three years' the words 'is liable to imprisonment for seven years'". You will observe that I am accepting the hon. Member's proposed permanent increase in the maximum penalty.

MR. SLADE: I agree with that assurance, Mr. Chairman.

The question of the amendment was put and carried.

THE SPEAKER: You have a large number of amendments of various sections—the hon. Member for Aberdare—perhaps you will move yours first. We will dispose of those first.

THE SOLICITOR GENERAL: May I offer to the hon. Member to include all these proposed amendments in the assurance that I have already given him, and in those circumstances, to invite him, perhaps, to withdraw them as he did the previous ones?

MR. SLADE: Mr. Chairman, I should like to explain that I have selected a number of the sections which my hon. and learned friend is proposing to amend, as further examples of this system of organized thuggery and each deserving of corporal punishment. In view of the attitude adopted by Government in this matter of corporal punishment, I have no alternative but to accept his assurance and withdraw my amendments which were amendments to his amendments.

THE SPEAKER: All these start from section 91 to section 334 on the Paper. Section 297

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move that the Schedule be amended by inserting in the appropriate numerical sequence of sections the following item:

This is the offence of extortion, which very frequently accompanies Mau Mau ceremonies, when money is taken off the inmates.

MR. HAVELOCK: I would like to ask the hon. Member a question. Is a man liable for corporal punishment under this section as it stands?

THE SOLICITOR GENERAL: I think the answer is "No". I will just check.

MR. BLUNDELL: If with violence, then?

THE SOLICITOR GENERAL: The answer is "No".

MR. BLUNDELL: If the extortion is with violence, then is it not permissible to award corporal punishment?

THE SOLICITOR GENERAL: No.

MR. HAVELOCK: Shame!

THE SOLICITOR GENERAL: Not under this section.

The question of the amendment was put and carried.

The question that the Schedule, as amended, be the Schedule of the Bill, was put and carried.

The question of the title and enacting words was put and carried.

THE SPEAKER: Is there another inter-connected Bill with this, because if so, I will take it in Committee now.

THE SOLICITOR GENERAL: Not to this one, Sir.

I beg to move that Committee report consideration of the Penal Code (Amendment No. 2) Bill without amendment.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

REPORT OF COMMITTEE OF SUPPLY

THE SOLICITOR GENERAL: Mr. Speaker, I beg to report the Penal Code (Amendment No. 2) Bill has been considered in a Committee of the whole Council and has been agreed to with amendments.

BILL

THIRD READING

The Penal Code (Amendment No. 2) Bill

THE SOLICITOR GENERAL: Mr. Speaker, I beg to move that the Penal Code (Amendment No. 2) Bill be now read a Third Time.

THE MEMBER FOR LAW AND ORDER seconded.

The question was put and carried.

The Bill was read a Third Time and passed.

COMMITTEE OF THE WHOLE COUNCIL

The Supplementary Appropriation (1951) Bill

Order for Committee read—Mr. Speaker left the Chair.

COUNCIL IN COMMITTEE

[Mr. W. K. Horne in the Chair]

The question was put and carried.

Supplementary Appropriation (1951) Bill—

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move that Committee report progress of the Supplementary Appropriation (1951) Bill without amendment.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

REPORT OF COMMITTEE OF THE WHOLE COUNCIL

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to report that the Supplementary Appropriation (1951) Bill has been considered by the Committee of the whole Council and agreed to without amendment.

BILL

THIRD READING

The Supplementary Appropriation (1951) Bill

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Supplementary Appropriation (1951) Bill be now read a Third Time.

THE MEMBER FOR LAW AND ORDER seconded.

The question was put and carried.

The Bill was read a Third Time and passed.

COMMITTEE OF THE WHOLE COUNCIL

The Advocates (Amendment No. 2) Bill
Order for Committee read—Mr. Speaker left the Chair.

COUNCIL IN COMMITTEE

[Mr. W. K. Horne in the Chair]

MR. NATHOO: I want to know, on a point of procedure, would it not be a saving of time if all these Bills could be taken in Committee at once and go into Third Readings.

THE CHAIRMAN: I quite agree that it would possibly save a little time, but it is definitely contrary to good parliamentary practice. (Laughter.)

Clause 3

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move that in clause 3 of the Bill there be deleted from the second

line of the new section 22 (1) the words "in person or by his agents". This is a very simple matter, and arises from the fact that it has been represented to me by a certain advocate not practising in Nairobi that it is a great inconvenience for up-country advocates not being able to apply for their practising certificates by post. There is no objection to them doing so, and I accordingly move the deletion so that they can do it in person, by agent or by post.

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

THE SOLICITOR GENERAL: I beg to move that the Committee reports consideration of the Bill.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

REPORTS

THE SOLICITOR GENERAL: Mr. Speaker, I beg to report that the Advocates (Amendment No. 2) Bill has been considered by a Committee of the whole Council and agreed to with one amendment.

BILLS

THIRD READING

The Advocates (Amendment No. 2) Bill

THE SOLICITOR GENERAL: Mr. Speaker, I beg to move that the Advocates (Amendment No. 2) Bill be now read a Third Time.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read.

Mr. Speaker left the Chair.

COUNCIL IN COMMITTEE

[Mr. W. K. Horne in the Chair]
The Law Society of Kenya (Amendment) Bill

THE SOLICITOR GENERAL: Mr. Chairman, I beg to move that the Committee reports consideration of the Bill.

Council resumed.
[Mr. Speaker in the Chair]

REPORTS

THE SOLICITOR GENERAL: Mr. Speaker, I beg to report that the Law Society of Kenya (Amendment) Bill has been considered by a Committee of the whole Council and agreed to without amendment.

BILLS

THIRD READING

Law Society of Kenya (Amendment) Bill

THE SOLICITOR GENERAL: Mr. Speaker, I beg to move that the Law Society of Kenya (Amendment) Bill be now read a Third Time.

The question was put and carried.

THE SPEAKER: We have finished everything on the Order Paper a little before the usual time. I think I could interrupt business now. If nobody wishes to move an adjournment, then Council will stand adjourned till nine-thirty a.m. to-morrow.

ADJOURNMENT

Council rose at fifty-five minutes past Six o'clock p.m.

Wednesday, 26th November, 1952
The Council met at thirty minutes past Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS
QUESTION No. 43

GROUP-CAPT. BRIGGS:

Will the Member for Law and Order state if inquiries into the leakage of secret information concerning "Operation Jock Scott" have been completed and, if so, with what result?

THE MEMBER FOR LAW AND ORDER: Inquiries have been completed and result that the so-called leakage related to a statement to the Press issued in London for release in the early hours of 21st October, that is, after the time fixed for the "Jock Scott" pick-up in Kenya. This statement was telegraphed to Kenya on 20th October evening, still under embargo, by a reputable Press agency, but from the terms of the message received it was not clear in Kenya that no release had been made elsewhere and the announcement was consequently advanced as a precaution.

In order to guard against any similar occurrence, representations are being made for the inclusion of a prohibition against "filing overseas"—i.e. telegraphing a statement of this kind out of the United Kingdom—in any future embargo of this kind.

MR. COOKE: Arising out of the answer, Sir, is the hon. Member taking notice of the alleged leakage to which I drew his attention a few days ago—and in a letter?

THE MEMBER FOR LAW AND ORDER: It is a little difficult, since the hon. Member is referring to something which was not outside this Council, for me to reply to it here.

MR. COOKE: I wrote the hon. gentleman a letter, and also verbally drew his attention to an alleged serious leakage which has taken place. Perhaps the hon. Member has not opened the letter yet—it was posted last Saturday. I wanted to know if he was taking any action.

THE MEMBER FOR LAW AND ORDER: Without further notice I could not give a reply to that question. If my hon. friend saw the size of my "fan mail" these days, he would understand the difficulty I have in replying quickly! (Laughter.)

QUESTION No. 55

MR. MATHU:

Is it a fact that a large number of African shops in the African markets in Nyeri and Fort Hall districts have been closed down? If the answer is in the affirmative, will the Government indicate reasons for depriving innocent people of their legitimate livelihood?

THE MEMBER FOR AFRICAN AFFAIRS: It is a fact that certain African shops in the African markets in the Nyeri and Fort Hall districts have been temporarily closed.

The reasons for the closing of these shops are that the Government is satisfied either that the premises have been used for the holding of subversive meetings and the plottings of young men or because all other shops in the markets concerned have been boycotted by the adherents of the *Mau Mau* in an endeavour to terrorize their proprietors.

The Government is also satisfied that so innocent people have been deprived of their legitimate livelihood by these measures and steps have been taken to ensure that law-abiding people have been able to purchase their normal requirements either at other shops or at specified hours of opening.

QUESTION No. 63

MR. HAVELOCK:

Will the Member for Finance state what are the intentions of Government regarding the appointment of the committee to inquire into the East Africa Income Tax (Management) Ordinance, as agreed by Government in July of this year?

THE MEMBER FOR FINANCE: The Governor has been pleased to appoint the following committee:—

Mr. P. J. Gill (Chairman).

Major the Hon. A. G. Keyser, D.S.O.; Mr. S. McKnight; Mr. K. R. Paroo (Members).

Mr. A. R. B. Dewell (Assessor, Income Tax Department) (Secretary).

The Commissioner of Income Tax or his representative will attend meetings of the committee in an advisory capacity. The committee's terms of reference are as follows:—

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 which should be made to this Act under clause 97 which should be to the general benefit of the Colony.

MR. HAVELOCK: Arising out of that answer, Sir, would the hon. Member have any objection to an alternative to the hon. Member for Trans Nzoia, who is indisposed?

THE MEMBER FOR FINANCE: No, Sir.

COMMITTEE OF SUPPLY

Head 3—Office of the Member for Law and Order

Debate adjourned.

Debate continued.

MR. MACONOCHE-WELWOOD: Mr. Speaker, it had not been my intention to speak in this debate to-day, for I have a strong dislike of reiteration and inevitably in this debate there must be a great deal of reiteration, but it had occurred to me that perhaps the Government did not realize the degree of criticism and anger in this country at the inadequacy of the steps now being taken to prevent the present disorder. I should be most reluctant for them to go away feeling that we had every confidence in the steps they had taken.

In the course of his speech, the hon. Member for Nairobi South mentioned, I think, that 37 people had been killed by *Mau Mau*. I should like it, in his reply, the Member for Law and Order would give a factual statement of the number of people killed, including the number of people found, because it is my belief that there are far more than 37. If you add up those not only known to be killed, but those whose mutilated form so often discovered in rivers and forests and other places all over the Colony.

I should also like to know to date how many *Mau Mau* have paid the supreme penalty for those other deaths. Those figures would be illuminating and interesting.

[Mr. Maconochie-Welwood]

There is another reason why I felt impelled to speak to-day, and that is because yesterday we had an example given of just what we, in this country, feel about the policy of Government, which is one of vacillation. The question of corporal punishment came up—as to whether it should be inflicted or not. It was conspicuously obvious to every Member on this side that Government in this matter—many of whom were voting against their consciences—did so because they fear that to institute corporal punishment, even for crimes as heinous as maiming cattle, might be against public opinion elsewhere. They gave to me the unfortunate impression of a woman, an ungenerous woman, who, though on the verge of surrender, was yet reluctant to do so, not because she did not wish to do so, but because she feared the consequences of her act in face of public opinion. (Laughter.)

Mr. Speaker, the first steps taken to deal with this Emergency were admirable. There is nobody in this country who does not agree that the steps taken by His Excellency at the first opportunity were the best that could have been taken, but we are now concerned not with those initial steps, but with the follow-up of those steps. It is with that we feel discontent, for it seems that Government in this matter has always hesitated on the brink of further steps. They seem to be more impressed with the importance of gradualness than with the importance of being in earnest in this matter. They appear to be hag-ridden by the thought of comment in Great Britain—by people whose ignorance of this country, and whose ignorance of the African, is abysmal.

In the course of this debate there has crept in here and there the idea that some of this trouble is caused by underlying grievances. I know it has been said before, but it cannot be sufficiently reiterated—this is not caused by grievances. It is true that evil and wicked men, in their own desire for power, have seized upon the dissatisfaction of mal-adjusted children—because that is what Kikuyu are at the present moment—in order to bring about violence and murder to achieve power for themselves, but that does not mean that under this lie the real grievances of the cause.

There has been another folly that has also taken place in asserting that this can be compared with what has taken place in Malaya and India, and that steps taken there would be necessarily the right steps to take here, and I think we are to forget that in Malaya you are dealing with a totally different situation which has no parallel here. You are dealing with people who have an immense mass of Chinese civilization behind them, with a great intensity of purpose, with immense personal courage and well supplied with arms. That is one sort of rebellion. This is quite another type of rebellion. We are dealing here with a simple people who are children just emerging from slavery. If I may put it this way, they are much in the early stages of the first Iron Age, and to compare the steps to be taken with them with the steps to be taken with the Chinese in Malaya is sheer nonsense, and this matter can be settled much more easily provided they know that retribution follows swiftly upon violence.

I would say this, that one of the most serious things that has run through this debate is the fact that instead of a general feeling on both sides of the Council at all groups of the Council, that we are to deal with this, there is a sort of bias in certain sections, on the one hand, that we must have immediate action not retribution and, on the other, that the Kikuyus, because they are African, must be protected from retribution. In my mind that is a tragic atmosphere, because I am convinced that it is not only the Europeans in this country, but also the Asians and the vast bulk of the Africans who, if they were articulate, as masses of the Africans cannot be, would demand the severest measures be taken (Hear, hear.) When you get, as we have had, the continuous moan put up about the innocent suffering, nothing is more certain than this, that the African people themselves, those masses of inarticulate Africans, would not consider that the suffering of a few innocent matters compared to the putting down of robbery and murder and violence. They are far nearer the earth to feel that such a danger is one to be considered in a matter as serious as this. We have failed to give the Africans something which might have prevented this. We have tried to give them the best of two worlds. We have given them the slow and infinitely tolerant

[Mr. Maconochie-Welwood]

and careful justice of England, and even that we have tempered towards them in many cases by saying that they are too stupid to understand, and therefore even that law has been tempered to them. As a result, they have not realized the results of lawlessness. For if you are dealing with Africans, and you are dealing with children, if you are dealing with people in an early stage of civilization, it is essential that retribution follows immediately on crime. Does the hon. Member for Law and Order think that when a man has been in prison for two or three months pending trial and then the case goes to appeal and then possibly goes to Executive Council for mercy that he is to be extended or otherwise, and finally when a man is hanged, that that has any effect as a deterrent on the others? Those people have long forgotten the crime that they have committed. He has merely disappeared from their midst and he is forgotten, as dead men are forgotten, and the retribution that overtakes him is no longer a deterrent to others.

It is a fact, I do not doubt it, that hon. Members opposite are doing the very best that they can within the limits of what they can do, and subjected to criticism from elsewhere, which is so often misinformed. But we here are in a different position, because inevitably we represent the people of this country, and I would have the temerity to say that in this matter we represent not only Europeans but men of good will of all races in our determination to put this issue (Hear, hear.) We have made our laws here but they, perforce, are birds of passage, and when they go it will matter little to them whether this matter is settled once and for all or whether it is not. It is only the consciousness of a good job done that they will have, but we on our side are determined to put it down, and we are determined to put it down in order that goodwill shall reign between the races of this country (Hear, hear.) Because one of the effects of this Emergency, and it is an effect that we deplore and which in fact should never have taken place, is a worsening of racial relationships. (Hear, hear.) It has brought about a weakening in the liberal opinion towards Africans which I consider so important and if this is so, it is essential that we should get it back. The hon. Member

for Nairobi South, in his speech yesterday, referred to other African tribes who, as it were, stood on the touchline in other tribes to see what would happen and whether violence paid. Now, I want to mention that deliberately because I am quite certain that he did not mean that the other tribes were affected by this or were in any sense disloyal. I believe very strongly that the other tribes in this country are most loyal to Government. (Hear, hear.) But what I think he did mean was this, that there are young men who, after all, are, but recently emerged from a barbarous state, are always too ready, as young people are, to have a little excitement in the form of cattle raiding, in the form of spear-blooding and things of that sort. It would not be their fault if the old men could not hold the young men because young men are always difficult to hold. Nevertheless, what he said is true, that there is that danger, but it is not the danger of those tribes being disloyal. It is ultimately the danger of the young men getting out of hand, more for amusement, for entertainment and excitement, than from a bitter disloyalty to Government.

If I have spoken strongly, and if I say, as I do, that I have some confidence in the Government, but not an overweening confidence in Government, I do so in a clear sense of duty that the views of the people I represent should be put over to Government and I would hate to think that the hon. Members opposite should go away with the idea that this country is complacent with what they have done. It is not complacent more and more so, if it will become more and more so, if they persist in waiting for every new step to be paid for by the blood of some innocent African or European, because that is what has happened—(Hear, hear.)—and we are paying here with the lives of men for what amounts to a shilly-shallying, and fear of public opinion in the House of Commons in England and by hon. Members opposite. (Hear, hear.)

Mr. Cowie: Mr. Speaker, last July the hon. Member for Law and Order gave an invitation to us who sit on these benches to contribute to these debates, and described us as having secured our seats with effortless ease by clinging on to the back of the Government bandwagon. In this particular subject under debate which I regard as

[Mr. Cowie] being the most vital that we have had to deal with for many years, I find it impossible not to offer some contribution, but it is not easy to do so because, having seen the development of this country for a number of years and having assessed the energy and resources that many people have put into it, it is a little difficult to restrain myself and be moderate. But I think the issue is this: are we prepared to have this development endangered by a bunch of undisciplined, unruly hooligans, and I think the hon. Member for Law and Order must now be satisfied from the wester of opinion in this Council and outside that there is need for stronger action. If we want evidence of that I would commend to his consideration the incident at Thika of last Sunday, when something like 2,000 Africans were quite prepared to flout the authority of Government by assembling together, ostensibly on the excuse that they objected to the establishment of a police post in their midst. If that is not conclusive evidence that these measures are not sufficiently effective, I cannot think of any better example.

The hon. Member for Law and Order must naturally decide what is to be done and in that decision he has available to him a good deal of advice and information, but a lot of that advice is obviously conflicting. While I have a great deal of sympathy with the points of view expressed by some of the African Members and particularly by the hon. Mr. Awori, I do think at this particular stage in the history of Kenya the Africans are in greater need of the leadership, advice and good counsel of responsible people than they have ever been and in that view I think the Africans would be well advised to accept whatever decision Government finds it necessary to make, and give it the fullest possible support. Only in that way will these measures be more effective.

I would also suggest to the hon. Member for Law and Order that the only way to assess whether these measures are effective or not, is by results. If he can claim, and claim in a short time, that the loyal Kikuyus are being strengthened, are becoming more loyal, that other communities have greater

confidence in the measures taken and that the economic structure of the country is no longer in danger of crumbling, then I believe one can say that the measures are effective.

I would suggest, Sir, for his consideration that this campaign should be essentially top-down. On the one hand there is obvious evidence for the need of more drastic and more rapid action. There can be no delay in this, for every day that this delay occurs, I believe we are encouraging more and more of the undecided Kikuyus to join the *Mau Mau*. On the other hand, I believe there should be more support for the loyal Africans, and especially the loyal Kikuyus and Kikuyu chiefs and both. In the end, it is they, and both the loyal section of the Kikuyu tribe which will really solve this problem. In their midst, you have the finest intelligence service, you have all the knowledge and information that you require. If those chiefs can be reinforced with armed escorts and allowed to conduct a good part of the campaign against the *Mau Mau*, I believe there lies your strength.

In analyzing the blame that should be attached for the present state of affairs I think it is justifiable to point to various communities and say that the Kikuyu tribe have a good deal to do with it but I also think there must be a limit to that reprimand. If one can now say that any person of any colour or list who promotes or supports these subversive activities is an enemy of the country, there I believe we are putting our finger on the people who should be persecuted and blamed for it now. Looking further ahead, I believe that it would be much more profitable if, instead we assess who has contributed to solving these problems, we can say that it is the Kikuyu, through the loyal Kikuyu themselves, who have played a very big part in putting the situation right. That position can be established, then it is possible for the Kikuyu as a tribe to regain their prestige and also to claim their reasonable share in the development of this country. Only in that way can we still put our finger on the trouble and blame the people who have actually caused it.

[Mr. Cowie]

If that can be done now, and I would suggest that it should be started fairly soon, we can look forward to a situation in Kenya where most of the tribes are loyal and as confident as we remain as loyal and we can pick out for us to-day, and we can pick out for the Kikuyu tribe all those who are prepared to support the Government and law and order. In that case, Sir, we can look forward to a situation where we can predict that this kind of trouble need not necessarily occur again.

I would commend as a final note to the hon. Member for Law and Order his own solution lies in building up the powers of the chiefs and making it possible for them to take a very large part in solving this problem. (Applause.)

MR. STAW: Mr. Speaker, I have listened with interest to this debate, but with particular interest to the speech made by the hon. Member for Law and Order. In this speech he traced the events leading up to phase two of this emergency, and to what he called the breakdown in the administration of criminal law. In my opinion, Mr. Speaker, it was an honest speech, but there was no attempt to hide Government sins of omission, nor vacillating and weak-kneed administration, and policy that have been responsible for the present state of affairs—(Hear, hear)—and, indeed, which has led to the breakdown of British democracy and leadership in so many parts of the world to-day.

The hon. Member for Law and Order tells us there is no profit in reference to the past, except in so far as we may learn by our mistakes. With that I agree, but, Sir, it is my contention that Government has not only failed to learn by its mistakes, but has ignored repeated warnings that this evil thing called the *Mau Mau* was being nurtured by the political leaders of the Kikuyu people, led that sedition and racial hatred was being preached under the cloak of free speech—at their meetings, at their teacher-training centre, and throughout the independent schools. Even though the Government turned a deaf ear to these repeated warnings, how could they ignore the warnings of trouble given by the series of strikes throughout the last two years, so obviously organized from a central source.

Even the comedian, Ronald Frankau, realized the probable sequence following a too familiar pattern in world events to-day, when he called his song "Riots, Strikes and Revolutions". And yet Government, far from being warned, were lulled into a false sense of security.

To illustrate this, Mr. Speaker, I should like to quote from the speech made by the hon. Member for Law and Order on the 29th November last, when speaking to the Police Head of the Budget debate, and when he said: "As hon. Members know, the main practice of that movement is that its followers take illegal and secret oaths, and the whole aim and object of the movement is to stir up dissension, discord and, as I say, even hatred as between various communities in the Colony. But, because of the nature of its activities it is difficult to detect and it is difficult to assess the extent of the scope on which it operates. But as far as I have been able to get [intelligence] on which to base an appreciation; I would say that forcible oath-taking, as distinct from voluntary oath-taking, which was very prevalent some time ago, is now on the decrease. In other words, there is not now so much pressure brought to bear on people to take an oath forcibly. As for voluntary oath-taking, as far as one can make out, the initial impetus has, to some extent, spent itself."

Unhappily, events have proved him to have been hopelessly wrong in his appraisal of the strength and scope of the *Mau Mau* movement. For, this is the blame the weakness of the intelligence services. With all due respect, Mr. Speaker, and here I think I can speak for most of my colleagues, I do not accept that statement. (Hear, hear.) For I know it to be true that Government have been warned time and again by their field staff, their provincial and district commissioners stationed in the affected areas, and by a great number of the settler community.

In defence of the police, I believe their intelligence to be good, because for some time past, in talking with officers of the force, one could not fail to realize how greatly perturbed they were by the evidence of the growth and spread of not only subversive propa-

[Mrs. Shaw] of these subversive movements. No, Sir, it is not, in my opinion, the intelligence that has been at fault, but the fact that Government has failed to appreciate and act on that intelligence.

The reaction of the Government benches to the hon. Member for Rift Valley's statement in the Law and Order debate last July, that there was a movement on foot to overthrow good government in this Colony, did not point to lack of knowledge, for the Members opposite showed shocked surprise, not at the fact, but that the hon. Member for Rift Valley should have the temerity to announce that fact publicly. That reaction typifies Government's whole attitude at that time, although I believe that by then their knowledge of the growing threat to peace and order must have been very complete, or Government would never have agreed to the drafting of such undemocratic measures, one month later, as the Emergency Regulations. And here I should like to pay a most sincere tribute to our then Acting Governor for the resolution with which he handled that stage of his situation. (Hear, hear.)

To pass to phase one, I too have nothing but praise for the admirably conceived and well executed operation called "Jock Scott". It did much to restore confidence and make the Europeans feel that at least their patience and their restraint under the greatest provocation, had been justified. So the failure of phase two and the lack of any follow-through came all the more as a bitter disappointment. The hon. Member for Law and Order admits it was a disappointment. As he says, the guilty men were not being caught or punished. He describes it as a breakdown of the administration of criminal law, but, Sir, I would go one further, and say it was a breakdown of the whole operation for I contend, in this second phase, the initiative passed into the hands of the Kikuyu, and still largely rests with them.

The events of the week-end, which have troubled and saddened all Members of this Council, prove this, and our sympathy must go out to all those who have suffered from the horror and brutality that these vile wretches have loosed on our Colony. All communities have suffered, but the people who have

suffered most are the loyal Kikuyu. They as a result of their unwavering loyalty and their great courage, have been tortured, threatened, and foully abused by their own kith and kin, and I should like to pay tribute to them. I do feel, however, my tribute to them is dwarfed by the strong measures that were taken yesterday to deal with these criminals and those who aid and abet them.

I agree with the hon. Member for Law and Order when he says that this is not this unrest is not caused by economic grievances, but is a Kikuyu disease. Mr. Speaker, this disease has proved infectious and infectious diseases spread rapidly, and it is my contention that, although other tribes, up to date, have shown their complete loyalty, this disease may spread to them unless the measures taken to eradicate it are so severe and drastic that the evil-doers are routed out and the Kikuyus come to fear Government more than they do *Mzee Mwa* reprisals.

We, in this Colony, have a common allegiance to the British Crown. We have common interests and common problems. These problems are not easy, Mr. Speaker, of solution. But I believe they can be solved in an atmosphere of mutual trust and good will at a round table conference. But there can be no such conference until the fear of this *Mzee Mwa* evil has been removed from our people and the shadow has gone from our land.

To conclude, Mr. Speaker, I should like to quote from my maiden speech made just one year ago, for I still believe it to be true: "That security must be the corner stone of our development, for without security, and good security, the whole edifice will topple to the ground. We may talk in this Council of increased settlement, of expanding services, we may indulge in Development and Reconstruction Authority day-dreams, but those day-dreams will never prove the reality we hope, unless the safety of the lives and property of the people who live in this Colony can be assured". (Applause.)

Mr. CROSSKILL: Mr. Speaker, a degree of satisfaction was expressed in the Council yesterday, at the measures which were announced by Government for putting down the Kikuyu rebellion—but

Mr. CROSSKILL: Further measures must be considered, and it is about those which I wish to speak to-day and make some suggestions. If further measures are suggested, which are more drastic than those which have been taken to date, it may be necessary to declare martial law in order to protect persons and property. It would be a sad day if this became necessary.

I think no one in the country is dissatisfied with the work of the police and the work of the Army. The work they have carried out in rounding-up subversive groups has been excellently carried out, but I feel that the end, and the punishment inflicted on those convicted is inadequate and it is particularly with regard to the deterrent effect of punishment that I wish to speak.

The measures taken with regard to re-education of the reserve, with regard to the registration of KIKUYU, and pass laws, about which a decision has been taken by Government, are all excellent. They would have been wholly admirable had they been taken six months ago, and it seems to be a perennial fault of the British people that we do too little and too late. I should have been happier to say, Mr. Speaker, if I could blame the hon. Member for Law and Order for the situation in Kenya to-day, but I feel I should be doing him less than justice if I said that blame completely on his shoulders. I feel that the blame lies primarily in the system by which we are governed. The lack of continuity due to the whims of party politics at home, the lack of decentralization of responsibility from the home Government to this country.

I should like to read, with your permission, Mr. Speaker, from *The Times* of 17th November, when Mr. Dingle Foot was speaking at Barnstaple. He said: "After twelve months of the Conservative Government, we can see how little the Conservative Party has changed. For example, no Liberal can possibly support the policy which is being pursued in relation to Africa." So we see that by the whim of party politics—the policy may of necessity be changed here in Africa. The Liberal Party may sway the vote and the whole policy be overturned.

I feel certain that men and women elected to Parliament in England, 5,000 miles away, mainly on a party ticket and to a great extent for reasons purely parochial, are quite unsuited to initiate and deny on policy in Kenya to-day. I feel that, if Kenya is to prosper, and prosper it shall, that we must have a greater degree of control over our own affairs in this country. Until that situation can be set right, I feel that the Colonial Office, the Secretary of State for Colonial Affairs, should be separated from the fogs and the bias and treachery of politics at home! Just in the same way as the judiciary is separated from the executive, so I think, in carrying out their trusteeship, the Colonial Office should be separated from political politics. It is life and death to colonial people. I fear the days are now gone when people elected to the Houses of Parliament at home, have the will and ability to understand the problems of colonies so many thousands of miles away from them.

On 7th November, when the Secretary of State for Colonial Affairs was reporting to the House on the situation in Kenya, he mentioned problems which were raised by the existence of witchcraft in Kenya, he was met with ribald laughter. I think our counsellors, in their wisdom, should be freed from such puerile mockery.

I think the two main causes of the trouble at the present time, firstly, are that for many years now African administration has not been sufficiently closely in touch with the Kikuyu people, and their trend of thought. (Hear, hear.)

Secondly, we should have instilled a mechanical discipline, but the discipline in the country has been negligible.

With regard to the first, I think the most satisfactory statement by Government that I have heard so far with regard to this trouble is that during the rehabilitation period in the Kikuyu reserves, the administrative officers will be freed to a great extent from the routine office work. They will be able to revert to the type of close administration which was so successfully followed until some 20 years ago in this country. The administrative officers were able to go on safari round his dis-

(Mr. Crosskill) to our schooldays. We have an emergency people who are of the same degree of development as we were during those days. During our schooldays we were disciplined; we were not disciplined in democratic choice, we were not kindly asked whether we would accept it or not; it was automatically imposed on us by command. And, there were painful penalties if we infringed against it. I feel it is our duty now to adopt similar methods. Unfortunately, we must inspire fear into the African people's healthy fear, a fear transcending the fear of witchcraft and transcending the fear of intimidation. To-day, as I see it, the Government has a choice of two things. They must be prepared to accept further bloodshed, or they must be prepared to impose corporal punishment as a necessary accompaniment of every conviction of *Mau Mau*.

Some 15 years ago, a friend of mine in the Nyanza Province was prospecting. He made a great number of African friends and when he was leaving, he was asked whether he would not change his mind and remain there and live with them, and show them how to live. He said that, unfortunately, he had to go, but they promised to pay him; they promised to build him a house, but he said: "When I am gone, you must seek this advice from your district officers and from your missionaries." They said: "That is all very well, *Zwana*, but when we talk to our district officer, he always asks us for our *kadu* and whether we have paid our rent. If we talk to the missionary, he asks us whether we have got one wife or two, and whether we are wearing trousers and are properly covered up." (Laughter.) It is particularly satisfying that these district commissioners and officers will be able to chirp but that work in gaining and maintaining the confidence of the Kikuyu people.

With regard to the second point—the discipline. Discipline during the last few years in the country, among the African people has been negligible. We have discipline instilled into us from the earliest days of our childhood. We are taught discipline until it becomes a natural reaction. We naturally react to a command by obeying, in most cases, but we have not seen fit to instill that discipline into the African people. That discipline, instilled through our school days, affected not only the British Empire, but the world, and it is a thing we should, and must, instill into the African people. Instead of that, we have had our heads in the clouds, we have been dispensing sentimental kindness which is construed by those we seek to govern as weakness. We have been too prone, recently, to seek friendship by the promise of gifts, rather than pursuing unswervingly a course which we know to be right, however autocratic and how firm that may be. I think the present troubles in Kenya are analogous

to our schooldays. We have an emergency people who are of the same degree of development as we were during those days. During our schooldays we were disciplined; we were not disciplined in democratic choice, we were not kindly asked whether we would accept it or not; it was automatically imposed on us by command. And, there were painful penalties if we infringed against it. I feel it is our duty now to adopt similar methods. Unfortunately, we must inspire fear into the African people's healthy fear, a fear transcending the fear of witchcraft and transcending the fear of intimidation. To-day, as I see it, the Government has a choice of two things. They must be prepared to accept further bloodshed, or they must be prepared to impose corporal punishment as a necessary accompaniment of every conviction of *Mau Mau*.

The first—bloodshed—is a policy of weakness. We have to resort to that when our policy has been inadequately strong. If we adopt corporal punishment, universally, for all males who have been convicted of *Mau Mau*, I feel that we shall be getting very near to crushing the rebellion.

Again, Sir, with your permission, I shall quote from *The Times*, when Lord Alness, lately Lord Clerk Justice of Scotland, wrote to that paper. He said: "When I was Lord Justice-Clerk of Scotland it fell to my lot to try, with a jury, during 11 years, most of the important criminal cases which came before the Scottish Courts. On one occasion, I recollect that I was taken to task for advocating, from the Bench, the use of flogging, in appropriate instances, I remain unrepentant in the view which I then expressed. Indeed, the course of events has, I think, more than justified my opinion." He then goes on to describe various razor-slashing incidents, which are not unlike the panga-slashing incidents we have heard about during the last few weeks in Kenya. He ends by saying: "For such criminals a sentence of imprisonment, or even of penal servitude, is quite ineffective as a deterrent. I do remember one young man, when I had sentenced him to three years' penal servitude, shouting defiantly from the dock, as he left it, 'I can do that on my head.' So he could. He was only 18 years

(Mr. Crosskill) old or thereby and given good conduct in prison he would be released before he was 21. The case for flogging as I see it— and I hope I am not over-simplifying it—is this. These men are bullies. Nearly all bullies are cowards. There is one language, and only one, which they understand—the language of pain. Pain, and only pain, is a powerful deterrent to violent crime. Incarceration is not. It seems to me quite intolerable that, even in this brittle and bewildered age, defenceless women should be condemned to five lives of terror, and that chagrin should be triumphant." Signed by Lord Alness on the 14th November, 1932.

Sir, I feel that the cane is mightier than the sword. But, above all, when we are dealing with men who are convicted, we must see that justice is not lost in a matter of forensic ability and legal gabbling. Justice is often more recognized as justice when it is prompt, robust and realistic.

I have been in this country a quarter of a century. It has been a quarter of a century of friendly association with the African people, and I know if we adopt the policy, however firm, and carry that policy out, we may not acquire friends, but we shall acquire admirers. We shall create pride and that pride will develop into a patriotism for Kenya. (Applause.)

Mr. COOKS: Mr. Speaker, I rise mainly to deal with one or two statements of my hon. friend, the Member for Law and Order.

Now, Sir, those mis-statements, or perhaps he would prefer me to call them inaccuracies, are, some of them, serious and some of them, perhaps a little less serious.

With regard to the less serious mis-statement he made; that is: that the police—regular police—were only used in the reserves, in the last five years, of course, Sir, that is not correct, because, certainly up to the early "nineteen-thirties", the regular police were used in the reserves and then they were substituted—a substitution was made of the tribal policeman on what were then regarded as valid arguments, in fact about the same arguments as the hon. gentleman has put up a few days ago to

justify the use of regular police in the reserve. That is, they would be in touch with the people. If my hon. friend thinks that, for instance, a Turkhana policeman in the Kikuyu reserve would be in touch with the people, well, I think, Sir, I may use a common expression of to-day, "he has got another think coming to him", because, of course, much more touch is kept in the particular reserve if the police are people of the same tribe, if, indeed, it is possible to obtain them of the same tribe.

Now, my hon. friend made great alo, or threw a good deal of weight on his suggestion that this Emergency came very quickly upon them and that the reason was faulty intelligence. Well, Sir, along with several other of my colleagues on this side of the Council, I completely query that statement. (Hear, hear.) For years past, strong-arm action has been used in the Kikuyu reserve, and obviously used the need for that strong-arm action must have been backed up by intelligence reports. But that strong-arm action, Sir, failed for many reasons. One reason it failed was because so many Kikuyu were permitted to go underground. Another reason was it was unaccompanied by any remedial action. What I mean is: that although the Kikuyu may not have been suffering under many grievances, they had some grievances which were not attended to. Another reason was the insufficient inspection of schools—a very strong reason, that was. The other reason, alluded to by several other speakers, was the lack of touch by the Administration.

Now, it may be disputed by my hon. friend that they were really in possession of the facts. If they were not in possession of the facts, well, then, I must attribute blame to them, because time after time the facts were put before the hon. gentlemen on the other side of the Council. I do not like to weary this Council with quotations, but this one from the report of the Department of Native Affairs for 1946 and 1947 is really very relevant. The Provincial Commissioner, Central Province, wrote, Sir, in 1947, these words: "At the beginning of 1947, a stage had been reached where a handful of African agitators, backed by a virulent vernacular Press, were extending an undesirable influence over the thoughts and feelings of a large portion

[Mr. Cooke]

of the Kikuyu tribe. This influence was used to support a movement which was, apparently, anti-European and anti-Government. Its headquarters were in Nairobi and its active supporters were found among the urban riff-raff. There is no doubt that the calling of a Colony-wide general strike was planned, and the serious incidents which occurred at Kiambu and Fort Hall were easily traceable to Nairobi-sponsored agitation. That was written by Mr. Wyn-Harris, who was the Chief Native Commissioner here. Mr. Wyn-Harris was a man who, like other Celts, did not mix his words.

GOVERNMENT MEMBERS: Mince his words.

MR. COOKE: I am mixing my words now. Yes, did not mince his words.

About the same time my hon. friend, Mr. Mathu, wrote a memorandum which I have already alluded to in this Council at least once. He sent a copy of that memorandum to me. That memorandum, Sir, seriously drew the attention of Government to what was going on and I remember one of the phrases in which he said that the Kikuyu were assembling in the caves and in the banana groves cursing the Government, and cursing the administrative officers, and cursing the chiefs.

That seems to me a pretty serious warning coming from the leader of the Kikuyu people.

Later on, several Motions were brought in this Council of which I am sure you, Sir, can remember, and we drew the attention of Government to the seriousness of the situation.

Two years ago, Sir, I was personally approached by what I might call the *de facto* leaders, as against the leaders in this Council, who said that the position was getting so bad in this country, that racial feeling was so strong, that anti-European bitterness existed to-day, and that unless something was done, there was a danger of an outbreak.

Now, my friend, Sir Charles Mortimer, and I, and two or three others were approached by these gentlemen. Sir Charles may not agree, perhaps, with everything I say, but those are the words

that were used to me. Now, Sir Charles and I, and one or two others, though not our duty to try to take some action, so we collected together, as many as we could, a number of people of all ages of moderate opinion. We reported our action to His Excellency, the late Governor, and told him what reports had been made to us and how serious the situation was. I do not see how the hon. gentlemen on the other side of the Council still contend that, owing to faulty information, they were not aware of the facts (Hear, hear). I think they were abundantly aware of the facts, but as one or two speakers on this side have said, far more pungently than I could say so, that Government, although they were aware of the facts, did not take that action which we in this country—I would not say who have great knowledge of the African people, or, at any rate, to a certain extent, who are acquainted with their mentality—did not take the resolute action which we think the times and circumstances demand. Hence, Sir, this crisis came upon us with its dire catastrophes and with all its terrible possibilities of racial hatred.

I shall be told, no doubt, that I am indulging in recrimination rather than suggesting positive action. Well, I am perfectly tired of suggesting positive action. I have done it so many times. I have done it in the Press, and in this Council, time after time. It was Mr. Churchill who said—I have quoted him before—"that the value of recriminations about the past lead to effective action in the future"—and it is because I am not quite certain in my own mind that effective action is now being taken that I have brought to the notice of the Council the facts which I have just expounded.

MR. MATHU: Mr. Chairman, I should like first of all to congratulate my hon. friend the Member for Law and Order for the speech he delivered yesterday. I should couple with that the speech made this morning by my hon. friend Colonel Cowie, the Director for the Royal National Parks. It was a great relief, Sir, to listen to him, because although he has interested himself for a number of years now with wild life, looking after the national parks, he has certainly not become wild. It was I

(Mr. Mathu) think a most balanced speech, and I would like again to congratulate him on it.

The next point, Sir, is to associate myself with the hon. Member for Law and Order in deploring and denouncing, without any reservation, the crimes that have taken place during the week-end. The murders that have taken place of the Europeans and Africans, and the burglary of Indian shops, I deplore, and I am very sorry indeed that these happenings are being done by my own people.

A point here I would like to make, is that as far as the affray at Kiruamira is concerned, and my hon. friend referred to it, the story I think, is quite correct that this youth gave the story on Saturday, when he at once regained speech, that he had a vision and that people would go to the market and listen to him the following day; that I think is a true story. I have just got the information last night, Sir, of exactly what happened. There was nothing at all in the mind of those people of protesting against the police post which is almost complete, in fact, is almost complete. The rondavel, thatching and the mudding a complete, three rows of them, and there has never been a word, in fact, done were put up by the local people, nominally themselves, without any money from anybody except people providing materials and labour. There could not have been any protest, therefore, when the police post was complete. It is only a matter of time, moving in the night there. So I do not think there is any accuracy in suggesting that these people on Sunday had any intention of protesting against the site, which I know very well, Sir, of the police post.

Now, referring, therefore, Sir, to the remarks made by hon. friend the Member for Law and Order, about the close policing of the Kikuyu reserve, I entirely agree with him. Anything the African Members can do to make that possible, we shall give, that our wholehearted support. I would like to suggest that in addition to the ten locations, I should like to see forest areas which are abutting these locations, I should like him to include that. I do not think he mentioned any of that area. I should also like to

suggest that a greater attempt in support of the loyal Kikuyu should be made to form night-guards in these locations, every location—(Hear, hear)—because I do feel as my hon. friend the Member for the Coast has just said, a Turkhana or a Suk cannot get any information because he does not know the language. In any case a Kikuyu would look down on him, and would not think he is anything. I think you have to improve on that, Sir. The other suggestion I would like to make in order to reach these police posts where they are in the wet weather, I think this is the time, when we have these spivs who are collected in the streets, for them to make roads to reach these police posts, so that there will be quick transport, and quick communication to the areas of crime. This is not the first time I have made this suggestion, Mr. Chairman, I have made that suggestion many times before, but for other reasons, I think by a reason that nobody can avoid now. We must have quick transport, and if it rains in the Kikuyu area, and I do not know whether it is because of the divine will that there have been no rains, but if we had rains in the usual way you could not reach these people they would be isolated. You could go by air, but there are no airports in these villages. The only way is to get these roads made, I do not know how you do it. If the people are picked up for a week, put them to work on a road. It is a matter in which I do not think any Member would not support me in urging that this should be done.

The other point, as far as the policing of the areas is concerned, is that you have a large number of African policemen who have been under a very difficult time display a sense of duty that is comparable to none. (Hear, hear.) That is my view, and in that regard I would like to ask the hon. Members of this Council to support my suggestion, that among the ranks of these policemen there should be given opportunities for promotion, so that they get encouraged, because they are working, most of them, under very difficult situations. And if under very difficult situations, that that would perhaps be interpreted that the promotion is a sign of weakness on the part of the Government, because there is an Emergency, I would say no, it is a suggestion, Sir, I say, which will give

[Mr. Mathu] greater morale among these people and they will be encouraged knowing they have the support and recognition of those in authority.

Before I leave the policing of the African areas, the Kikuyu areas, in particular, I should like to say that the criticisms which have been made by the hon. Members, particularly on the Unofficial side, against the Member for Law and Order, some of them, I think, are most unjustified. He is definitely working under tremendous difficulties. I realize the pressure that is being placed on him from every direction is almost humanly impossible for him to cope with. I sympathize with the hon. gentleman very much indeed, and I would not like to increase his difficulties by becoming abusive like some of the hon. Members—discourteous like some hon. Members have been—in directing remarks to him. The same would apply to the hon. Member for African Affairs.

Let me make a few comments on punishments. Punishments have been suggested, from ordinary ones to very beastly punishments. I say, Sir, that if we think that we can achieve something by doing this, I am going to support any form of punishment you like, except this, and in this, I must make an exception, one thing that has pleased me during this debate, yesterday and to-day, is that I have heard a few hon. Members on my right recognizing or stating publicly for the first time, that they know there are some good Kikuyus and some loyal Kikuyus. Now, that—

MR. BLUNDELL: Not the first time.

MR. MATHU: —that has been very encouraging, because I feel if we have to build this loyal force among the Kikuyu people, one of the ways of not doing that is punishing them with those people who are disloyal, and that is what the communal fines, the policy of the hon. Member for Development has announced in this Council the other day, what they are going to do. They know in their heart of hearts that they have nothing to do with the subversive movement and they have been trying their utmost to support the Government in their measure. When they come and pick up their cattle and their crops and their vehicles what would you feel yourself? It is all right

for my hon. friends here to say that it does not matter about the few innocent people, they can suffer; that is very easy to say, but I am suggesting that we will be losing them if we do not become careful to see that that does not happen, because they would be embittered, therefore, they would have the opportunity of going to take illegal oaths and say: "If these are the people we are supporting and they are keeping us down, well, the sooner we suffer with the others, the better". I am sure that is the human reaction all over the world, even in Ireland that could happen. (Laughter.) That applies also in this connexion to the speech made by my hon. friend the Member for Uasin Gishu. He has been making that type of speech for many years. At any rate since I have been a Member for this Council, and I thought it was a very regrettable speech, and I do not want to answer any of the points he made, because I think it is not to the dignity of a Member such as the Member for Uasin Gishu. I shall dismiss it just like that. (Laughter.)

Now, Sir, I would like to say that in July this year, when a Motion was introduced in this Council by my hon. friend the Member for Rift Valley; if you will allow me, I will quote an extract of what I said from the *Hassan*. I said "I never said a word against the Mau Mau movement was prohibited. I feel in my own heart that what we want is open criticism of the policies of Government and my hon. friend Mr. Cooke said, 'Hear, hear!', then I continued—(Laughter.)

"That is absolutely vital. Anything underground is not for the good of the community of the people or, the people who have buried themselves underground. In fact, it is a dangerous thing". I said that in July this year, and I say now again, Sir, that since then there have been statements, either by myself or my colleagues together, saying that violence is not the road to achieving anything good, and these illegal oaths that have been brought us into trouble to-day, must be stopped, and I say without any reservation at all. I agree that I did not say facts which we now have, because of the Press, and the announcements by the Government of how things are happening. I would have been more brutal at that time than I was, but I did not know the facts that Government knew in July. Is

[Mr. Mathu] addressed the African district council meeting in Embu in August. I said this: "Mr. Mathu then addressed the Council: he condemned in strong terms those responsible for the recent increase in crimes of violence in the Colony, and expressed his view that they should receive no lenience from the courts. It was not by such means, but through co-operation with all races that the African must secure his future. Mr. Mathu then went on to say how glad he was to note the good progress made in the Embu district since he first reached there in 1937".

Now, Sir, I still hold those views that violence must be stopped, and it is not a method of achieving any progress whatsoever.

Now, Sir, I do not want to weary the Members in quoting anything, but to say this, that some hon. Members on my right have quoted and criticized me very bitterly during these debates, and yesterday one hon. Member quoted my speech which I made in Nairobi, I think, in August. Well, that is quite right, and I say this, if I wanted to quote speeches, which I think were even worse, to destroy our racial relations, made during the General Election in Kenya, I could, but what benefit does that give us? That does not help us at this present juncture; I agree with the hon. Member for Law and Order that history, although he can refer to it, is not going to help us. In fact, the sooner we finish these debates, the sooner this gentleman can get busy and do what we are telling him. The longer we make speeches, the longer—(Hear, hear)—

MR. BLUNDELL: You could start by sitting down! (Laughter.)

MR. MATHU: I am starting—before I have that point, let me repeat what my colleagues and I have said to this Government—that we are prepared to help in any way that we can help them and in any way they can use us—I mean that sincerely. We do not support violence in any form—we shall not support violence in any form, whether it is by Mau Mau, "Chow Chow", "Kau Kau" or anything. (Cries of "Kau Kau") That is a statement which comes from myself, and it is a statement which

can be endorsed by my hon. colleagues of this Council.

We have now nothing to hold back. We may have vacillated before the declaration of the Emergency—I said that the other day—but since then we have been, in our hearts, and we publicly made a statement that we shall do our utmost to help this Government to bring this trouble to an end. But what can we do? Unless we are told what to do, what can we do? If we were asked to put on police clothes and go into the Kenya Police Reserve, alright, I am ready to do that. If we are given a gun—which I have never had—I do not know how to shoot, I have never done it, but I would learn, although I would not want to do it. Tell us what to do to know that we mean what we say.

We have no executive responsibility. We hold no portfolios—we do not look for them because we know that we are not likely to have them. My hon. friends on my right are looking for them. (Laughter.) We do not want them. They have two Members and they want two more! We are working for the people here without looking for any portfolios, because the policy prohibits that happening. If that cannot be appreciated then I do not know what.

Now, one point about firearms. Sir, I would like to say to my hon. friend, the Member for Law and Order, and my hon. friend the Member for African Affairs, when policing all these areas—in the rural areas and in the urban areas—that other races should be searched, because it was in the paper, only recently that a large number of rounds of ammunition and pistols were found in an Asian house in the Nyeri area—it was in the paper. There was no licence—nothing. Surely there may be others? Why should there be ammunition of that kind without any licence? It may be selling them to those hoodlums who destroy the life of other people. I say there should be searches for people who have firearms. Make sure they have them legally—(Hear, hear)—and make sure they are not making quick money in selling to the murderers in this country.

[Mr. Mathu]

Surely when you think about the Kikuyu—they are bad, of course they are, but there are other bad people as well. I think the Swedish phrase goes: "There are other people in other valleys." I think it is a point I should like to, emphasise very much indeed, because somebody is becoming negligent. Somebody is very immoral allowing people to steal firearms. I think my hon. friend the Member for Law and Order should search and make certain that people who have firearms are responsible people only. I have my suspicions that there has been a terrific traffic in firearms, as has happened in other parts of Africa, as hon. Members well know. It is local people. There is no question of going abroad or anything. I think that must be looked into.

I have two final words, Mr. Chairman, I should like to make. The first is that I have been brought up in the British way of life, and my hon. friend the Member for Finance, when he was on the Unofficial side, never let a debate go by without using that phrase. In fact, it is going through my brain now and cannot get out—(Laughter)—and I believe in the British way of life, and some of the suggestions that have been made in this debate are becoming primitive. Then what I should like to know is how can you talk about a British way of life and, at the same time, have a policy which drags those people you want to bring up down to great depths of primitiveness. I simply cannot understand it. Pillories, stocks, flogging and what you will. I suggest that is not the way, Sir—I am not suggesting my hon. friend the Member of Finance did state that, but speeches have been made in that connexion during to-day and yesterday.

I am suggesting, Sir, that to condemn the whole Kikuyu people and even to kill the whole lot of them, even to take them into the Indian Ocean, or what you will, that will not solve the problem at all. There were no Kikuyu in Germany. There were no Kikuyu in Italy, there were no Kikuyu in the troubled outside world to-day. Now, therefore, the problem, even if you exterminate the whole of the Kikuyu people, my hon. friends, unless you exterminate the whole of the human

race which, of course, you can solve if you were solving anything by doing that, but that is a negative action.

What I am suggesting, Mr. Speaker, is this. That the Kikuyu bad person must be dealt with. I am not going to defend him at all. What I am suggesting is that the loyal people among that community, and they are very loyal to the Throne and very loyal to this Government—they are—those are the ones I want brought forward and into the open. Give them publicity, give their actions publicity—that we are not doing. And when we are criticising all this let us remember, Mr. Speaker, that the police who are helping us in this and the King's African Rifles, a large number of these men are Africans, a large number of them are Africans—

COLONEL GROGAN: How many are Kikuyu?

MR. MATHU: That I shall ask my hon. friend; I have no figures because I do not know the statistics but if the Kikuyu had openings, I would be the first—I have offered myself to do that job—if I have a civil war, I know the Kikuyu, the loyal Kikuyu, will come forward to do that, and I, Sir, do not want to create greater difficulties here. All I wanted to say, Sir, is that I have no doubt in my own mind, and in those of my hon. friends the African Members of this Council and others who are helping us in presenting the other side of the picture, that is friendship and happy relationship with all the communities here, we shall all continue to offer our services, however small they may be, to the Government and to help solve our present difficulties.

I believe in, Sir, and I have said this throughout the time I have been in this Council—this is the ninth year I have been a Member of this Council—that I stand for co-operation of the communities here. When my friend, the hon. Member for Mount Kenya quoted me as he did yesterday, he ought to have quoted also my other statements which I have made in this Council and outside, that I stand for the co-operation of the races here and I am not going to be removed from that attitude by either accusations or recriminations of any kind, because I believe that here is our

[Mr. Mathu]
 race—all of us—and nobody will remove any one community from Kenya. Even when you remove the Kikuyu there will be other Africans as well and you cannot live without them and they cannot live without the British people here. That is my firm belief, I say this openly and sincerely and other people can say what they will. That is what I believe, Mr. Speaker, and I support the Motion.

THE SPEAKER: It will be a convenient moment to take the break. Business will be suspended until a quarter past Eleven.

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

COLONEL GHERSIE: Mr. Speaker, I do have listened with considerable interest to this debate. One of the things which surprised me most of all was the apparent lack of appreciation on the part of some hon. Members that the Colony is facing an Emergency. On the one hand we have an assurance purporting to support Government and I refer to certain hon. Members on my left; on the other hand immediately it was suggested that certain deterrent legislation should be introduced we meet with opposition. We have had opposition to corporal punishment; opposition to the death sentence under certain conditions, and quite recently—the last speaker we heard—there was opposition to even the seizure and sale of cattle.

Now, Sir, it was most encouraging to hear the hon. learned Member for Law and Order state that Government had at last intended to take more positive action, but, Sir, time is the essence of the contract, urgency, and, Sir, for one reason on the financial side, this Colony cannot afford to finance an Emergency of his description for an indefinite period, it is a fact for very many months.

Now, Sir, we are also told that it is the intention of Government to increase the number of police and administrative officers in the Kikuyu reserve. That, of course, will involve us again in additional expenditure. We are also informed that under certain conditions cattle will be seized and sold as a punitive measure.

Now, Sir, I suggest that if that measure does not prove effective, then the Kikuyu

tribe must be made to understand that they must make a substantial contribution to the cost of this emergency, whether it be by the seizure of cattle in the whole area or by locations, or by additional taxation, but it must be brought home to them. The hon. Mr. Mathu a few moments ago was saying: "We want somebody to indicate how we can help". Well, Sir, the hon. Members representing African Interest are opposed to certain measures such as corporal punishment, therefore the Kikuyu tribe must help by the monetary side. Now, unless something of this nature is done, and it is brought to an immediate, permanent and satisfactory solution, that is, this Emergency, I suggest that the Budget, these Estimates are mere pious hope—we are merely wasting our time, print and paper.

I hate to repeat these remarks but the hon. Attorney General, I beg your pardon, the hon. Member for Law and Order, did make a remark referring to the Mau Mau as an epidemic and a Kikuyu disease. I realize that it has been commented upon by other hon. Members on this side of the Council but I would put it this way, that apart from a nasty habit that epidemics have of spreading, this disease has got to be eradicated before it has spread any further, and I am not thinking necessarily of other tribes. I agree there are certain loyal Kikuyus, but, Sir, it is no novelty to suggest that the patient pays the bill. Why, Sir, should the money be drawn from central revenue? Why should loyal tribes be asked to contribute towards this Emergency? That is precisely what happens if the funds are derived from central revenue.

It was also interesting to hear the hon. Member for Law and Order state that Government were now convinced that there was no connexion between Mau Mau and the economic problems of the urban African. Sir, hon. Members on this side of the Council have always held that point of view, and if you look at it this way, most of the activities of Mau Mau emanate from rural areas, where your economic problems such as housing, cost of living, scarcely arise. It is tragic, admittedly, but due to the influence of certain African leaders, some of their followers have reverted to

[Colonel Ghesrie] primitive savagery. Others who never had any intention of doing an honest day's job of work, have taken advantage of the position and now embark on thuggery and gangsterism. But, Sir, they cannot have it both ways and unless law and order is restored the Government Programme of this Colony must suffer.

Now, Sir, as an old friend of mine, an African, put it the other day, he said, "You know, *bwana*, *Mau Mau* is political". There are certain African leaders who would like to control and govern this Colony and they are making most extravagant promises to people in the reserves. On the other hand, as far as crimes of violence are concerned, they exist because certain Africans find it far easier to make a living that way than by honest work. If they go to jail it does not matter very much. They are fed well, and there is no *ki-boko*—and, Sir, he emphasized that point—there is no *ki-boko*. And he was convinced if there was the *ki-boko* your crimes of violence would disappear or would be considerably curtailed. He then, if I may mention this, referred to (inaudible). He was in sympathy with perhaps a lot of Africans who find it difficult to live to-day. He said this was due to the lack of the wherewithal to buy food. He said there is pressure from the wives and the families and we know this especially in any part of the world where people are short of food. They probably indulge in petty stealing. He concluded by saying: "*Bwana, kama tunya ya hibi unajua hakuna maneno*". Roughly, provided the wife is fed, there was no trouble". (Laughter.) I thought all hon. members understood the vernacular?

MR. BLUNDELL: Gracious no, not hon. Members please.

COLONEL GHERSIE: Now, Sir, my chief complaint against Government has been the lack, or their lack, of determination to accept the information given to them by their administrative officers and some ex-administrative officers. They have been in possession of these facts but they have refrained from acting. I will say this, Sir, I have a certain amount of sympathy for certain senior hon. Members in Government, because they are more or less newcomers and they have inherited the lack

of activity and the lack of appreciation of the way in which the position has deteriorated during the last few years by their predecessors. But, Sir, they are now faced with the facts and it is up to them to act with determination.

Finally, Sir, I would like to say this. There are a large number of loyal Kikuyu in this Colony, and they are the people who require protection, and, Sir, I suggest that is Government has fallen down over the last few years, it has not given that protection. I have had 22 years in this Colony, Sir; I have three children born here, I have grandchildren, and—(Loud applause—Laughter.)

THE SPEAKER: Order, order! I must remind the hon. Member that the Motion before the Council is one which requires strict relevance to the point.

COLONEL GHERSIE: Sir, I was afraid of that. Sir, it may be, Sir, that those grandchildren of mine will help to maintain law and order in this Colony at some future date. (Hear, hear.)

The point I was leading up to, if you will forgive me—I will do it very quickly—was that I stand here quite frankly as a champion of the generations those children represent, whether black white or brown. (Hear, hear.) My children were born here, they have every right to exist in this Colony as much as the children of any other community. Therefore, I want to see law and order restored and maintained. And there is a wonderful future in this Colony for all sections of the community—there is an economic future for all—always provided Government are prepared to face facts, are determined to rule and not capitulate to the irresponsible leaders of any section of the community, or to mass hysteria.

Sir, if I could quote just one case, again on my own farm, my African, some of them have served me for over 20 years, for the last 18 months they have said: "What are Government doing? To-day we dare not go into the town for fear of being robbed. We dare not ride our bicycles for fear of being knocked over the head and having them stolen from us". That is the position the loyal African has been put into, and to conclude, Sir, only yesterday my wife arrived back from Great Britain and all

[Colonel Ghesrie] loyal Africans were lined up ready to meet her, and were, I believe, sincerely pleased to see her back again.

I will finish, Sir, with just warning Government to remember the words of the hon. Member for Finance when he said: "This is the assessable; but there is the unassessable". That is on the financial side, and that can only be determined, ladies and gentlemen—(Laughter)—sorry, Sir, after law and order has been restored and measures have been taken to see that it is maintained. (Applause.)

MR. A. B. PATEL: Mr. Chairman—

THE SPEAKER: Will the hon. Member please look at the Order Paper and see that the Motion is before Council?

MR. A. B. PATEL: I am sorry, Mr. Speaker.

THE SPEAKER: I have borne it from Mr. Mathu for five times without interrupting him, perhaps we may now realize that we are in Council and that the basis of law and order is, of course, to keep to our strict rules of procedure. (Hear, hear.)

MR. PATEL: Mr. Speaker, I am sorry, I thought we were in Committee of Supply.

Sufficient has been said in regard to the Motion before the Council, and I had no intention of repeating what has been said already; but it is essential for me, Mr. Speaker, to reply to certain observations which have been made by the hon. Member for Nairobi North. He said that the Members on his left were opposing the increase of sentence and provision of corporal punishment, etc., when, on the other hand, they were saying that they were ready to support all measures to deal with the Emergency. I think, Mr. Speaker, these remarks are likely to create a misunderstanding, and I should explain it, although I did it yesterday, that we, the Asian Members, are prepared to support corporal punishment and other sentences under Emergency Regulations for the purpose of dealing with the present Emergency. (Applause.) What we said was that, while we were passing a permanent Ordinance, it was necessary the Government should have time to apply its mind as to whether those provisions should be included in a law which is going to be on the Statute Book for all time.

If that is interpreted as opposition to the provision of corporal punishment, and other higher sentences, I am afraid the hon. Member for Nairobi North did not understand the attitude which the Asian Members had taken and which was explained by me yesterday.

LT.-COL. GHERSIE: If I could rise on a point of explanation, I did use the expression, hon. Members on my left. It did not necessarily include the hon. Member who has just spoken or all of his colleagues. I am sure he will be the first to agree that that point was expressed by hon. Members further on his left.

MR. PATEL: If that is so, perhaps I have nothing to complain of. But still we were on his left.

I would like to congratulate the hon. Mr. Cowie for his very balanced speech, Mr. Speaker. (Applause.) When there are difficult times, it is necessary to keep a sense of proportion and balance of mind. (Hear, hear.) The Emergency should not compel us to lose our balance of mind while speaking. I do not want to enter into discussion about irrelevant matters which were introduced on this Motion by certain Members, such as control of the Colonial Office, etc., on which I could easily join issue, but I do not want to take up the time of Council; However, I will merely rest satisfied by saying that, apart from the question of supporting the Government in the stronger measures necessary to deal with this situation, if any Member has discussed constitutional matters, and the relation of the Colonial Office with this Government, etc., I am afraid that that is absolutely irrelevant, and I do not want to waste the time of Council by replying to it.

I would like to say still, Sir, before sitting down, that while taking the stronger measures against the Kikuyu tribe, we should not overlook the fact that many of them have lost their lives by being on the side of law and order. (Hear, hear.)—and while we advocate any punishment against the whole tribe, we should see that the families of such loyal people are not included in the list of those who are punished, when we try to impose any collective punishment or sentence. (Hear, hear.)

[Mr. Patel]

With these observations, Mr. Speaker, I would like to support the Motion, and I would like again to say that the Asian community is strongly in favour of taking very drastic steps for dealing with the present situation.

MR. BLUNDELL: Mr. Speaker, like the hon. Mr. Patel, I shall not delay the Council very long. I do not wish to reiterate much of what has been said already on the necessity for and the methods by which Government should deal with the present situation, but it seems to me that we should attempt to look a little further than we have done up to date in this debate.

As I see it, in the law and order in the Colony at the moment, there are three factors which are affected. There is an incipient revolutionary movement which we call *Mau Mau*; there is a very alarming and spreading increase in straight-out gangsterism and, on top of that, there is a large increase in what I would call petty and smaller crime.

Now, Sir, I propose to deal with the last two first, because they are the most easy to get out of the way. I believe the hon. Member for Law and Order has got to look right through the whole of his procedure in dealing with the type of gangster whom we are developing. I have no doubt in my own mind that many of the crimes which are attributed to *Mau Mau* actually arise out of the fact that gangsters are cashing in on *Mau Mau*, and those gangsters have got to have a completely ruthless application of the law—completely ruthless, and I would go further, I would say that some of those gangsters, who have been operating in the Thompson's Falls area, are exactly in the same position as the outlaws in the development of the continent of America, something like a hundred years ago, and they need exactly the same ruthless immediate application of law on the spot.

I am not going to say more about that, except to stress to the Member that we have developed in this country to-day a type of criminal which did not exist ten years ago. The first thing we have got to do is to find out why we have developed them and keep up the whole of our legal procedure to deal with them.

On the question of the great increase in what I would call, ordinary and petty crime, I will say this. It is entirely, in my opinion, due to the deterioration in the moral fibre of the African people, and especially, unfortunately, of the Kikuyu people; coupled with certain social and economic causes. I am not going to deal with that, because I did so in the law and order debate in July and I shall wish to return in a minute to the deterioration in the mental and moral fibre of some of the African people, and in particular of the Kikuyu people.

In regard to *Mau Mau*, it is what I call an incipient revolutionary movement. The hon. Member should be under no misapprehension, it is still spreading and gaining ground. Only this morning I had a telephone call from my own area, which has been reasonably free, to say that *Mau Mau* meetings are now taking place there. I want to impress on the hon. Member the absolute necessity for dealing with the oath administrators. (Hear, hear.) They are the carriers of the disease; they are the men who spread it and, to be absolutely frank, there is nothing too drastic for the administrators. Every administrator, as I said yesterday in Committee, is a potential murderer. (Hear, hear.)

Now, Sir, I wish to turn to another side of this debate altogether. The great trouble in moments such as this, in a Colony such as this, is that chains and gaps are driven in the structure of our society, and one of the reasons why, in my belief, it is essential to deal with the incipient revolutionary movement, is that it is driving apart the races who are represented on this side of the Council and as a result I do not believe that we are, perhaps, putting as much imagination on to the problem as we ought to.

First, let me say this. It is vital that all those ruthless and punitive measures which the hon. Members on this side of the Council have asked for, should be initiated. That is vital because, until the revolutionary movement is stopped, and it will not be stopped—I must stress this—it will not be stopped by honey or bribes. All that honey or bribes will do will be to accelerate the Motion. It can only be stopped by the meeting of the revolutionary force with greater force and greater fear than it is itself engendering.

[Mr. Blundell]

Having said what, it is necessary, in my view, to lift our eyes a little further ahead. This is a disease—the hon. Member has admitted it is a disease—which is sweeping through the minds of the Kikuyu. The disease can be stopped by compulsory application of painful medicines, but, I believe, we have got to examine what is the cause of the disease. Why is it that the revolutionary movement has spread so? There are two angles to that, and it is the second angle which I wish to speak a little bit about.

It is this, Sir. The Kikuyu people have been caught at a moment when their old initial structure and ideas, sanctions, etc., were disintegrating, and we have failed to give them any background or discipline on which they can build. I must stress that very strongly. When people talk about discipline, I am firmly convinced that many of the young Kikuyu people have been loosed from the old tribal sanctions and are moving in a world, one might say, darkly, and have really no background upon which to base their life. It is our function to supply that.

To go one step further, I do not believe that that can be done for ever on a repressive basis, and I would urge very strongly that, hand in hand with the measures which the hon. Member has outlined in regard to the closer policing and the closer administration, we shall need, for a long time, for the Kikuyu people, certain controls. We shall need the control of the person, because I do not think we have got a right to ask the ordinary citizens of the country to accept into their midst people who are suffering from a disease which we know is dangerous, without satisfying ourselves that the persons moving are not indeed disease-stricken.

Secondly, I think we shall have to have control of movement. We shall have to have, I think for many years to come, control on the Press, because that is agitating the disease within the minds of the people affected. And, lastly, control of assembly.

Now, Sir, those are all definite disciplinary controls. But the point I wish to make very strongly is a point which the hon. Mr. Cowie, the Director of the Nations' Parks, made. It is vital, if one looks ahead 30, 40, 50 years, it is vital

that we do two things. We must first condition and discipline the Kikuyu people so that they can be accepted ultimately into the body politic in the country, without disturbance. Having done that, surely it is vital we should set in motion every measure that we can to re-educate and make them decent citizens. Surely nobody in their senses can support the contention that we can isolate for ever the Kikuyu people. We cannot.

Now, Sir, there is the beginning of that already in the *njama*. I would like to say this, there are two things we must do, as I have already said. The first is ruthlessly and penally to deal with evil men. The second is to encourage and bring on the loyal people. (Hear, hear.) I believe it is vital and necessary, and over the next ten years—I put it as long as the next ten years—we have got to have, I think, the greatest wisdom and imagination in our administration—perhaps, Mr. Speaker, I had better say our policing of the Kikuyu land unit, because we have got to change gradually from the repressive measures which are vitally necessary to-day, to what I would call the educative measures designed to bring out from the Kikuyu people what element there is in them to be good citizens. (Applause.)

Unless the people of this country fully understand that, we are going to build up for ourselves and for the grandchildren of the hon. Member for Nairobi North, to whom he referred, the most bitter and difficult problem, the I think it is necessary, in the turmoil and naturally the anxiety of the moment, to try and look a little further from the dust immediately in front of our eyes.

Lastly, Sir, I have just one thing to end on. It is this. It is inevitable, at a time like this, that we should be split and become various communities again. I think it is possible that these disturbances and this revolution has set back the march of our progress towards a united community some considerable time. I believe the greatest justification for the Government has for dealing with the incipient movement that I have described, ruthlessly, and getting it in order, confident that it is going to adopt the sort of line I have outlined for later times, the greatest justification they have is that it is quite impossible for us on

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[The Solicitor General] Council, so far as propaganda and information services are concerned, whereas the Government may have been at fault, I think hon. Members opposite, when they recollect the last Budget debate, must realize that they bear some responsibility in regard to that particular subject, anyway.

MR. HAVELOCK: No, no, they have been replaced.

THE SOLICITOR GENERAL: Oh!

Now, Sir, if I have sounded on a note of caution, and in so doing I would like it to be understood that neither I, personally, nor, as I understand it, the Government is lacking in determination or resolution to bring the Emergency to an end by all possible and speedy means. But, the Emergency in this country is just about a month old, and there is a danger of hysteria spreading during that initial stage.

A certain amount has been said by a number of hon. Members on the other side of the Council to the effect that we must establish in the Kikuyu reserves a greater fear than that established by *Afau Mau*. Again, I do not wish to appear didactic or presumptuous, but precisely similar sentiments were expressed at the beginning of the Malayan emergency, and mistakes which have cost Malaya dear were made in pursuance of such a policy. A policy of establishing a terror, whoever it is established by, will not pay. It has been found in that country to be an unprofitable policy. Certainly, we must restore law and order, but if we establish a terror, then we merely put the lid on a pot which continues to boil, and the lid may blow off again at any time.

Finally, Sir, I should like to support the sentiments expressed by my hon. friend, Mr. Mathu, by my hon. friend, Mr. Cowie, and my hon. friend, the Member for Rift Valley, that in this process of winning the hearts and minds of the people, we should give the good, decent, loyal Kikuyu every possible lead, assistance and protection, so that when this Emergency comes to an end, as surely it will, they will be able to recover, as Mr. Cowie said, their prestige, as I say, their self-respect and the respect of other communities, and take their right

ful place in the structure of the community of this Colony. (Hear, hear)

DR. HASSAN: Mr. Speaker, Sir, I do not rise to throw any bricks at the hon. Member for Law and Order, I do rise to support him and support his Motion. He is the protector of the law of the country. He presented the Emergency measures and there are no two opinions about it that we are supporting him in any other additional measures if he feels they are necessary to subdue the lawless element in this country.

Sir, the present situation is now, in the Kikuyu reserve, as follows: There are three types of person in that community, one an educated class who can really what is wrong and what is right. There is a second type of people, the older fellows who really give more attention to the use of snuff and to making wealth, to add more to the number of wives they already possess. They are very lazy people and they are not aware of what is good and what is bad for the country. You have a third kind of people here that I call semi-educated people, young people; it is those younger people that we find are being led away by the political agitators and these criminals in the reserve.

No doubt all measures to eliminate these criminals are necessary and everybody is of the same opinion, but, it is those semi-educated young people who, to be led in the right direction, they are leaders, and I would suggest to the Member for Law and Order that in the educated class amongst the Kikuyu are loyal, and could not come some use be made of those people to lead these semi-educated millions of young people in the community.

I think, on my left, we have got to representatives of that community, and I think from what they tell us in the Council, that they have the confidence of their people and could—I do not know what reasons there are not to make use of these gentlemen to go along to the troubled places and lead their semi-educated young people to the right direction. I feel they should not be treated like "zoo specimens", as the hon. Member said that they are sincere, and sincerely mean to bring about peace and lead their people to the right direction.

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[The Solicitor General] Sir, there have been allegations from the hon. Members for African interests that certain lawlessness had been reported from the troops and police working in the reserve. I do not believe it is true.

MR. MATHU: Mr. Speaker, I did not mention the police, or the military, or anything.

DR. HASSAN: I am sorry, Mr. Mathu did not here when an African Member stood up and said so.

MR. AWORI: It was myself who said I can prove it.

DR. HASSAN: I maintain, Sir, that I do not believe it is true, but I would like to have an assurance from the hon. Member for Law and Order that the Emergency measures that have been in force in the country are not to be used with spite and hate against the community in the least, but they should be used very drastically against any person belonging to any community, to stop lawlessness in the performance of their duties.

The incident brought to the notice of this Council that happened at Makindoo is a place, Sir, that I remember visiting when it was just being built up. I think the place had 40 or 50 Kikuyu in that trading centre, just within a few miles of Thika, reflects very considerably on the distribution of the forces kept in that area maintaining law and order. There are some of the points—the trading centres particularly—where a large number of Africans come for the purpose of making purchases and selling their stuff, and it is those places where the police and forces of law and order come across a very large number of people and pick up the lawbreakers, and those who are entering into criminal activities.

I would bring to the notice of the hon. Member for Law and Order that such raids on trading centres will prove the lawlessness of the Emergency measures that we have taken and as there are so many trading centres, I will not be surprised if nothing is done and that people will shut their shops and come back to Nairobi.

In conclusion, I would not like to waste the time of this Council, I assure the Member for Law and Order and the Government that myself, and the community I represent, we are all heartily with you for the enforcing of the Emergency measures in this country and we shall support you in all that you do, Sir. (Hear, hear.)

COLONEL GROGAN: Mr. Speaker, what is the good of beating about the bush? This is clearly, in the eyes of all men not afflicted with the sinuosities and logomachy which affect the official mind, a rebellion, not only stark rebellion, but rebellion on the part of a tribe that, always in past history, has been regarded with contempt, and as the most cowardly and despicable tribe in East Africa.

I am speaking without any acrimony, just speaking in the historical sense, although, personally, I have had a lot to do with the Kikuyu people and I have always held them in high personal regard. But that does not alter the fact that this was the outlook of the surrounding tribes 50 years ago when I first came to this country. It is one of the maybe unfortunate, or maybe pleasant practices of senescence that the mind tends to revert to the teachings and symbolism of one's youth. I was nurtured in the school of Dickens, Charles Dickens, that great pioneer of social reform and . . . And the result is that being one of the survivors of a positive age and not yet lulled to the negative fog of to-day, which seems to prevail in most circles, I have a habit of symbolizing people participating in these events. I hope it will not be taken as, in any way, offensive. If I suggest that the hon. Member for Development appeared to me in the guise of Sarah Gamp waving the Nevillean umbrella the other day, I am threatening the terrible things that were going to happen to-morrow, and more awful things the day after. And, necessarily, in close association with that arose a figure, that most lovable of all Charles Dickens—Mrs. Harris. Now, whether or no Mrs. Harris ever did, in fact, have a tangible form still remains to be seen, but she was alleged to have an unlimited supply on the mantelpiece of highly nourishing and highly soothing potatoes for all of her friends in the tea-pot, for those who felt so disposed. But I am

[Colonel Grogan] afraid I have got a little bit mixed up in my characters, but the other one leaped out at once. The figures are very clear of that remarkable firm known as "Messrs. Dodson and Fog". Their methods, if I remember rightly, were to take advantage of all the intricate technicalities of the law which enabled them to suck clients dry, without ever coming to any concrete and definite issue on matter in their charge.

What troubles me about this position is when I look at hon. Members opposite. It is quite obvious—I do not think hon. Members opposite will even refuse to accept the fact—that with the possible exception of maybe two, it might even be three, Members on the other side, they could not even pretend to have any knowledge whatever of the African, or more especially to pretend to have any knowledge or comprehension of the African in the mass. I do want to emphasize this point, Mr. Speaker, the difference between the African community, because they are still all communally minded, and the individual African—there is a vast difference.

We all like our Kamau who produces a very nice omelette, we all like Njeroge, but when Kamau and Njeroge get gathered together and they begin working up like this, then they cease to have any connexion whatever with the individual components of that particular swarm. Unless hon. Members realize the meaning of mob psychology which is what we are faced with, then I think it will be very difficult for them to understand the real immensity of the problem with which they are faced.

Now, taking the Africans in their tribal entity as distinct from their individual entity, if they have one. First of all, they do not understand any abstraction, they have never evolved an abstract word in the whole of their history. They cannot visualize any awful thing that is going to happen to somebody, some way, some when. The only thing they comprehend is something within the visual range, something positive, something definite, something immediate, which they can understand, and there are only three things that touch them on the raw as a complete entity. One is land, another is cattle and another is their necks. I do

submit, Sir, that instead of all this futile complexity of legislation which I cannot understand—and I am quite certain my African colleagues cannot do so not even want to—I cannot understand why "Messrs. Dodson and Fog," advisers to this rather glacial entity, alleged to be a Government, why they cannot adopt in preference to this sinuous measures the quite simple one that lie at their hand ready for use.

Now, in the Native Lands Trust Ordinance, which was a very proper provision for setting aside all land for the exclusive use of African tribes—in a moment of emotion that sometimes sweeps the English people when they are being kind to other people who have to pay the bill—for some unbelievable reason, they encroached the native lands from the category of Crown lands, despite the fact that this country has been annexed and it is specifically stated in the Order in Council which prescribed the powers and obligations of the Governor, it is definitely stated that the definition of "Crown land" should include all land occupied by native tribes of the Colony and all land reserved for the use of any native tribe. Why that was ever altered, nobody knows, because I have it on the best possible authority, the gentleman himself, the Chief Secretary of that time, that he did, definitely, oppose that particular measure, because quite obviously without any significance to "Africans themselves" it would retain powers of administration to administer that land in the proper and correct manner.

But there was one gleam of intelligence operating at the time, because there was included in this Native Lands Trust Ordinance, clause 69, which reads as follows, if I may quote, Sir, and I think it is advisable to get it on the record of the Council. "Notwithstanding anything in this Ordinance contained, the Governor in cases where offences, treason or rebellion against His Majesty have been proved to have been committed by any African tribe, group, family or individual, in addition to any other punishment lawfully inflicted in respect of the offence so committed, may order that any land held or occupied by such tribe, group, family or individual be forfeited, and revert to His Majesty. Any such order of the Governor should be submitted for his

[Colonel Grogan] approval of the Secretary of State." That was a very wise provision to put into that particular Ordinance.

It is quite clear to everybody that the Kikuyu have taken advantage and misused those special privileges that, at that time, were conferred on all the tribes of the country. Now that they have, in fact, taken advantage of this position and abused these privileges, surely it would be a sensible thing to differentiate them from the other tribes and put this particular clause into operation. Without any question, it would enormously simplify the procedure laid down as enumerated by my hon. friend for a proper and more complete administration of the tribe. That, Sir, would certainly provide a mass shock to that particular community, as distinct from this sort of rascal which is going on to-day, which will lead nowhere in my humble opinion.

The other matter is that we have already agreed, there is in operation, a certain process of taking their cattle. There is obviously a limitation to that, because the Kikuyu who were never allowed to have any cattle when I first came here—the Masai saw to that in those days—but since those days, under the peaceful conditions which they have enjoyed as a result of our having accepted their invitation to come and join them, they have acquired a considerable number of stock. One has always got to remember that they have their women and their children, and the amount of stock in the Kikuyu reserve in proportion to the population of the Kikuyu is a comparatively small one, and, therefore, in an ordinary humanitarian sense, there are limits which can be reasonably applied in taking their stock away, because we have got to think of the needs and necessities of their women and their children. And, therefore, there are certain limitations to the action you can take in respect of their cattle.

Now, let us turn to the more immediate problem of their necks. Quite clearly, Sir, if this is rebellion, and as I say, it quite obviously is, anybody who takes an active part in a rebellion is surely guilty of treason and the penalty for treason is to be hanged by the neck until they die. Now, having collected together as odd hundred of these alleged rascals,

supposed to be agitating in this rebellion, and having popped them up to the Northern Frontier, surely the correct procedure as distinct from the highly complicated methods being adopted to-day, would be to charge them with treason, and having convicted some of them, hang up a reasonable proportion by their necks in the presence of the others, and the others seeing what treason meant and having learned thoroughly that they were subject to Her Majesty the Queen, I should then, if I had charge of the position—it is a great pity I have not—I would have presented the balance of that galaxy with 50 lb. of *posho* and a compass and told them to find their way back across the desert to their friends in the reserve, to spread the joyous tidings, I think, in that way, you could evoke the practical assistance promised us by Mr. Mathu and it would be most effective because if 75 gentlemen came back and said they had seen 25 gentlemen hanged by the neck, and that was what happened in rebellions and treason and thus spread the joyous tidings throughout the Kikuyu reserve, I think, in all probability, especially if it were suggested to them that if they were picked up again they might go up aloft also, I think you might get the definite positive assistance of a considerable number of the Kikuyu tribe. Now that is my view, because probably I am the only Member in the whole of this Council to-day, who has been through a native rebellion and has survived, without any more serious damage than blackwater fever combined with a liver abscess. I am quite convinced, from my knowledge of the African—more especially from my early knowledge of the African, where you had to deal with the tribes in the mass, and had to deal effectively, otherwise I should not be here to-day—you have got to do something positive, something immediate that they can understand, visualize and go and spread among their friends.

Now, I think, Sir, if something on these lines is not done, and is not done suddenly and quickly in order to bring this lamentable business to a conclusion, a real conclusion, then we are faced with a problem, and a very serious problem, that the patience of the people whom I represent—whom most of my friends represent—throughout this country, is

[Colonel Grogan]

very nearly exhausted. Not only is their patience nearly exhausted, but their endurance is exhausted. It is all very easy for Members on the other side to sit down and say "We will work out another Ordinance". In the meantime everything goes on exactly the same. These people who are to-day marching about the streets at night have to work during the day in order to carry on the business of the country. If something really effective and immediate is not done, something of significance to these people as a whole, instead of this ridiculous rat hunt that is going on all over the country, then we are going to be faced with a very serious position, because there is no question whatsoever that people will have to take the situation in hand themselves.

Sir, I beg to support the Motion. (Applause.)

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, yesterday one or two Members got on to rather thin ice, the ice being the relevance or irrelevance of the remarks they were making. I know that within the next few days there will be debates upon the Information Services, and so I can only, I think, properly refer fairly generally to administrative matters to-day so that if I do not answer every point that has been made about Administration to-day, I shall do so with your permission, Sir, in another debate.

It is perfectly true that the Administration are inextricably woven into this Emergency, the state of affairs we have to deal with. The action that is being taken to deal with it. I would first of all deal very briefly with this business about intelligence, and the fact that we knew all about this long, long ago, and we ought to have taken notice of this long, long ago. I would say that I was responsible myself in 1950 for the Mau Mau organization being proscribed, and I would tell hon. gentlemen that it was extremely difficult, even then, to get sufficient information about Mau Mau to make a really good case. Mau Mau is a secret society, and the people who go in for it are extremely good at secret societies, secret action. I know as well as anybody in this Council that the Administra-

tion are not as close to the people as we should all, including them, like them to be. The position is that the intelligence is not as good as it should be. The situation in Fort Hall, particularly, was laid out at the end of 1951. That was dealt with both by the police and by the Administration. Arson then came along in Nyeri, and the police and the Administration took action, and communal fires were put on, and it was about April or so that mass cleansing oaths were organized by the Africans with the encouragement of the Administration as a measure to combat the other oaths that a number of them had already taken. The hon. Member for Law and Order and myself went home in mid-September. The situation was certainly justified in going home in mid-September, and it was a good deal worse, as I said in this Council, when we came back. It has deteriorated since. That is a situation which this Government perfectly well appreciates, as I know, and I think that the real value of this debate is to try to put our heads together and find out how best we can deal with the situation as it now stands and get rid of it. I am as convinced as any other hon. Members of this Council that it has got to be got rid of, this Mau Mau has got to be rooted out and it is quite useless talking about grievances or social services, or constitutional advances, or anything like that, until we have got this thing out. We all know this is an abscess, and it has got to be removed.

Now, Sir, hon. Members here, I think, all agreed, with the possible exception of the hon. Member for Nairobi South, that the steps taken by the Government at the beginning of the Emergency were good. I, personally, would like to pay tribute to all those concerned other than the Administration, of whom I will talk in a moment, at the quickness and efficiency of those early measures. The pick-up of the leaders was extremely successful; there have been since large numbers of arrests, the police and troops have been disposed, dissipated very much more than they were to begin with because—

MR. HARRIS: I would just like to make the point, Mr. Speaker, that I particularly did congratulate Government on its behaviour under phase one. It was the only thing nice I had to say about them.

THE MEMBER FOR AFRICAN AFFAIRS: I thought the hon. Member said that the regulations that were brought into force he did not think were being properly put into action. That is really what I was referring to; I am sorry I did not make myself clear. Thank you for the laudable remarks you made about the original and early action taken.

The possibilities, as I think Government saw in the beginning, were these: first of all, we had the situation, and we had to have an overwhelming force to meet it. The possibilities with our overwhelming force were: (1) that the thing would stop; (2) that we should get a big setback; and (3) that they would go in for guerilla tactics, in other words, sporadic outbursts all over the place. We had to cope obviously with No. (2), so that if we did have a big outbreak we would be in a position to deal with it, whether that took the form of something rural or whether it took the form of something urban, similar to what we have seen two or three years ago. That outbreak did not in fact take place, and now, of course, we have got these sporadic outbreaks all over the country, that is they are at any rate going on in part at least of the Central Province and part of the Rift Valley Province, these are very much more difficult to deal with than a mass movement, and a mass outbreak. In fact, the first sizable thing that has happened has happened at Kiruara market, I think, on Sunday last. I will deal with what happened in Kiruara market later on.

Now, I should like to say that we have heard a lot about, and I would like to pay tribute to the part taken by the police and the army in dealing with the situation. I would also like to say a few words about what the Administration is doing, and have been doing here, because practically nothing has been said about them, and they are still in their districts, captains of their teams, and they are doing a tremendous amount of work with terrific hours—(Applause)—all hours of the day and night behind the scenes. There are district officers, and not only district officers, but agricultural officers, education officers, all kinds of departmental men are out with the troops, with the

police, organizing buildings, roads, communal labour on soil conservation or on roads, as the hon. Mr. Mathu raised the question of roads to the police posts, roads all over the place, and food supplies, investigations and screening of prisoners, an enormous amount of court work that is being done in addition to the work done by the resident magistrates where they exist; barazas are being held all over the place, schools that have to be closed, arrangements made for school children to go elsewhere, wherever possible; looking for subversive literature, looking for existing or new papers—newspapers, pamphlets and so on that have got to be picked up and trying to give a lead to the excellent work already being done by a number of chiefs and a large number of headmen. These are some of the things that these people are doing, and I would say although we have a young administrative service, a comparatively inexperienced administrative service, I should like to ask this Council really to pay them a tribute, because they have done extremely fine work and they are continuing to do so. (Applause.)

The chiefs, Sir, the chiefs in some of these areas are bad, but in most of them, I am glad to say, they are good. The chiefs, I would say, going into detail, have been infected with this virus to some extent in the Kiambu district; in Fort Hall they are infinitely better; in Nyeri they are very much better; in Embu they are very much better and Meru the same.

MR. HAVELOCK: They are perfect!

THE MEMBER FOR AFRICAN AFFAIRS: No, I do not think they are, hon. Member for Kiambu, any more than you or I are. (Laughter.)

MR. HAVELOCK: On a point of order, I do not want the hon. Member to stop talking about Administration, but the point is that hon. Members on this side of the Council have not been allowed to discuss this matter of Administration; I do suggest it should be kept for the Administration Head.

THE SPEAKER: Of course, in so far as the Administration has been taking part recently in the administration of law and order and may therefore be under attack, the hon. Member is

[The Speaker]

entitled to reply to that. I endeavoured at the beginning of this debate to state strictly what the rules of procedure are in the matter, but there have been one or two lapses on this side of the Council, though I must say most Members have endeavoured to keep strictly to the point at issue, to the purpose of this particular Vote, and I hope too that the hon. Member for African Interests will certainly do the same.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, I knew the ice was pretty thin. I have taken note of its increasing thinness.

One thing I should like to say, Sir, about law and order, and those who are taking part in trying to restore law and order, I have been extremely impressed, particularly I think at Embu, where I found that people of all races, Europeans, Asians and Africans, all either members of the Kenya Police Reserve or working on their own to deal with the matter. All patrols in fact were made up of members of all races, and that I thought was a very good manifestation of the combined effort and realization of the part of all the people, that they had got to deal with this matter.

Now, Sir, on the question of the home guard, I feel warmly on the matter of home guards, because I am quite certain that this, as I have said I think twice before in this Council, that this business has got to be dealt with by the Kikuyu themselves, and the home guards are one very important way of dealing with the business. The numbers of home guards now are something like this: in Nyeri, there are over 600; in Fort Hall, there are nearly 600; in Embu there are over 700 and in Meru there are something between 600 and 1,000—I could not give it any nearer than that. The only district that has not got any home guards to my knowledge is Kiambu.

HON. MEMBERS: Shame!

THE MEMBER FOR AFRICAN AFFAIRS: That is disappointing. I hope that they may be persuaded to go into that, because it is perfectly certain that the Kikuyu themselves, the people who are not encumbered about with heavy accoutrement or even boots, if neces-

sary, are the people who can move quickly, silently, know the country and would be able to tackle these particular outbursts.

MR. HAVELOCK: Would the hon. Member make quite clear to hon. Members on this side who may be in some doubt as to whom the hon. Member is referring to, that he is referring to African home guards in the Kikuyu district, not to home guards outside the Kikuyu reserve?

THE MEMBER FOR AFRICAN AFFAIRS: Certainly Sir, I should like to make that very clear indeed. I beg the hon. Member's pardon.

ADJOURNMENT

THE SPEAKER: Order, Order. Council will stand adjourned until 9.30 tomorrow morning.

Council rose at forty-five minutes past Twelve o'clock p.m.

Thursday, 27th November, 1952

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

[Mr. Speaker in the Chair]

PRAYERS

COMMITTEE OF SUPPLY

Draft Estimates of Expenditure, 1953—
Vote 3—Office of the Member for Law and Order

THE MEMBER FOR LAW AND ORDER has moved: "That Mr. Speaker do now leave the Chair".

Debate adjourned.

Debate continued.

THE SPEAKER: Before we continue the debate, hon. Members, may I remind you of a certain Rule of Procedure—that is, that Members should address the Chair and not address each other. There is a special reason for mentioning this Rule to-day. If you do not address the Chair, your speeches will not reach the reporters, and will not obtain the publicity which is so much desired. *(laughter.)*

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, yesterday, when I finished speaking, we were discussing the question of home guards, of whom there are between two and three thousand. This is a very hopeful sign, and I wish to pay my tribute to those loyal Africans who are quite honestly brave enough to come out and do this, and encourage others to follow them.

The hon. Mr. Cowie on this side of Council yesterday referred to the protection which is required for chiefs, and I can assure him that the chiefs have got *askaris*, most of them are armed and they are now, of course, arranging for their own home guard.

We heard a lot yesterday about further drastic action that was required, and I would call the attention of Council to the drastic action taken at Thengeni, where a very large number of cattle, sheep and goats were confiscated, and over the week-end we had the very drastic action taken in the Laikipia-Lushai area. That drastic action is really putting into force the principle that we must insist upon; the principle of col-

lective responsibility for the prevention of crime. This communal responsibility, collective responsibility, is well recognized by Africans. They go in, all over this country, for communal wedding, communal thatching, communal building and so forth, and this is a system of communal defence. That point, I think, deals, to some extent, at any rate, with the matter raised by my hon. friend, the Member for Aberdare, when he talked about sitting on the fence.

He also mentioned the possibility of clan fines, which he says he had looked into to find if it was possible to operate a method of clan fines. I would suggest, although I will make further inquiries into the matter, that if the members of the clan are all over the country, it will be extremely difficult to operate, and will not be anything like so fair as a communal punishment put upon an area in which information is completely withheld and hidden; and in which everybody knows that subversion or murder or violence of other kinds is going on.

Now, Sir, the hon. Member, Mr. Blundell, raised the question of the Press, and I quite agree that the freedom of the Press before this Emergency was declared had been abused—and it had been abused in a clever way. Its effect was largely cumulative and, because of that abuse, we had to bring in an Ordinance to control, at least, printing. I think, Sir—this is only my own personal opinion—I think we will have to go on for some time with this sort of control. It is a matter which I know very well the Press themselves dislike very much, but when things are abused in this way, and abused in a particular way, when the Press is aimed at a number of people who are very, very close to illiteracy, and who are very easily stirred up and have their passions roused, I think in these circumstances we must try to continue, if we can, some control of the Press.

The positive action taken as far as the Press is concerned—action taken by the Information Services—consists of, very largely, increased broadcasts, and a very large number of pamphlets—I will not take up the time of Council in giving details of every one, I am sure

[The Member for African Affairs] hon. Members do not want to be wearied by that kind of detailed discussion—papers with a good record have been encouraged, and I think that if I could merely quote perhaps one number—these pamphlets that are put out by the Information Services run into thousands—fifty thousand of one, forty thousand of another, one hundred thousand of another, and so forth. I think the Information Services are doing a very good job of work. I think their staff is probably too small to cope with this business at the moment, but, with the facilities they have at their disposal, I think they are doing a very good job of work.

Now, Sir, the hon. Member for Mount Kenya talked about public meetings and said it was the fault of the Government to allow public meetings to go on.

GROUP-CAPT. BRIGGS: I think the hon. Member has got my words wrong. I did not say anything against the holding of public meetings. I referred to the type of public meeting which was permitted where near seditious speeches were made.

THE MEMBER FOR AFRICAN AFFAIRS: I do not think that we are really at much variance on this matter. Permission for a public meeting is given. It is what is said when the public meet, when permission for the public meeting is given, that matters. What has been said at those public meetings has hardly ever proved to be seditious as the law goes, but I agree entirely that it is very possible to whip up mass hysteria at public meetings—we had some very good examples of that in July. But I do think hon. Members must appreciate that we are a democratic State. We believe in democratic principles, and one has got to try to judge the relative value of what is easier—purely totalitarian methods or democratic methods. Freedom of speech, of course, can be abused and I entirely agree it has been abused. For that reason, we have had to put down and stop these meetings. We did control them as well as we could, perhaps not sufficiently strongly, but we least a year. It was a violent disappointment that, with that control that everybody knew was being put on, that occasion was taken, despite that control,

to go on with abuse of the right of freedom of speech.

As regards communal work, the hon. Member for African—Interests, Mr. Mathu, talked yesterday of the necessity for roads to police posts. Those, I can assure him, are being made and other roads also. Soil conservation is being done to a very great extent, I myself am a party of about 1,000 people who went out on soil conservation, but I would say, in one district, it has been found that if you have communal work on soil conservation, as opposed to road work which is more easily controlled, that communal work itself can be turned, if you please, into *Mau Mau* activities.

Now, Sir, the hon. Member for Aberdare referred to close administration and the movements of officers. I entirely agree that closer administration is required, more officers are required, sub-stations are required—all these things will cost money, all these things will require men who themselves require training. It is not a thing, I suggest, you can put in at a moment's notice, but we have gone into details of where we want the sub-stations, how many officers we require—I have already called some officers back from leave and am getting some of the cadets out earlier next year and we are going ahead with that as fast as we can. I will go into further details if I am asked to do so in the debate on policy under Administration.

One remark I do not think I can let go past here was the remark by my hon. friend the Member for Kilimbo yesterday when he replied—I think across the floor—that when some reference was made to the fact that hon. Members opposite were responsible for cutting out some nine district officers of Community Development last year—despite I thought very clear remarks that I had made on the subject about weapons in the people's hands—the hon. Member replied that these had been restored. Now, Sir, it is very easy to cut people out and restore them the next day; but the very fact that you have cut them out does not really have a very good mental effect upon those officers who would like to think perhaps they are slightly more stable and their future a bit more hopeful (Hear, hear.) Well, Sir, we lost seven of those nine straightaway.

[The Member for African Affairs]

Now, Sir, there is another remark that I do not think I can let go by. That was a remark by my redoubtable friend from the Coast who sometimes reminds me of a resilient warhorse who stamps the ground until you see the light of battle in his eyes and he smells a smell of battle. He likes flogging, he likes restrictions of all kinds. On the other hand, he also seems to like public meetings on almost every conceivable occasion. (Laughter.)

MR. COOKE: On a point of explanation—(laughter)—the loud laugh bespeaks the vacant mind? (Laughter.) My contention was that the moderate African Members of this Council should be allowed to hold public meetings—not that anyone should be allowed to hold meetings on any conceivable occasion.

THE MEMBER FOR AFRICAN AFFAIRS: Now, Sir, there is one other redoubtable Member that I am going to mention. He places a good deal of attention to necks, so I am going to put my neck out, despite his advice that we should hang a lot of people, the hon. Member for Nairobi West told us we should hang the leaders, we should seize the land, but that we should retain the stock. Now, Sir, I do not think those last two things are quite consistent.

COLONEL GREGG: On a point of explanation, Sir, I never suggested a word that you should seize the land. I only suggested you should revert to a sensible situation as far as the Crown land is concerned—as far as the native lands were concerned before the Native Land Trust Ordinance.

MR. COOKE: The hon. Member was obviously asleep yesterday.

THE MEMBER FOR AFRICAN AFFAIRS: The hon. Member for the Coast may have a long memory, but I can remember another debate when the hon. Member for Nairobi West told us these people were children and all you had to do was take their land away. (Laughter.)

Now, Sir, on the matter of expense, the hon. Member for Nairobi North referred to the expense of this operation. On that point, I can say the Government has had discussions very recently about this

matter and a Bill will be put before this Council shortly to try to deal with that and its proper line.

We also have been asked for harsher punishments. The Government has given undertakings seriously and urgently to consider harsher punishments for certain offences. I would certainly go so far as to say that the really unpleasant and vile, I think, parties to all this are the oath administrators—(Hear, hear)—I think they are the cause of the business.

Now, Sir, as far as the remarks made during this debate by the African members, the hon. Mr. Awori, I think it was said that drastic action would do no good. I think, Sir, in a situation like this which is fast developing into almost guerrilla action by thugs, supported by a great mass of people who will not help in any way, that you have got to take pretty drastic action. Drastic action is not easy and it involves you in difficulties, as we have already found. Our *Lakypia* business is not going to be an easy one to solve, I know that very well, and, with the greatest respect, it is much easier to say "Take drastic action" without saying exactly what drastic action you propose to take than to take it.

Now, Sir, the hon. Mr. Awori also referred to the difference between this *Mau Mau* and the *Dini ya Msambwa*. Now, Sir, evidence has come to light within the last few weeks, I suppose, particularly of the anti-religious tendency that has manifested itself in the *Mau Mau* movement. It has grown—that anti-religious tendency has grown tremendously of late, not at that place *Kilimbo*, where there was that unhappy event on Sunday, I think it was, there was an exhibition of the sort of hysteria that you can produce as soon as religion is fanaticism of some kind finds its way into this kind of movement. There just had a young man who was supposed to have had visions and was intelligently whipping the people up into a frenzy. Now that is very similar to all kinds of other movements that have gone on in Africa, and is very similar to the *Dini ya Msambwa*, it has remarkable points of similarity. I certainly would not wish to see the *Dini ya Msambwa* as quite identical to *Mau Mau*, or vice versa.

Mr. HAVELOCK: Bullets turned to water!

THE MEMBER FOR AFRICAN AFFAIRS: Now, Sir, I think that one thing that must come out of this present movement is the future of Kikuyu land. I cannot see that we can go back to ordinary administration of Kikuyu land under the laws of this Colony as they were before the Emergency legislation. I think that we have got to take special measures with Kikuyu land, and I would only say to African Members that this sort of movement retards all proper African advance. (Hear, hear.) It ruins race relations, it is violently expensive and somebody has got to pay. The more money that goes on trying to clear up the mess, the less money can be spent on social services or development in the country of any kind. I know, Sir, that there are lots of loyal Africans. I know that there are many people who want all the races of this Colony to go on happily together. I can only suggest we do our best always at all times to pull these chestnuts out of this fire and to try to get on with a peaceful, prosperous and happy Kenya. (Applause.)

Mr. HAVELOCK: Mr. Speaker, I feel, Sir, in this matter, that what has marked past history, and what is also marking the present situation, and is that Government have taken action too little and too late. It is because of that, Sir, that there must be some, what the hon. Member for Law and Order, calls, re-orientation. Hon. Members on this side of the Council have already given a number of examples of how Government has been warned over the years of the situation that might develop—warned by hon. Members of all races and all groups.

It is not my intention to go into this matter in detail, but I would recall that some four or five years ago dispatches were sent to the then Governor, giving actual details of speeches being made through the auspices unfortunately of the Kenya African Union, and warning of what action would be taken in the future, which is to-day.

The hon. Attorney General and Member for Law and Order, before the present hon. Member, that is, Mr. O'Connor, seemed to grasp the danger of the situation very clearly and, about two years ago, 1950 in fact, in one or

two different debates he made some very pungent remarks about the danger that might be coming to this country in this regard. I would like, Sir, although I do not want to keep Council too long, I would like to quote one or two passages from that ex-Attorney General of Kenya.

On 22nd November, 1950, he said:—
"Now, as to *Mau Mau*. That, as I have said, is a serious problem. The spread of that movement must be checked and it must be stamped out. It has elements of danger, and elements of terror for the law-abiding African population of this Colony, which I am convinced is the vast majority of the African population of this Colony. (Applause.) I saw some experience myself of law societies and the damage which they can cause, and of the measures which should be taken to deal with them. I do not propose to bore the Council with personal reminiscences, but it is to be hoped that when the ringleaders are exposed they will be very sternly dealt with. (Hear, hear.) This is a movement which must be eliminated. Legislation which will shortly be introduced, has just been published to make it a felony punishable with seven years' imprisonment for anyone by force or threats to compel another person to take any kind of an oath, and steps will be taken to ask the Council to strengthen the law also in other respects to deal with this menace. Persons who remain in the background, but counsel or procure others to commit these offences, will also be liable to the same penalties and I should like that fact noted. (Applause.) I know that I can rely entirely on the African Members of this Council to help in combating this movement."

Sir, the intention was expressed there of further and stronger measures to combat the situation at that time, and I suggest to this Council that such stronger measures were not introduced in time. I would like also, if I may, to quote one more passage from the ex-Member's speech. He was referring, Sir, to a remark passed by the hon. Member, Mr. Mathu about meetings. He said:—

"The hon. Member went on to say

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that the spread of *Mau Mau* was due to a curtailment of the right of private assembly. Now, I hope that I am not digressing unduly if I take the time of the Council for a few minutes—because this does have a very definite bearing and impression on the work of the courts—if I take the time of the Council for a few moments to illustrate the right of free, I repeat, free, assembly as practised by that body. If I may quote from a case in the courts reported on 5th December:—

"The evidence was that on 10th April, this year, a schoolmaster at the African Anglican Church Mission School was stopped by the first three accused while on his way to visit relatives. He was told to accompany them to a certain place, but refused and after argument and scuffle he was carried to a house. There he was forced to take an oath which purported to make him a member of the Kikuyu Central Association . . . and so on.

Another report, I shall only read very short extracts, this was a report of another case. The witness said:—

"After they had been made to take the oath, they were told that they had been made members of the Kenya African Union. He was tricked into going into the hut and when he arrived he found 50 people there singing, stamping their feet and praying. He and his wife were forced to take the oath as they feared for their lives."

One more:—

"The oath, it was alleged, purported to bind the three complainants to the Kikuyu Central Association and all were threatened with death if they revealed details of the ceremony."

Now, Sir, at that time, I am quite certain, the Member in charge of Law and Order took the matter very seriously indeed. Unfortunately, he broke down under the strain and we lost him. Since he went, there was an interregnum, there was a quiet, and nothing seemed to happen. Later, Sir, last year, this is only

an example coming from my own constituency, as I have said, others have brought forward their own examples, a large meeting was called in my constituency, and Resolutions were passed which I saw were brought immediately to the notice of the hon. Member for Law and Order. One Resolution, I think I should say, it was a year ago almost to the day, asked for—

- (1) Vigorous action against subversion.
- (2) Active support for loyal chiefs and their assistants (that was almost a year before the tragic death of the two loyal chiefs lately).
- (3) Counter propaganda put forward by persons who appreciate African mentality.
- (4) Adequate supervision of all schools which at present do not come under the control of Kenya's Government.
- (5) Adequate control of the vernacular Press with confiscation of machinery and materials as a *sine qua non*.

That was put forward a year ago. Some of these measures have now been taken—I submit it all has been too little and too late. (Hear, hear.)

We come later, I will not go on in detail, to the Law and order debate in July. No notice was taken of representations of hon. Members on this side of the Council, or if notice was taken, action was not taken on their recommendations, anyway, not in time. My question, Sir, is this. Why, why was no notice taken in time; who stopped it; where was the blockage? I cannot conceive that hon. Members sitting on the benches opposite did not realize the seriousness of the situation, in view of all the advice they received. I cannot conceive it. Somewhere there was a blockage; somewhere someone said: "No, do not take action". (Hear, hear.)

Mr. COOKE: Who?

COLONEL GROGAN: The Labour Government!

Mr. HAVELOCK: I will turn now to one or two small items, small matters raised by the hon. Member for Law and Order. He said, Sir, in his speech in introducing his Motion, that the "Jock Scott Operation" had been a success, and

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the vast majority of those listed were arrested. I merely want to ask him, Sir, how many on that list have not been arrested?

He also said, Sir, that the second phase of the operation was aimed to establish centres of security and strength to which the inhabitants of the areas could go and give information and feel safe in doing so. How many went, Sir? What information did we have? How many people took their courage in their hands and went to these centres of strength and security?

Now, Sir, the hon. Member also said that the intelligence service was poor, has been poor. We know that too well, and once again—although one probably should not underline this matter of "I told you so"—we have said so on this side for a long, long time. But, Sir, he also said one of the reasons why it was not working as well as it might, was because so many officers, or rather so few officers, spoke Kikuyu. May I say, naturally they would not be able to speak Kikuyu. It is a matter we have brought up again and again—the reason, of course, being they were not left in the Kikuyu land long enough to learn it. (Hear, hear.)

There is an example, Sir, of Thika—if the hon. Member for Ukamba will excuse my mentioning her constituency—I understand there have been 13 district officers in five years in Thika. That is just an example of how the continuity has broken down, how impossible it has been to receive and collate information properly.

One very, very small matter, this matter of setting up camps, police posts in the Kikuyu reserves, by communal labour. I would ask the hon. Member to consider whether it is wise that those police posts should haveatched roofs.

Now, Sir, innocents I have feared, on occasions of this sort, must suffer. The hon. African Members have made a great point of the fact that we must protect innocent people as much as possible. Of course we must—Government have realized there are occasions when it cannot be done. For instance, a very simple illustration is the one that was reported in to-day's paper, that an African waded

a car to stop, presumably to give him a lift, and when the car slowed down he got out at the car. Well, now, Sir, there will be many lifts offered now to Africans. No matter what type of Africans they are, good or bad, no one will stop now to offer lifts to Africans. In that way, also, in that way, will the innocent suffer. That is only an illustration of the number of ways in which innocents must suffer in an Emergency of this sort.

Also in connection with that, I think we must admit that *Mau Mau* is now a widespread in the Kikuyu tribe the punishments must take on the aspect of tribal punishments. In that, it is so difficult now to make a distinction between members of *Mau Mau* and the non-members. But, on the other, in every possible way, I believe that the innocent people and the loyal people must be given special dispensation, as individuals.

Now, Sir, here I want to say that there are, as other hon. Members have said we know, we realize very well, there are a number of loyal, law-abiding Kikuyu—a number of them who give give their lives. The other day, some constituents of mine came to me and said a number of their own employees, 300 or so, have come to them and said, "We are tired of this, we are tired of this *Mau Mau*. We want to form a new Kikuyu tribe." Well, that, of course, is probably completely impracticable, but I would like to say here that that feeling, that sentiment, is one that I think should be exploited—if that is really the word, and exploitation is not always bad—exploited by the Church. I believe, Sir, there is a very great opportunity for the Church in the feelings of the loyal and decent Kikuyu, and I would ask that they might try to extend their efforts to show these people a better way of lives (Hear, hear.)

There are many other ways, Sir, that individuals can be recognized as loyal and decent citizens, as individuals. It is only a small thing, but I would suggest that if any person has given information at the risk of his life against lawbreakers, that it might well be recognized by a personal letter from the Governor himself—or something of that sort. Something that these people will be able to treasure and hold up, that they can pass on to their children, and so on.

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Sir, we must recognize their loyalty, and, of course, one say in which we should immediately go ahead to see that development in tribal areas which are not in a state of chaos should go ahead quickly now. We should not hold up any development of any sort in other parts of the country where the Emergency does not affect it. That, in itself, will allow the other tribes, specially, to understand that the Government still keeps their eyes on them, a beneficial eye.

Now, Sir, I come to a much more difficult subject. I would say this, Unofficial Members, anyway, and certainly the European Unofficial Members in this country, are not pig-headed. We are quite prepared to take advice—we like to take advice. We quite realize, living in this Emergency, we may well sometimes miss the wood for the trees. We are therefore happy that people should come and advise us, but I want to say that decisions as to what is to happen in this country must be taken here. (Hear, hear.) We will not be interfered with. We will not have people coming to tell us what to do from Britain or anywhere else. (Hear, hear—applause.) I say that, Sir, because of the news in the paper, the report of a speech in Parliament the other day, just lately. We do not want commissions here; we can get on without them; we can find the solutions to our problems. As I say again, to end up on a better note, we are always open to advice.

Sir, the hon. Member for Nairobi South, I think, said he considered the office of the Member for Law and Order and the office of the Attorney General should be split. I would say here that I agree with him wholeheartedly. He also said that he considered that legal training was not necessarily the right training for what one might term a "Home Secretary." Also, I agree with him. Surely, the job of the Home Secretary, Sir, is not to sit at the law to the situation, not try to fit the situation to the law, which I think may be a temptation for a person of legal training. In saying that, Sir, one would also like to emphasize that the actual work entailed, especially at a time like this, is too much for any one man. No man can handle the job of legal adviser to the Government and Home

Secretary in one person. I am certain of it, and I am very sorry to see the hon. Member for Law and Order, himself, is not looking quite as well as he did a week ago. I can understand the reason, I shall return to that later.

Sir, there is such a lot to do. There are so many plans to make, and the time factor in this situation is so very important. (Hear, hear.) It is all very well to make policy decisions as to what should be done, but what is so important is that whatever should be done must be done quickly. Proper plans, Sir—the hon. Member for African Affairs mentioned the rounding up of all these people and cattle in the Thomson's Falls area. It seems to me we may be running ourselves into a great deal of danger if we do not plan what we are going to do with those people now. My own view is it will be completely wrong to send those people back into the Kikuyu reserve. What can they do? They have no jobs; they have no plots of land; they have no *shambas*.

MR. COOKE: Join *Mau Mau*!

MR. HAVELOCK: Quite. What can they do except join *Mau Mau*? Some of them may be able to be absorbed, some may have relatives, but I cannot see 2,200 being absorbed altogether in the Kikuyu reserve. Those people must be held until the Kikuyu reserve is ready to receive them. That also, going on to the suggestion made by the hon. Solicitor General, he was talking about the Kikuyu reserve and how it must be reorganized, I think his idea was villager, so that they could be properly administered. That idea, too, must also be implemented in the forest reserves and settled areas if you really want to administer squatters properly. All those sort of things must be thought out and put into motion before we can place enormous numbers of people like 2,200. Therefore, a lot of thinking has to be done. Also, of course, following on from the suggestion of the hon. Solicitor General, the suggestion he put forward must tie up with the suggestion about the hon. Mr. Mathu put forward about the extension of individual tenure in the African reserves, and that too is a big problem, and one which must be tackled immediately.

Now, Sir, there are two other points I wish to make before I finish. First of

Mr. Havelock] some problems for Unofficial Members. I believe it would be more to the benefit of this country if we had more opportunity to think; if we had more opportunity to think; if we had more opportunity to get together and discuss matters. The Unofficial Members' Organization has met and representatives of that organization only met yesterday. I believe, through meetings of that sort, we can find solutions to our common problems. But we have not got the time. It may interest hon. Members to know that in spite of the racial divisions, in spite of the difficulties this emergency has brought about, the Unofficial Members of all races have agreed on quite a number of points, which might appear to be very difficult to agree upon and the agreements and resolutions on those points have been handed to His Excellency the Governor. We are going to continue to meet to try and agree on further things. These points are to do with the Emergency and after.

Now, Sir, the same thing applies as far as the constituencies are concerned. I believe Unofficial Members should be more in their constituencies, helping their own people in their constituencies. Sir, because there is so much very important work to do for both Officials and Unofficials, I want to suggest that all hon. Members of this Council consider adjourning this debate. I do not mean by that, the debate on this particular Head, I mean the Budget debate. I know there is a number of important measures that have got to be brought through, such as the Education Bill, and so on. I suggest that we might well meet when the Select Committee reports, so that we can consider matters of that sort which have got to be pushed through. The hon. Member for Rift Valley made it clear that this Emergency is putting the Budget byrnie. I feel there are more important things to do than for us to sit here and discuss over the floor of this Council, Heads of expenditure. I would, therefore, ask all Members to give very serious consideration to adjourning the debate on the Budget this year so that we can get down to more practical and important problems. (Hear, hear.)

Now, Sir, I have criticized—rather mildly—hon. Members opposite, and we do not always agree. In fact, on this particular occasion, we disagree in quite a lot of ways. But I do want to say this. I realize how very hard hon. Members are working, and especially those holding executive positions. (Hear, hear.) They are working themselves to death, and Sir, if nothing else, even if we criticize them for not having been here long enough, not knowing the African sufficiently, and so on, we do know that they, and all the Colonial Service, are an extremely conscientious body of men, and they will give us their effort, even if we think it is wrongly directed, to the government of this country. I wanted to say that because I do not think their efforts have been properly acknowledged by Unofficial Members. (Hear, hear.)

As I have said before, there are dozens and dozens of problems, some immediate, some long term, all of which have got to be faced immediately, not only problems for Government, but

some problems for Unofficial Members. I believe it would be more to the benefit of this country if we had more opportunity to think; if we had more opportunity to think; if we had more opportunity to get together and discuss matters. The Unofficial Members' Organization has met and representatives of that organization only met yesterday. I believe, through meetings of that sort, we can find solutions to our common problems. But we have not got the time. It may interest hon. Members to know that in spite of the racial divisions, in spite of the difficulties this emergency has brought about, the Unofficial Members of all races have agreed on quite a number of points, which might appear to be very difficult to agree upon and the agreements and resolutions on those points have been handed to His Excellency the Governor. We are going to continue to meet to try and agree on further things. These points are to do with the Emergency and after.

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MR. CHAMAN SINGH: Mr. Speaker, in spite of the differences of view that have been expressed in this Council, I feel that this is one subject on which the opinion

[Mr. Chaman Singh] law and order is restored as quickly as possible. The Council is unanimous. That subject is the strongest possible measure that should be taken to stamp out lawlessness. Any differences that exist are on the amount of punishment to be awarded to the lawless elements. I suggest, Sir, that that is not of any consequence. What is of consequence is that we are all unanimous that everything possible should be done to restore the situation to normal.

Now, Sir, on the general aspects of the situation, a large number of speeches have been delivered. At the risk of being called parochial, I want to make one or two suggestions on matters of detail. One is, Sir, that I want to support the plea put in by my hon. friend Mr. Madan for the protection of small trading centres and small towns outside Nairobi.

Well, Sir, in his speech he mentioned Siba Saba, but since he spoke, it appears that the fear has spread and a telegram has since been received addressed to him as to me, as the Members for Central East, asking us to get the help of Government in protecting their township. Now, Sir, that is only one of the small trading centres that need help. There are others. These people have been employed in their own watchmen all these years, and have been paying those watchmen from their pockets. There has been no police protection for them. Even in such old-established towns as Limuru, for example—the police station is at a considerable distance, and the trading population is feeling anxious. I think the position of these trading centres should be looked into quickly, and the Member for Law and Order should see what protection can be provided. It is essential that all that is possible should be done as soon as possible, before these people get really afraid and leave those places.

Now, Sir, it is most important that the Emergency should come to an end as soon as possible. The trade of the country is suffering a great deal. Even traders in Nairobi are feeling the effect of the Emergency. The areas affected contain a large proportion of the Colony's population and trade there is at a standstill.

Well, Sir, that shows that it is in the interests of not only the inhabitants of those areas, but of the inhabitants of other parts of the country, also that all measures possible should be taken so that

law and order is restored as quickly as possible.

Well, Sir, there is one suggestion which I wish to make for the consideration of the Member for Law and Order and that is this. The use of force by the police and by the military is very necessary, and that should be continued until lawlessness is put down, but there is another avenue of restoring peace, which I think could be explored, that is to take advantage of all those African gentlemen, who have any influence with the Kikuyu tribe. There must be some people whose voice is listened to, whose opinions carry weight with the lawless. I think these people should be encouraged to exercise that influence—to give their advice openly and frankly to the lawless elements. It is quite possible that this will help, along with the use of force. I think, Sir, in view of the frankness with which some of the African Members of this Council have spoken during this debate, the Government might consider giving them an opportunity to speak directly and openly to the African people in the affected areas. (Applause.)

THE MEMBER FOR LAW AND ORDER:

Mr. Speaker, during this long debate, some Members have indicated, and I dare say many other Members have thought, that perhaps we were spending too much time in talking about the Emergency rather than in taking the action about it. Indeed, the proposal put forward by the hon. Member for Kiambu just before we concluded his speech underlined the view that many have held that there is much urgent work to be done; it would be desirable that some of us could be released from the duty of attending the debates in this Council throughout the remainder of the Budget session. Whilst I, naturally, speaking for myself, readily endorse that view, I would not like it to be thought that in saying that I do not consider that this debate has been a valuable debate, both from the point of view of Government and from the point of view of the country, it has, Sir, been conducted in a moderate and restrained manner and with a sense of responsibility which I think reflects credit on all Members in all parts of the Council, particularly as during part of the debate, happenings outside have been of a character which might well

[The Member for Law and Order] have excited high feeling among certain Members of this Council.

Some speeches have been notable for the constructive suggestions that have been made and I can assure hon. Members opposite that all of them will be given urgent consideration by the Government as soon as this debate is concluded. Moreover, Sir, this debate has enabled hon. Members opposite to state, with all the emphasis at their command, their conviction that drastic measures must be taken to put an end to violence and, equally important, Sir, it has enabled representatives of the Government to state from this side of the Council in unambiguous language, that they entirely agree with the sentiments which have been expressed on the other side of the Council and will, in the words used by the Secretary of State in the House of Commons yesterday, ruthlessly suppress all those who are the enemies of law and order in this country.

Now, Sir, although it is fair to say that many constructive suggestions have been put forward, no one, with the possible exception of the hon. Member for Nairobi West, has put forward any new or original idea which he claims will solve our difficulties overnight. On the contrary, many Members have said that this *Mau Mau* movement, this disease, or epidemic, as I have called it, is one of long-standing and by implication, it seems to me that those Members who refer to the long history of this case, impute that it cannot be eradicated in a matter of days or in a matter of weeks. It was one hon. Member—I forget which one now—who, in speaking of it, described it, as those who took part in subversive activities, as being people who acquired a disease of the mind and those who acquire a disease of the mind, he said, take a long time to get rid of it. But, Sir, this debate has, as the hon. Member who last spoke pointed out, shown that this Council is unanimous in one respect, that it is unanimous in condemning violence in this country. It is almost unanimous, but not quite unanimous, in claiming that violence must be punished relentlessly. There was one speech by the hon. Mr. Awori—who, I regret to see is not here this morning—who did not join the unanimous condemnation of violence and, as its

corollary, the necessity for punishing it relentlessly. He got up and told us that he was very unhappy about the situation, certainly he seemed a very puzzled and bewildered man but he should recognize that he has a very great responsibility as a leader of African opinion in the Province of Nyanza. He bears an honoured name and is the son of a distinguished father and it is his duty to come out, along with the rest of the African Members who claim to be responsible and moderate leaders of African public opinion, and join with the rest of the Members in this Council and say, in no uncertain terms, that violence must be exterminated and eradicated by the most drastic action that can be used to achieve that end.

It is sometimes said, Sir, that it is difficult for a European to understand the African mind. It is also forgotten, Sir, that it is equally difficult I think, to the African to understand the European mind. If that were not so, Sir, I do not think the hon. Mr. Awori could have put forward his suggestion that one way of dealing with the present situation is a fact the first way he would adopt if he had his way, would be to call a respectable conference of all those who were concerned with the present trouble. This would mean, of course, calling round a table, those who had been instigators of violence, those who had been adherents or sharers in this campaign. Indeed, I would mean sitting at the same table, in some instances, with men who had had on their minds and blood on their hands. So that proposal is not only unacceptable to us because it would be useless, but because it would be dishonourable. To the hon. Mr. Awori should understand that under British rule, there can be an appeasement with men who have the stigma upon them as the adherents and supporters of *Mau Mau*. (Hear, hear—Applause.)

The position was stated accurately and succinctly by the hon. Mr. Mathu in his speech, when he followed the hon. Mr. Awori. He said that it is an absolute necessity at the present time that strong action should be taken against those who are defying the force of law and order. I would commend to the hon. Mr. Mathu as a leader of the African section, that he should let these views be known to the hon. Mr. Awori

[The Member for Law and Order] who is a Member of the group which he attacked. The hon. Mr. Mathu said yesterday, he invited the Government, to make exceptions as to how his services could be used to assist in the present situation. He might well make a beginning, Sir, by giving the hon. Mr. Awori a private *kuruzi* on that subject.

MR. MATHU: That will be done. (Applause.)

THE MEMBER FOR LAW AND ORDER: Sir, it is natural that in a debate of this kind, different groups and members of different groups, should have a different approach to the problems and lay different emphasis on them. In discussing the past history, the hon. Member for the Coast and other hon. Members, have drawn attention to the fact that Government was told, in some cases two or three years ago, of the insistence of this movement and warned of the consequences which would follow from it. They go on to say with some force, that it is not open to the Government to say that they were not aware of this movement because of inadequate intelligence, since they can point out, in chapter and verse, occasions when they have forcibly drawn the attention of Government to it.

Sir, I never intended to convey the impression that the Government were not aware in general terms, and to some extent, in specific terms, of the existence of this *Mau Mau* movement. They were only too well aware that this movement had been in existence for a number of years and consequently, it was proscribed in 1950. Following upon that, as far as evidence was available to the Government, it did appear that there was a recession in the movement. I remember as recently as last April when I went around in the Kikuyu reserve and discussed this matter with very experienced officers, they said at that time it was difficult to estimate whether there was another wave of *Mau Mau* or whether it was receding again. All this, Sir, was in general terms. It was because I was very concerned about the movement that I myself went on a tour of the White Highlands in May and sought information from all the farmers there who were employing Kikuyu labour. I told them that I was coming specifically

for the purpose of trying to find from them what they knew of the spread of *Mau Mau* in their areas. Again, Sir, I obtained information but only in general terms. I remember on one occasion at least, where I was told I could look at the labour and a lot of the squatters were *Mau Mau*, but who and which and how long, was not known. When I say that intelligence was inadequate, I am speaking of intelligence on matters of detail, intelligence which will enable one to point out the persons who are responsible for running a secret society such as this. By that I mean that the intelligence available to the police and to the Government, should be able and to say that a particular person had gone to a particular place and administered oaths and acting upon instructions from headquarters, should be able to point the number of cells where activity was being carried on for the propagation of this secret society and so assess with reasonably accuracy, upon data supplied through an intelligence system, what was the extent of the movement. But, Sir, information in general terms merely leads to conjecture and is an entirely different thing from intelligence in the sense in which I was using it.

Well, Sir, I have already told the Council that I have already sought the advice of the Director of Intelligence in the United Kingdom with a view to improving our intelligence. Sir Percy Sillitoe, who arrived last week, has already made his report to the Government and the Government has already made its recommendations. As a result, those who are responsible for implementing them are going into action to-day and that will mean the beginning of setting up a really efficient intelligence system in this Colony. (Applause.) Furthermore, the Director General of Security Services has succeeded to this Government, a very experienced officer from his department, who will occupy the post to be known as Advisor on Intelligence or Intelligence Governor with His Excellency the Governor. (Applause.) direct access to the Governor.

Sir, I think the Government of the Colony can consider itself fortunate that such a person has been seconded to it at such a time. The individual has had considerable experience—a life-long experience in special branch work in India,

[The Member for Law and Order] rights, like the basic human rights. That is a view to which I, personally, cannot subscribe. They are more in the nature of privileges to be exercised only by those who show they can use them without abuse, and it has been found necessary in recent months, and certainly in this Emergency, to deprive people of those privileges who have shown that they are incapable of using them to their own advantage and to the advantage of society as a whole.

Other measures have been mentioned, such as the grouping of the Kikuyu into villages in the reserve, such as is done in other parts of Africa. These matters raise tremendous administrative problems, and it would not be appropriate for me now to anticipate any decisions that Government may take upon them.

THE SPEAKER: Order, order. It is now Eleven o'clock. Business will be suspended until a quarter past Eleven.

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

THE MEMBER FOR LAW AND ORDER: Sir, when the Council adjourned I was dealing with the special measures which Government agreed it would be necessary to introduce into the Kikuyu reserve when this Emergency is over, and although I thought it inappropriate to attempt to elaborate them in detail or to discuss them at any length in this debate, at least I was informing the Council that the Government agreed to this proposal in principle. But there is one proposal which is fundamental to any special measure in the Kikuyu reserve, which has been referred to by a number of hon. Members; it is the need to inculcate discipline into the people who inhabit that reserve. I am very glad indeed that hon. Members should have referred to this aspect of the problem. In doing so, they have, in my humble opinion, put their finger on what is essential, and the place to inculcate discipline is in the school where the children are being educated. (Hear, hear.) It means that the schools must instruct their pupils not only in the syllabus which is necessary for them to pass examinations, but must also base the instruction upon moral principles,

the principles of mind and eye and above all, the principle of obedience to lawful authority. Sir, those principles have, I regret to say, been disregarded in many educational systems and it is no doubt that many of our present troubles follow from the fact that those principles have not been followed in the independent schools in Kikuyuland, and I feel quite convinced, Sir, that unless we ensure that in future the instruction to children is based upon moral principles, such as I have described, then we shall, in the years to come may be, be nevertheless, assuredly in the future, have a recrudescence of trouble such as we are experiencing to-day because unless the children are taught properly that it is necessary for them to leave the principle of obedience to authority and the sanctions to those principles which have to be replaced now that the ordinary tribal sanctions have gone, unless that is taught, Sir, then I think we are only postponing the day when we further trouble, such as we are experiencing at the present time, will recur. I know, in expressing that view, I am looking several years into the future. It may be a long-term view, but it is my humble submission to this Council, that the schools, that the nature of the education and the principles upon which tuition is based, really provide the key to the future welfare and development of the Colony.

Now, Sir, apart from the discipline which should be inculcated into the youth of this country, it is necessary that discipline should be imposed upon the adults who commit breaches of the law and that brings me to the subject of punishment which was mentioned by the hon. Member for Mount Kenya and been referred to by several other Members as well. He asked me a very pertinent question—how far the present prison system operated as a deterrent to criminals. Well, Sir, it is difficult to give a simple unqualified answer to that question. It depends a good deal on the prison to which the convict is sent. At the present time, a convict is sent to Lodwar Prison, then I have no doubt at all that it will act as a good deterrent and anyone who has visited that awful, torrid spot will agree with me. Possibly the best evidence of that is when a number of Mau Mau prisoners had con-

[The Member for Law and Order] siders their sentences the other day at a prison in the Colony, not in the Northern Frontier District, they were addressed by the Commissioner of Prisons who warned them what would happen to them if he saw them back again in prison. First of all he got very little reaction from them from his address—he was a very experienced officer with a great knowledge of the Africa. He went on to say if they came back they would be sent to the Northern Frontier District. There was an immediate reaction to that. There is no question at all, Sir, that imprisonment in those parts is a great deterrent for the gregarious type of person who goes in for the Mau Mau movement. The policy at the present time is to send as many of the Mau Mau convicts, who are sentenced to long terms of imprisonment, to the prison camp at Lodwar. Originally, it was intended that a new camp should be constructed in the southern part of that province—it has now been decided that the existing prison at Lodwar should be extended and this is being done by the prison labour.

There are other kinds of prisons, too, where it can be said quite fairly, I think, that the conditions do act as a deterrent and punishment to the criminal. I refer particularly to those prisons where the prisoners are engaged upon quarrying work and breaking up stones for the Public Works Department and the Road Authority. There are one or two such prisons quite near Nairobi which I have visited and I would commend the hon. Member to visit them himself. There he will see that the work—that the physical work that is done by the prisoners is certainly of a very arduous kind and can fairly be said to be a deterrent to those who are sent to those prisons. Nevertheless, the hon. Member is right in suggesting—as I think he did suggest by implication—that, in many of the prisons, the conditions in which the prisoners live are not really a deterrent. That, Sir, I admit is unfortunately true. The reason is very largely because of overcrowded conditions in those prisons and the difficulty of putting them to strenuous hard work throughout the time of their confinement. Everything is being done that can be done with the limited staff available to try to make the prison

what it should be—first and foremost, a punishment for the criminal. One of the handicaps—and I know the hon. Member appreciates the difficulty of the prison staff—one of the handicaps is that the European staff is very limited and then when it is passed down the line, the askaris, who are actually in charge of the prisoners, have not that same drive and pertinacity which you find in wardens in British prisons, to ensure that prisoners are engaged in their tasks throughout the day.

I will, if we discuss the Prison Vote in the course of this debate, give the hon. Member more particulars of what is being done in that direction. Perhaps now, he will accept it from me that I fully accept the principle which he is contending and we will do all that is possible within the administrative limits, and limits imposed by establishment conditions, to apply that principle to the prisons in this Colony.

There was another form of punishment which was referred to by the hon. Member for Nairobi West. It was, as I said at the beginning, the one original and novel idea that was imported into this debate for dealing with the present crisis, and, in commenting on the proposals of the hon. Member for Nairobi West, I do so with some diffidence, because I recognize in him one who knows, who has forgotten more about Africa than I should ever know, and I recognize in him also one of the men of the great pioneer days, and I cannot think of those days without associating with them such men as the hon. Member for Nairobi West, who, if I may say so, themselves must have had a touch of greatness in order to achieve what they have. (Applause.) Indeed, if they had not, I do not believe that this young Colony could have grown and developed as fast and as strongly as it has. And, therefore, Sir, if I would prefer to do it, as it were, by proxy, and invite my learned friends, "Dodson and Fog" to put forward the arguments in opposition to those which were put forward by the hon. Member for Nairobi West. (Applause.) (Laughter.)

I like to think of him, Sir, going along to "Dodson and Fog" to ask their advice as to whether or not the conditions that prevail to-day in this Colony do, in fact, amount to revolution in the legal sense of

[The Member for Law and Order] that term, and sitting down in their office—no doubt both "Mr. Dodson" and "Mr. Fog" would be present, since they were advising such an important client, and one of them would go to the shelves and he would take down the case of the Republic of Bolivia against the Indemnity Mutual Insurance Company, and "Mr. Fog" or "Mr. Dodson", whichever it was, would then advise the hon. Member for Nairobi West as follows, that, as long ago as 1909, Lord Justice Farwell said this about rebellion. He said that it is rebellion only when the party in rebellion occupies and holds in hostile manner a certain portion of territory, have declared their independence, have cast off their allegiance, have organized armies, have commenced hostilities against their former sovereign; and he would regretfully have to advise the hon. Member for Nairobi West that the rebellion, in the sense of the word he used, is not rebellion in the sense which the law understands it.

I can well imagine the hon. Member for Nairobi West's reaction to the advice of "Messrs. Dodson and Fog" (Laughter). He would at once carry out the threat which he uttered a few days ago, in this Chamber, to set up a committee. (Laughter) But it would be one man committee, with the hon. Member for Nairobi West the chairman, the secretary and all the members of it. To make quite sure there is no mistake, the chairman would hold both an original and a casting vote. (Laughter) But, Sir, I cannot help noting that the hon. Member's novel proposal has not received any support from his colleagues on that side of the Council. It is, I am afraid, the old, old story that everyone is out of step, except the hon. Member for Nairobi West.

MR. HAVELOCK: Not quite.

MR. BLUNDELL: He spoke very late in the debate.

THE MEMBER FOR LAW AND ORDER: But, Sir, I do put forward this for his consideration, not as my personal view, but as a view which has been expressed to me by a Member of this Council, who also has great experience of this country, although I do not think he could rival the experience of the hon. Member. He has suggested to me that I should

suggest it to the hon. Member, that such drastic action as he suggested should be taken, namely the revocation of the title, which is the basis of the Order in Council, the title to the native lands, and vesting it once again in the Crown; that that would have most dangerous repercussions on other tribes. It would show the seeds of suspicion in other tribes, which is the last thing that anyone wants to do, the seeds of suspicion that their title is so sacrosanct, even though it is embodied in an Order in Council. That is a very important consideration—I am sure the hon. Member would agree—which would militate against taking action on the lines that he proposed.

There was yet another kind of punishment suggested by the hon. Member in Nairobi North, who proposed that some form of taxation should be imposed upon those who can be held responsible for the present disturbances. He put it, I thought, very neatly when he said this, the Kikuyus were suffering from an epidemic, but it is no novelty to ask the patient to pay the bill. That is an epigram which attracts me, and the principle of it is not one from which I personally would dissent. It is a form of punishment to make people pay in these circumstances, and it is one which has, inherent in it, the principle of justice, because one can fairly attribute to those who have been asked to pay responsibility for the extraordinary expenditure that has had to be incurred in this emergency. I cannot, at this moment, and I am sure the hon. Member will understand, go into the matter in further detail, but I have said sufficient, I think, to indicate that this proposal is one which commands itself to certain hon. Members on this side of the Council.

The hon. Mr. Mathu, in a vigorous and eloquent speech yesterday, earned tributes from Members on both sides of the Council for his unequivocal condemnation of the *Mau Mau* movement. He also put forward a number of constructive suggestions, such as making roads in the reserves. He went further than that, and almost, I might describe it, issue a challenge to Government to make use of his services in combating this movement. All that, Sir, is good, but I would say to the hon. Mr. Mathu,

[The Member for Law and Order] that it is time that his words were matched with deeds. He knows full well why I say that. I am not suggesting that, in future, his deeds will not match his words, but he will understand and appreciate why I say that I now want to see the colour of his money. *Acta non verba*—deeds not words—is what is required at this time. (Hear, hear—Applause) The hon. Mr. Mathu wishes to assist the Government in a practical and immediate manner, then he can do so straight away, by helping to organize and create and expand a home guard in his own district in Kiambu, where we heard yesterday there were practically none. It is a worthy task; it is a task which will reflect credit not only on him, but on all loyal Kikuyu and will, day by day, come, I hope, give them a prestige and an authority in the community which they lack at the present time. But let me say once again to my hon. friend, *acta non verba* is what is needed now.

Certain observations were made by the hon. Mr. Madan and the hon. Mr. Chanan Singh with regard to the present phase of consolidating our position in the reserve, and before I deal with those, perhaps I might, in passing, refer to some remarks made by the hon. Member for Kiambu about the first phase of the "Jock Scott" operation. He asked me, I think with the intention of questioning my claim, that the first phase was successful, how many had, in fact, been picked up of those who were on the original list. The answer to that is, over 80 per cent, which is a very good number in the circumstances, particularly as some of them may well have left the country. He further asked me how many people had come forward either during the first or the second phase, to give information and assist the authorities in investigating crime, where security zones had been established in the reserves elsewhere. No statistics had been kept in regard to that matter, but I can say, in general terms, that some extremely useful information has come forward from the people here who have seen that those who were their enemies have been removed from the scene.

It would not be appropriate or in public interest, for me to refer to the details of that, but the hon. Mr. Madan was

dealing with the third phase, which, I claim, was consolidating our position in the reserve, and he made this criticism with some force, that it could hardly be said to be consolidating our position in the reserve if, in fact, as a result of an attack by gangsters last Friday on Indian dukas, a number of Asian citizens in this Colony had had to evacuate the places where they had been carrying on business for years in the reserve, and retired to the urban quarters of Nairobi. I appreciate the force of that criticism; I would add this, in addition to what the hon. Mr. Madan told us about the incident, that the following day or, rather, the following night, a guard was placed upon that trading centre with the object of restoring the confidence of the residents there, but very few of the shopkeepers have returned.

Subsequently, patrols have been provided which have visited that centre every night and sometimes two or three times in the course of the night. But the criticism still remains, that those trading centres are exposed and isolated and have not got that degree of protection which is accorded to other places of a similar character outside the reserve. Now, Sir, the answer to that difficulty lies, of course, in providing the necessary bodies who will act as static guards on those trading centres; that has been done throughout the White Highlands on the farms and in other places in that area. It has been done by those members of the community who have joined the Kenya Police Reserve. If the members of the European community had not come forward in great numbers to join the Kenya Police Reserve it would not have been possible to provide the guards on all those isolated farms in the White Highlands.

Now, Sir, the lesson from that is that the Asian community must do the same in order to protect their own trading centres. I am not suggesting that they have not responded well to the call for volunteers here in Nairobi—I know that they have. That applies also to the home guards in Nairobi. I have myself visited the home guards at night and seen the Asian youths at Eastleigh rolling up there in considerable numbers, waiting for orders to go on patrol in their districts where they live. The response has been good in those areas, but now what

[The Member for Law and Order] is needed is that more of them should join the Kenya Police Reserve or the home guard, volunteering their services for the protection of these isolated trading centres, to which he and Mr. Madan have referred.

I know that there are practical difficulties about that because most of the Asians who might volunteer are living here in Nairobi, whereas the places which they will be asked to protect are several miles away in the reserve. But those are not insuperable difficulties. Sir, The same difficulties were experienced a few weeks ago in providing guards for the farms in Kiambu and Limuru districts. There, in that case, European volunteers were drafted out from Nairobi and discharged their duties out in the Kiambu district. So also the Asian volunteers should join the Kenya Police Reserve and/or the home guard and offer their services to protect such places as Makindi near Thika, Saba Saba and other trading centres of that kind. I can tell the hon. Member this, that for every one person whom the Asian community provides in that way, the Commissioner of Police will match him with one other person who will join him in the task of protecting those trading centres, and I will invite him, or some representative of the Asian community, to go at once to the Commissioner of Police and work out with him a plan for special recruitment from his own community, in order to protect the lives and property of his own community at the present time. If he will respond to that, then I am sure the situation will be restored in those areas. It is essential that they should, because it is entirely wrong that any one of any community should give up any territory or any property because of the attacks of the gangsters and thugs, such as occurred last time. (Hear, hear.) I hope that we shall see a ready response from the Asian community to this offer which I have made publicly to them to-day.

Now, Sir, I have referred, I think, to most of the important topics that have been discussed in the course of this debate, but there is one topic, Sir, which has scarcely been mentioned in the debate, although, to my way of thinking, it is one of the most important subjects

affecting the situation, both now and in the future. I did refer to it, in passing, above, in my opening speech of this debate, but very few people have commented on it, except, perhaps, to deprecate the reference I made to it. I refer to the importance of propaganda. It is quite natural that hon. Members should be so concerned, perhaps I might say so absorbed, in the repressive measures that have undoubtedly to be taken at the present time, that they should forget that there is another weapon in their armoury, and a very powerful weapon too, namely the weapon of propaganda. It is an immensely powerful weapon, particularly as it has been developed by modern techniques in the last 20 or 30 years. One has only to look at the history of movements in the Continent of Europe in the 1930's and before that, to realize how powerful it can be. We heard yesterday from the hon. and learned Solicitor General how powerful a weapon it was in Malaya. Although I accept, of course, that the difference between Malaya and this country is so great as to make it improper to argue by analogy, at least in this respect, I will point out that if propaganda is a powerful weapon against the civilized and educated Chinese, how much more powerful could it be with the simple, illiterate, or semi-illiterate people whom we had to deal with in the Kikuyu reserve. It has been used very successfully to combat subversive movements in many parts of the world, and as recently as a year or two ago it was used most successfully to combat the Communist menace in Italy, and I do ask this Council to give more thought and consideration to the use of this weapon of propaganda. It is one which, if properly employed, can be of immense benefit in guiding people along the paths of good government.

Finally, may I say this, Sir, that this Emergency is everybody's business. It is not merely the business of Government or of the Members of Government, nor is it merely the business of the police, or the Administration, or of the military authorities, or the agricultural and veterinary officers in the field, but it is the business of every member of every racial group in this community. Each one of them should do his utmost, by word and by deed, to propagate amongst his

(The Member for Law and Order) throughout the countryside, a support for the Government in the strong and drastic measures that must be taken to eradicate and to stamp out this evil New Movement. (Hear, hear.) And, given this support, Sir, then I may say that this Government will not fail, under the wise and strong and firm guidance of our Governor, to discharge its duty faithfully and well, and to enable this Colony to march forward once again into a prosperous future. (Prolonged applause.)

The question that Mr. Speaker do now leave the Chair was put and carried.

MR. HAVELOCK: Mr. Speaker, hon. Members on this side, Sir, and after consultation with Government, would be very happy if, instead of the next department on the list, we could take Vote 3-4—Police Department.

THE SPEAKER: I must leave the Chair and come down to Committee first, and come into Committee, as we were once into Committee, and deal with Vote 3-1 first and then with Vote 3-2 possibly. I think you want a debate on Vote 3-2.

MR. HAVELOCK: No, we have dispensed with that.

THE SPEAKER: In that case, I will take the Chair in Committee and we will deal with Votes 3-1, 3-2 and 3-3, and disperse of those.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Home in the Chair]
Vote 3-1—Office of the Member for Law and Order

THE CHAIRMAN:

Be it RESOLVED that a sum not exceeding £7,810 be granted to the Governor to defray the charge which will occur in course of payment for the year ending 31st December, 1957, for the Office of the Member for Law and Order.

The question was put and carried.
Vote 3-2—Immigration Department

THE CHAIRMAN:

Be it RESOLVED that a sum not exceeding £46,078 be granted to the

Governor to defray the charge which will come in course of payment for the year ending 31st December, 1957, for the Immigration Department.

The question was put and carried.

Vote 3-3—Legal Department

THE CHAIRMAN:

Be it RESOLVED that a sum not exceeding £26,720 be granted to the Governor to defray the charge which will come in course of payment for the year ending 31st December, 1957, for the Legal Department.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to move that the Committee do report progress and ask me to sit again.

The question was put and carried.
Council resumed.

[Mr. Speaker in the Chair]

COMMITTEE OF SUPPLY

Draft Estimates of Expenditure, 1957—Vote 3-4—Police Department

THE MEMBER FOR LAW AND ORDER:

As you will observe, there has been a variation in the Orders of the Day which has been made at very short notice, and in consequence, Sir, I am not in a position in which I had expected to be, of being able to explain in detail the estimates which fall to be considered by the Council under this heading in detail, but, Sir, I think it will suffice for the purposes of this Committee if I invoke the parliamentary convention of asking you to leave the Chair, well knowing you have little or no intention of doing so—(laughter)—and then leaving it to such hon. Members who wish to say such things as they think appropriate about the work of the police in the present difficult time.

THE MEMBER FOR FINANCE: Mr. Chairman:

MR. BUNDELL: I should like to raise this opportunity of recording the thanks to the police force for the work which they have been undertaking for many weeks now and for the work they have done in the past. (Prolonged applause.) I am more than pleased to take this opportunity, because I think that perhaps many Members may not understand the great strain which must have

[Mr. Blundell] been imposed upon the police for, at a guess, I should say, for some twenty weeks. They must have been working under that strain, yet they have carried out their duties well, with good discipline, to the benefit of everybody in the Colony. Coupled with them, Sir, I should just like to record also the thanks of my colleagues to those members of the Kenya Regiment who have volunteered to help the police in their special police duties in the Kikuyu reserve under the Member's proposal—(applause)—for closer policing. Again I should like to say how much the country owes to the Kenya Police Reserve. This may seem, Mr. Speaker, rather a flow of bouquets coming from this side of the Council, but we have not had an opportunity publicly of paying tribute to the work which the police, with their many additions, have been carrying out under the Member for Law and Order's direction. In particular, I should like to refer to the Kenya Police Reserve and the home guards, because not only are they maintaining the daily life of the Colony, but they are in addition carrying on for many hours at night, in extremely difficult conditions. I have one particular wish in that regard which I should like to voice, and I regret to inflict it upon the Council, because it is a pet theme of mine. In the Kenya Police Reserve and in the home guard we have got Europeans, Asians and Africans working together towards a common aim. The common aim is the security of our own country, and I hope that the co-operation that we have learnt there will continue long after the Emergency has gone. (Hear, hear.) (Applause.)

There are two other points, Sir, to which I wish to refer on this Police Vote. The first is this, I think it is most essential that hon. Members on this side of the Council should record their confidence in the police in incidents such as that which took place near Thika. Nothing could be more disastrous in moments of emergency than if young police officers felt that the confidence and support of the country was not strongly, and, without any deviation whatsoever, behind them. (Hear, hear.)

Lastly, Sir, a most important matter, more pertaining to the Member for

Finance than the Member for Law and Order. Hon. Members will remember that during the years that the Member for Finance blossomed on one side of the Council, instead of delimiting himself on the other—(laughter)—he was an advocate of special terms of service for the police, and he was a constant protagonist of better terms of pay for them. Now, Sir, I am quite certain in my own mind, that the younger police officers—I am referring in particular to the younger European police officers—are not paid well enough. They start a scales which do not enable them to live a proper standard of living, from those scales there are deductions made in respect of their housing, etc., and I would suggest that one of the most urgent priorities at the present time is for the hon. Member for Law and Order to discuss with the Member for Finance an improvement in their conditions of pay and salary. That might well be done, Sir, in the form of special allowances, but I do assure hon. Members that unless that is done, we are going to lose many of the best of our younger and keener police officers, and I think it is an appropriate moment to raise it, and underline the urgency in which I consider it should be held.

Apart from that, Sir, I should merely like to repeat what I have said, that the whole of this Council, and the whole of this country at the present time, owe a great debt of gratitude to the integrity, the efficiency and the enthusiasm with which the police have carried out their duties. (Applause.)

GROUP-CAPTAIN BRIGGS: Mr. Speaker, Sir, as the Member for one of the constituencies most affected by the present disturbances, I should like to associate myself very warmly with what the hon. Member for Rift Valley has already said, both in regard to the good work carried out by the Kenya Police Reserve, the police, the army and the administration in the field, and also in regard to his remarks in regard to the pay of police. I do believe that if we are to have an efficient, contented and happy police force in this country, it is absolutely essential that their conditions should be improved. (Applause.)

LADY SHAW: Mr. Speaker, while agreeing with every word that has been said

[Lady Shaw] about the proper conditions of service for the police, I should like to draw the attention of this Council to the police, and I feel that when these people, when these young men, black and white, are sent to man these new police posts—in the Kikuyu Reserve, that the police posts should be properly fortified. We all know that a few men, properly armed and with adequate fortifications, can deal with a very large crowd, whether armed or un-armed, and in my view it is absolutely essential, when these people are sent into isolated places in small numbers, facing perhaps a possible mob, that their posts should be first of all, not thatched, secondly, protected at some small distance by barbed wire, thirdly, lit and they should be provided with adequate automatic weapons. It would be most unfair and would cause more indignation, perhaps, than anything in this country, if inadequately protected and inadequately armed police posts were set up in these areas. (Applause.)

Mrs. SHAW: First of all, Mr. Speaker, I should like to join in a tribute to all ranks of the police, and in my maiden speech last year, when I spoke of the police Head, I did say that I thought that the police terms of service should be given special consideration, because of the way they are under campaigning conditions. Well, that certainly is true to-day, Sir, if it was not true before. I want to pay particular tribute to the African constable, for I think that the loyalty of the African constable has shown in this emergency, when he has often been discharging difficult and unpleasant duties, possibly against his own kith and kin, has been very remarkable and deserves great tribute. (Applause—Hear, hear.)

I should also like to pay a tribute to the Kenya Police Reserve, both in the towns, where you see them constantly guarding the flats and houses, shops, etc., but also on the farms, where, after a long day's work, probably with all their managers in the Kenya Regiment, the farmer—often a man well over 50—goes out with the Kenya Police Reserve.

The hon. Member for Ukamba has already made the point that I wished to make as regards the Kenya Regiment. I should merely like to underline that point, because I have it on good authority

that the Commander of the Kenya Regiment asked that barbed wire be put round these posts in the Kikuyu Reserve, where these young lads, young European lads-of, possibly 18 to 20 years of age, are being sent to be in command of, say, 14 African constables, and has been told by Government, or by some department of Government, I am not sure which, that barbed wire was not considered necessary. Well, as we heard the hon. Member for African Interests yesterday tell us that many parts of those posts in the reserve will be in very inaccessible parts, where the roads, if it should rain, are completely impassable, we realize, Sir, the necessity for arming those posts and for protecting them from the possibility of attack by a mob.

I should also like to ask the hon. Member for Law and Order for two assurances. Up-country, our police, where the distances are very long, our police in the past have been very often hampered by the smallness of their mileage vote. In fact, in many cases in outlying areas such as my province, it is very often a case at the end of the year, if a crime is committed, it is almost impossible to get the police officer to come out to that crime, because his mileage vote is finished, and so he has to either go on foot or send a constable on foot, which to my mind is completely useless. I should like an assurance from the hon. Member that to-day, when the police must have mobility in these outlying areas, that the mileage vote is sufficient, and that when the mileage vote is exhausted, there will be some method for the police constable on the spot, or police officer on the spot, to use his discretion from an emergency fund.

The other question I should like to ask the hon. Member for Law and Order, is if he could give me some information as to the fact that *Mau Mau* prisoners are being held in a camp in Trans Mara, and being held in a camp in Transy guarded, if, in fact, that camp of their escaping and there is no danger of their escaping and there is no danger of their escaping and there is no danger of their escaping they could easily infiltrate into the forest areas in a Province that, up to date, is not much affected by *Mau Mau* activities.

With that, and once more a sincere tribute to all ranks of both the police and the Kenya Regiment and the Kenya Police Reserve, Sir, I should like to support this Motion. (Applause.)

Mr. MATHU: Mr. Speaker, I shall have very few remarks to make in support of what other hon. Members have said in paying tribute to the police of all ranks, and of all communities.

The first remark I would like to make, Sir, is to support what some other hon. Members have said, that the time, I think, is due now to revise the terms of service of the Police Department, and for all ranks. I served on the Police Terms of Service Committee some years ago and there was a tremendous improvement in the terms of service for the police during those days, and I do think, Sir, that the time is now ripe for a further revision and further improvement. But, I do feel, Sir, that from the constable to the highest rank, particularly in the African ranks, there is great room for improvement in the monetary rewards, in salary and so on, to give these people encouragement while they are working under very difficult conditions.

Coupled with that, Sir, as I have mentioned yesterday, I feel that we have an opportunity now to give accelerated promotion to police officers—I am referring particularly to the African ranks—who show exceptional ability in dealing with these difficult situations. I do not think that money should be a consideration, or any racial group, in this State of Emergency. I think action along both these lines is overdue.

Regarding the mobility of the police, in African areas in particular, I would like to support what my hon. friend, the gracious lady for Nyanza, has said. I think it is necessary to barbed-wire fence these remote police posts, I think it is absolutely vital to make sure that all the necessary precautions to protect the personnel who are doing this work is assured.

Now, Sir, the point I made yesterday about the communications and the mobility of the force. I do feel, Sir, that we have areas where it is known that the difficulties are more than in others and adequate transport should be made readily available. My information as far as the Kirurua situation is concerned, that at Kalanga—that is the major administrative post near the police post where the trouble occurred, that there was no motor vehicle at all, and a small police contingent either had one or two

bicycles with which to run and find out how they could get a message to Thika. I do feel that we should endeavor to remedy that situation. I feel there should have been a police vehicle placed at Kitanga, for the use of the police constables there, because Kandara, the major centre which is where I think the senior officers of police are stationed is quite a number of miles away, and to get there in a very hilly country is not a very easy matter.

A further point, Sir, is I feel that telephone communications should also be improved at Kitanga—that is adjacent to European farms and in my recollection it is correct to say they have telephones; it is very near, only a matter of a few miles to Kitanga—if there were telephone communications, a message could have gone to Thika more quickly than having for a vehicle, or borrowing a rickshaw from an African living nearby, or walking to Thika on a bicycle. I put this to the hon. Member for very serious consideration, because it is absolutely essential that action should be taken quickly in telephone communication—where it is easy to connect telephone lines with posts nearby—I would suggest most seriously that it should be done and that money should not be a consideration in the matter.

I do not think I have any further comment to make on this, and I support the Motion.

DR. HASSAN: Mr. Speaker, Sir, I associate myself with the hon. Member for Rift Valley and other speakers who have paid tribute to the police force for the wonderful work they are doing in Kenya to-day.

I, further, would like to congratulate the Member responsible for showing in this year's Estimates, two posts of Assistant Superintendents. It was one of the matters which has been pressed for a long time and it is a matter for which we must congratulate the Member responsible.

Sir, when I see the emoluments of these posts, I feel I should request the Member to give further consideration to it, because persons holding such rank and such position in these days when the cost of living is very much higher need, at least, if not more, as much as is allowed to the clerical staff, so that they can maintain their position and dignity

Dr. Hassan]

Sir, there is one matter which I found asked about by the younger Asians in the territory and that is the question of emoluments which are first offered to candidates who apply for police jobs. Sir, it is very important to draw the well-educated people from good families to the police service, and it is absolutely essential that they must be offered good emoluments, emoluments which would be tempting to them, because it is one of the very important things that the police officers, if we expect them to rise to higher posts, must come out of very good families and with very good education. This is one of the very important matters which is usually followed in India and Pakistan, and I would request the Member that their position, when they join the police, must be made very tempting by offering better emoluments so they can, at least, live respectably.

Sir, I again pay tribute to the police of all ranks who are working at very hard pressure and to the entire satisfaction of all people in Kenya.

Mr. HARRIS: Mr. Speaker, Sir, as a Member representing one of the city constituencies, I would like to associate myself with the tributes that have been paid to all ranks of the police. I would also like to congratulate the hon. Member for Law and Order, Sir, on the speed with which he disposed his troops at the beginning of the crisis, particularly in the city itself.

There is one point I would make, that is, now the possibility of strike action in Nairobi seems less remote than perhaps a month ago, if he would consult senior service officers, who served in command of Somali and Turkana troops during the war, I think he would find that they have always been some of the finest aggressive troops that East Africa has ever mobilized; but they have never been very good at garrison duties. I think they are doing their job excellently, Sir, but I think there may come a time when they will get a little bit tired of city life, and it might be advisable to consider using them for more aggressive duties, for which they are so excellently suited.

Mr. COLE: GRESHAM: Mr. Speaker, I would also like to associate myself with the tributes paid to the police force for their behaviour during the

There are two points I wish to make. One, in particular, is on the question of communications. Now, Sir, I say this without any reflection on other sections of the community, but I do believe, particularly on the end of telephones in the police, there should be somebody, not only who is reliable, but, perhaps, with a little more than average intelligence, because I do believe that therein lies a great deal of trouble and delay. While on the subject of communication, I think there should be some tie up between the police and the Postmaster General. They should know and have control of every telephone that is used by the Police Department, whether it happens to be in a police post or not. I say, advisedly, it should be under control and continual check as to whether any telephone is out of order or the lines cut. It was my experience, two or three days ago, to let the Post Office know a certain police post telephone had been out of order and unusable for a period of three days. That is almost unbelievable during an Emergency, but it is so, and I speak with personal knowledge of the subject.

There is one other point, I do believe some of the younger policemen must be more better acquainted in regard to the present Emergency as to what constitutes an offence. It came to my knowledge the other day that a certain individual was in possession of "subversive" publications. This was reported, and the young fellow concerned who examined the subversive publications, found they were dated prior to the Emergency, and decided no action could be taken. That sounds, to me, complete nonsense.

During the last two years in this Council we have continually put forward the suggestion that there might be a city police force. I do not know how far forward those negotiations have gone—I realize nothing can be done at this particular moment, in view of the Emergency. Nairobi has its own peculiar problem. It represents the largest population of any one area in the Colony; we probably have, under normal conditions, more crimes of violence than elsewhere; we certainly have a great deal of petty crime. We also have traffic problems. There is every justification for this matter being very seriously considered, when the Member for Law and Order is less occupied on the present emergency.

MR. BLUNDELL: Paid for out-of-the-rates!

LT.-COL. GHERSIE: I said I would like this matter considered, we can go into details later.

MR. CHAMAN SINGH: Mr. Speaker, I feel I should join with the hon. Members who have already spoken in paying tribute to the good work the police have done during the very difficult times.

In big towns like Nairobi, Sir, they acted with speed and determination, and gained peoples' confidence within a very short period. As far as Nairobi is concerned, times are as normal as they were before the war.

Now, Sir, I must also support the demand that has been made for better terms of service for the police. Those who have anything to do with the administration of law and justice know what temptation lies in the way of policemen. I think it only proper that they should be sufficiently highly paid in order that they will not be tempted to adopt illegal ways.

Then, Sir, I support the thanks my hon. friend Dr. Hassan has conveyed to the authorities for creating two posts of Assistant Superintendent in the Asian ranks of service. There was an old grievance of Asian officers of police that there was no chance for promotion for them.

Now, Sir, when we make the suggestion that the terms of remuneration for police, especially in the Asian ranks of the service should be improved, we do not wish it to be implied that we are not grateful for what has been done this year, but I certainly feel that the terms are very, very inadequate. If there were an instance which shows the unfairness of the three-fifths rule, it is this instance of the grade of Assistant Superintendent of Police. The subordinate ranks in the clerical service can go up to £700; yet here we have officers who are in the unified service who are supposed to belong to the Colonial service—yet the maximum they can go up to is £684. That shows, Sir, it shows that the three-fifths rule is not fair in some of the cases at least and this is one of those cases, at least, and in this instance that rule needs looking into, and, I suggest, revising.

MR. SHERRIF ABDULLAH SALIM: All the other groups have already paid tribute to the police force so I have no other alternative but to associate myself with them. (Laughter.)

Sir, in doing so, in joining the hon. Member for Rift Valley, I have two or two complaints to make with regard to the police force. I think I did that Sir, when we were debating the other day about bringing the *askaris* from the Northern Frontier to Mombasa. Even what we were afraid of at the time, all that we said in the Council has happened in Mombasa now. People, Sir, in Mombasa have put in so many complaints to the Superintendent of Police that they have been very ill-treated. I heard a case the other day, Sir, of one or two members of my community who happened to go to the police station just to bail out their man who has been arrested, and they were caught by the necks and given a smack on their back and were thrown out of the police station. Well, Sir, if we have to pay tribute to the police force for having people in such a manner, then I say they deserve the tribute. They have been what they have got to treat the people properly and realize that they are also Government servants like anybody else.

ADJOURNMENT

THE SPEAKER: Order, order. It is now half-past Twelve and business will be suspended until Four-thirty p.m.

Council adjourned at thirty minutes past Twelve o'clock and resumed at thirty minutes past Four o'clock p.m.

Thursday, 27th November, 1952
(Evening Sitting)

MR. HAVELOCK: Mr. Speaker, there is only one question I would like to ask in this debate, would the hon. Member be able to tell me what police protection was given to the late Mr. Tom Mboya in view of the disgraceful accident to-day?

THE SPEAKER: I will ask the hon. Member to reply on the debate.

THE MEMBER FOR LAW AND ORDER: I am sure that every member of the regular police force and of the Kenya Police Reserve, from the highest to the lowest, will be greatly encouraged by the fact reference has been made by hon. Members from all parts of the Colony to the work which they have performed during the Emergency. (Applause.)

Sir, the police of this Colony have laboured unceasingly for the safety and the welfare of the citizens of Kenya during these troublous times, and have laboured sometimes in difficult conditions, and often in dangerous conditions. Although they seek no other reward, I am sure, than the knowledge of duty done, yet they would be, perhaps, less than human if they were not commended and spurred on to greater efforts by the appreciation and the praise which has been expressed in this Council to-day for their work during the Emergency. Their devotion to duty, and their loyalty to the Government and the Crown, Sir, are splendid examples for all, and the Council may rest assured that they will persevere, undaunted by the dangers and unwearied by the toil.

I am glad too, Sir, that reference was made to the home guard. This organization, improvised almost over the week-end at the beginning of the Emergency, has risen from strength to strength, and has established itself in such a way as to make a most valuable contribution to the policing of this city, as the reduction in the crime statistics for the residential areas clearly proves. It has indeed, by its quiet, if unspectacular work, made a most helpful contribution to the work of policing this city.

Indeed, so successful has this improvised organization been that it is proposed that its records and the details of its organization should be preserved, even after the necessity for its continued embodiment should cease, so that, if, at a future occasion, it should be necessary to re-embolden or reorganize such home guards, it can be done speedily with the minimum effort.

Now, Sir, hon. Members raised a number of miscellaneous points during the course of this debate this morning, which I will endeavour to dispose of as briefly as possible.

Several Members referred to the necessity of guarding adequately the new police stations which are to be set up in the Kikuyu reserve, and they suggested that special arrangements should have been made to protect those stations. I can assure hon. Members that a decision to that effect has already been taken. It is proposed that each police station in the Kikuyu reserve should have a perimeter fence of barbed wire, or alternatively of thorn bush, which would give adequate protection from surprise if any untoward incident should arise in the neighbourhood of the police station.

The suggestion that they should be constructed without thatched roofs presents some difficulty. The alternative of corrugated iron is not only expensive, but is not in easy supply, and furthermore, the construction of the rondavels, I understand, would have to be on a somewhat different basis if the walls were intended to carry a heavier roof of that kind. But the matter has been given careful consideration and, in view of the fact that the stations themselves will be entirely enclosed with a perimeter fence of barbed wire or of thorn bush, the Commissioner is not unduly concerned at the risk of arson if the rondavels within that perimeter fence, on the roof should be made of thatch. On the whole, therefore, it is considered that it will be satisfactory to proceed at once with the construction of these rondavels, using thatch for the roof rather than to become involved in the delay which will be inevitable if corrugated iron-roofs were substituted in their stead.

[The Member for Law and Order]

Now, the reference, which was made to special terms of service by the hon. Member for Rift Valley, touched upon a subject which has been under discussion in an informal way quite recently. Indeed, it has been decided that members of the Special Intelligence Branch should have certain allowances which would place them in the category of being put on special terms of service. In view, however, of the encouragement from hon. Members opposite and, of course, in view of the necessity of ensuring that we are able to get men of quality in the police force, I will pursue the question of expanding this system of special allowances to all members of the police force, in addition to those members of the Special Branch.

In any such review, the hon. Member Dr. Hassan may rest assured that the position of the Asian members of the police force will be adequately considered. I was very glad that Asian Members of this Council welcomed the provision in this year's Estimates, for the first time, of two posts for Assistant Superintendents of Police. (Applause.) This innovation had been suggested by hon. Members opposite on more than one occasion last year, and it may well be . . . (inaudible) this year, and I must say, after visiting various police stations, particularly those of the coast, I was impressed by the quality and the caliber of some of the Asian members of the police force. Indeed, some of them reminded me very much of that excellent type, which I suppose will never be reproduced again, the Viceroy's commissioned officers. However, Sir, after visiting those stations, particularly in the coast, I had little doubt in my mind that there was material there which would qualify for the candidature of an assistant superintendent's post, if such a post were created.

I am glad to see that, having created it in the next year's Estimates, it has met with the approval, not only of the Asian Members, but of other Members of this Council. I hope indeed that those who are selected for this post will acquit themselves well, because if they do, then they will not only enhance their own reputation and prestige, but the reputation and prestige of the Asian communities in Kenya.

Now, the hon. Member for Nairobi North raised a matter which has been engaging my attention a great deal in the earlier months of this year, namely, the arrangements for special policing of Nairobi, which have been suggested to the Nairobi City Council over a year ago. I need not go into the details of those proposals, because I am afraid that when the negotiations were reaching maturity, shall I say, towards June or July of this year, they were unfortunately overtaken by the events which have led to the Emergency and consequently, for the time being at least, those proposals and negotiations must, I regret to say, be regarded as being in abeyance, and, roughly so, the proposals for improving and extending the traffic section of the police in Nairobi must, in view of the tempo of events with which we have to deal today, stand over until times are more propitious. But I would certainly bear in mind the views which I know the hon. Member holds on those two matters, and will, as soon as possible, do what I can to further the arrangements for improving the police force in those two respects.

The hon. Member for Nairobi South expressed the view that men in Kenya would fit in more conveniently now in other parts of the Colony than in the city of Nairobi; that their traditional tactics would be more suitably employed in the Kikuyu reserve than in Nairobi. Whether it is by coincidence or by intelligent anticipation or not I cannot say, but the hon. Member will be pleased to hear that arrangements are already in hand and indeed have begun to take effect in the transfer of the Northern Frontier Police, who have been stationed in Mombasa, to other parts of the Coast, like Laikipia which is one area and Fort Hare is yet another. The transfer is in area. Members will appreciate, on that taking place gradually over a period of a few days, but will be complete. I am told within the next week or so at the outside I would now like to refer to the query which was raised by the hon. Member for Nyanza in regard to the difficulties which she had been informed had been experienced by the police of circumstances in her province, who had had to use their mileage allowance. Sir, I feel that there must either be some wrong information on this subject or there must be some misunderstanding, because it should now

[The Member for Law and Order]

It should never have arisen in the past, that a police officer was unable to investigate a case properly because he had used up his mileage allowance. The fact has always been that if a particular police officer had used up his mileage allowance he should then ask for additional allocation from his provincial headquarters where a reserve was held to meet contingencies for emergencies of that kind. If the divisional headquarters was exhausted, then that divisional headquarters could in turn refer to another provincial headquarters where mileage allowance was held for allocation in such circumstances as the hon. Member envisaged and if the divisional headquarters' reserve was exhausted and again if there were any difficulty in meeting the demand from provincial headquarters, a further demand could be made from police headquarters, therefore the system was very flexible, and I know of no case where it has been established that there was insufficient mileage to meet a genuine demand for additional allocation to enable the police officer to discharge his duties properly. I know that there have been several allocations to that effect and I inquired into all those that have been brought to my notice, but in every single case when we got down to brass tacks, it has been proved that the allocation was not properly substantiated. However, the danger of any such difficulty arising in the future, I think is much less than in the past because now the allocations to individual police stations have been increased and the necessity for indenting at headquarters is much reduced, but at the same time it should be remembered that there is a need to keep a control on the use of vehicles by the police otherwise there will be a waste, and unnecessary expenditure will be incurred.

COLONEL GREGG: Mr. Speaker, would the hon. Member inform us in pursuance of that argument, what happens in the case of a police officer as we have a Taveeta whose car has been taken away and was given a bicycle. Can he apply for a new pair of legs somewhere else?

THE MEMBER FOR LAW AND ORDER: There is no restriction whatever on the mileage allocated to bicycles—(Laugh-

ter)—but as regards the suggestion put forward by my hon. friend Mr. Mathu, that there was a shortage of vehicles in the Kikuyu reserve; I had not previously received any information to that effect, but it is quite possible that, in view of the strain which has been placed upon police transport during the Emergency, that occasions do arise when vehicles are not as readily available as one would wish. Certainly I think it is true to say that, in more normal circumstances, the police are adequately, even generously, supplied with amenities for transport in this Colony.

The other point which he brought to my notice, quite properly, was the importance of adequate telephonic communications between police stations and headquarters whenever that is possible. The instance he gave this morning I certainly looked as if it might be possible to equip a police station in the reserve without much expense and trouble, and so improve its efficiency from the point of view of the operation of the police force as a whole.

Finally, there was a point raised by the hon. Member for Nyanza, with regard to the prison camp at Trans Mara, although this is a point which, I think, properly be raised when considering the Prison Vote. I am quite prepared to answer it during this debate without any extra charge, in view of the fact that there will probably be no opportunity of dealing with it on the Prison Vote. The hon. Member asked me if it was a fact that there were a number of Mau Mau prisoners at the Trans Mara camp. That is so. She went on to ask if I was satisfied that the guard on that camp was adequate to prevent any escapes, in view of the relative proximity of that camp to the settled areas in the Sotik farms. I have made detailed inquiries from the Acting Commissioner of Prisons on that point, and he tells me that he is satisfied that the protection and the guarding of the prisoners is adequate. There is a double barbed wire perimeter fence all round the prison itself and the ratio of wardens to prisoners is one to eight, which is to be compared with the normal ratio of one to ten. Although, of course, no one can guarantee that in no circumstances would a prisoner escape, at least he is reasonably satisfied that the camp is adequately guarded.

Mrs. SHAW: Mr. Speaker, arising out of that answer, could the hon. Member for Law and Order give me any idea as to the number of prisoners in that camp of *Mau Mau* origin, and also the number of European officers in charge of that camp.

THE MEMBER FOR LAW AND ORDER: The number of prisoners at the camp at the moment is approximately 100, and there is one European in charge of the camp.

Mr. HAVELOCK: They are all *Mau Mau*?

THE MEMBER FOR LAW AND ORDER: They are all *Mau Mau* prisoners.

Mrs. SHAW: I would like to put it on record that I do not consider that, when I gather those prisoners are very sullen and difficult to handle, possibly one European in such a spot as that is adequate to handle them.

THE MEMBER FOR LAW AND ORDER: I will discuss the matter in view of the hon. Member's representations. She will appreciate that I have not had very much time since she made the point this morning. Perhaps she might take some consolation from the fact that although they are *Mau Mau* prisoners they are Grade C, very low grade *Mau Mau* prisoners, and so possibly not so dangerous as the others. (Laughter.) One final point, that the hon. Member for Kiambu asked me, was as to the guard that was provided for the late Mr. Tom Mboela; he was provided with one personal guard and had been provided with that guard for a long time past. I cannot remember exactly how long ago, but certainly the last time I saw him he mentioned he had that guard allotted to him. I could get further details for the hon. Member if the hon. Member should wish me to do so.

Mr. HAVELOCK: Please—

THE MEMBER FOR LAW AND ORDER: At a later date, Mr. Speaker, I beg to move. (Applause.)

The question that Mr. Speaker do now leave the Chair was put and carried.

COMMITTEE OF SUPPLY
Committee of Supply—Order for Committee read.

Mr. Speaker left the Chair.

COUNCIL IN COMMITTEE

[Mr. W. K. Horne in the Chair]
Vote 3—4—Police Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £1,398,370 be granted to the Governor to defray the charge which will come in course of payment for the year ending 31st December, 1952, in the Police Department.

The question was put and carried.

Vote 3—5—Prisons Department

BE IT RESOLVED that a sum not exceeding £538,845 be granted to the Governor to defray the charge which will come in course of payment for the year ending 31st December, 1952, in the Prisons Department.

The question was put and carried.

Vote 3—6—Registrar General's Department

BE IT RESOLVED that a sum not exceeding £21,435 be granted to the Governor to defray the charge which will come in course of payment for the year ending 31st December, 1952, in the Registrar General's Department.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Speaker, Chairman, I beg to move for the Committee to report progress and to leave to sit again.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

THE SPEAKER: I have to report that the Committee have considered the Votes 1, 2, 3, 4, 5, 6, as put by the hon. Member for Law and Order and have considered the necessary Resolutions.

THE SPEAKER: I would like to point out to hon. Members that I am aware what departing from proper practice is taking the six Votes together, but I do that knowing full well that you wish to advance matters as speedily as possible.

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Council do agree with the Committee in the Resolution now read out.

The question was put and carried.

COMMITTEE OF SUPPLY

Vote 2—2—Administration

THE SPEAKER: It will be necessary to put a Motion that Vote 2—2 be considered first because it is not on the Order Paper.

THE MEMBER FOR FINANCE: I beg to move that Vote 2—2 be now considered. Mr. HAVELOCK seconded.

The question was put and carried.

THE MEMBER FOR AFRICAN AFFAIRS: I beg to move that Mr. Speaker do now leave the Chair.

Mr. Speaker, this policy debate has been sprung upon us rather quickly; therefore, I propose to make very few references to the Administration in this speech of mine now, but to listen to what hon. Members have to say and try to answer their questions. I will then make these general comments upon the Estimates and upon the policy which we are trying to follow.

First of all I would say that the numbers in the Administration have increased from 103 officers in 1930 to 145 in 1952. This next year we are asking for 168 and I think we shall need all of those. I would also like to say that of our officers, excellent as they are, we have 15 only in the field who have previous experience and 81 who came and joined us after the war. We have asked for 20 cadets to come out and we hope to get them in September. I have asked that of those who have so far been proposed for us and who are now undergoing their course, that six shall come out half-way through their course in February next to help us in this particular situation. We have agreed, Sir, as I have said before in the last debate, that the policy of sub-stations, setting-up of sub-stations, is absolutely necessary. We propose to set-up 14 sub-stations in the Central Province within the next few months and something like eight outside the Central Province, in other parts of the country. For those, Sir, we will require at least 20 additional administrative officers, and I hope—I rather cross my fingers when I say this, because I had hoped so frequently, during the past few years that we would get what we put in last—last in next September we will be only six men down from what we really require.

Now, Sir, it is very easy to put figures in the Estimates and say we want this and for you hon. gentlemen graciously to accede to our request, but it is very much more difficult to get men and train men when you have them; it does take time. I would like hon. Members to realize, if you put in for officers now, in the Estimates now, you order them for next September; you are quite lucky if you get them all in September—that is, twelve months hence.

Now, Sir, a good deal has been said in the last debate, about the inadequacy of the knowledge of language of the administrative officers, and I agree. I should like them to know their vernaculars very much better than they do already. To that end, Sir, regulations that were brought into force this year, were drafted this year, will come into force on 1st January, 1953, whereby we rather lower the standard, if anything, of Kiwahili; we do not put so much emphasis on higher Kiwahili, but we insist upon every officer getting a distinction in his standard Kiwahili examination. I believe that is as far as is really necessary for any administrative officer to go, unless he is going to spend his time at the Coast. In addition to that, Sir, we are making compulsory for every officer within his first seven years of service, to take one of the main vernaculars. Over and above that we are offering interpretations for the men who get their distinction in the vernacular, and a distinction too in the same standard as the standard Kiwahili examination, and those interpretations can be carried for three years of another three taken again at the end of another three years if they want to. That, I hope, will do something to encourage officers, to make officers, first of all, take a vernacular and to encourage them really to know the vernacular pretty well. I know, Sir, that the real difficulty about vernacular examinations is the movement of officers from place to place. Now, we have tried, and I think we have succeeded pretty well, in staffing the district, the main districts, in the country, or the district commissioners for five years at a time. I am trying to avoid the eye of the hon. Member for Ukamba, who was always hammering me about this—about the hon. Member for Kiambu—as he has talked about Thika at the moment. He is generally speaking the record in the

[The Member for African Affairs] Central Province and Nyanza, I repeat, for the district commissioners, is rather good.

MR. BLUNDELL: What about Nandi?

THE MEMBER FOR AFRICAN AFFAIRS: Nandi is extremely good.

COLONEL GROGAN: What about Taveta?

THE MEMBER FOR AFRICAN AFFAIRS: I do not call Taveta important.

So much for languages and so much for the movement of the people; district officers, I agree that they move about far too much and too often, but you have got a country, where first of all you have a Northern Province—you can only keep them up there for a comparatively short time, where they are inclined—if I may use the expression—to go “round the bend”. You have other districts varying tremendously; places like Kabarnet; Kapenguria and so forth.

MR. BLUNDELL: How long was the hon. Member for the Coast in the Northern Frontier District—and yourself?

THE MEMBER FOR AFRICAN AFFAIRS: I, Sir, fortunately, was there for a very short time. I would not like to speak for the hon. Member for the Coast.

We have, Sir, as the hon. Member for Rift Valley also knows, a great variety of districts and a man who was stationed at a place like Kabarnet does not get the sort of experience which is required in a place like Kakamega. So, a certain amount of movement is necessary for training these men and furthermore, let me repeat, hon. Members, that we have 81 officers out of 104, in the field.

THE SPEAKER: Would the hon. Member be good enough to address the Chair during the course of his speech, even if he only does it once in half an hour. (Laughter.) I must say this very seriously—it is no laughing matter, that the tone of the debate is degenerating too much to a direct cross-talk going on, as it has been in the last ten minutes.

THE MEMBER FOR AFRICAN AFFAIRS: I apologise, Sir.

THE SPEAKER: No, apologise is necessary to me—it is to the Council as a whole.

THE MEMBER FOR AFRICAN AFFAIRS: I was trying to say, Sir, that it is necessary to train these district officers in varying districts because the character of these districts, varies very much. Also, we have 81 officers out of 104 who are now in the field, who have joined us only since the war.

Now, Sir, as far as African administrative assistant officers are concerned, we are proposing to add to their present numbers by nine and I think I am right in saying, Sir, that this Council agreed to that increase about September or October. We have a large number of African applications and we hope to be able to make some of those appointments this year, but it is difficult to get the right men.

On the matter of chiefs, hon. Members will recollect in fact, that the hon. Members opposite were responsible for making the suggestion, that the salaries of chiefs should be increased. That we done also by supplementary estimates towards the end of this year—a few months back—and we have also put in these estimates, increased numbers of better emoluments for sub-chiefs as well. There are some 909 new sub-chiefs included in the new estimates. We have also, Sir, endeavoured to get better protection for the chiefs—a matter of which we were talking this morning—by supplying chiefs with tribal policemen instead of chiefs messengers. They will be armed *askaris* and you will find that the numbers of tribal policemen have increased considerably in consequence, and the numbers of chiefs messengers have, similarly, decreased.

Sir, I will now await remarks from the hon. Members to which I will try to reply, and I beg to move. (Applause.)

MR. USHER: Mr. Speaker, Sir, I must congratulate the hon. Member on the very clear and factual exposition he has given us at such short notice.

Before I begin I think I must disclose my own opinion in this matter. It had anticipated, as I think you know, Sir, that there would be a debate on the office of the hon. gentleman who has

[Mr. Usher] be moved. That, however, is not so. I should perhaps, explain that I am anxious to attack that office but the subject is closely interwoven with the quarters of the headquarters of the Chief Administration and, in fact, the Chief Secretary's office comes into it very much. Therefore, I should like to be able to do what I originally intended. (Laughter.)

THE SPEAKER: Vote 2—2: there is the General Staff. Where is the Vote for the Member's office to be found? Vote 2-7. Why did you not state it on the Order Paper? I cannot help you. You had it down once.

MR. USHER: Sir, I think you are aware of the circumstances under which we sacrifice our right to speak upon these things.

MR. HAVELOCK: Is it not a fact, Sir—if I may intervene—that the hon. Member for African Affairs has a great deal to do with the Administration as such, and I think that the hon. Member for Mombasa may well want to hear the reasons why the hon. Member for African Affairs has such a great deal to do with the Administration, because he has no executive responsibility, I do admit that could be properly taken under the head here.

MR. BLUNDELL: With all due respect, the hon. Member has not been ruled out of order yet. There is no reason why he should not advance in his line of thought, is there?

THE SPEAKER: He resumed his place and rather put the onus on me to come to his assistance. I am rather trying to do so, but I do not wish—I have not yet ruled him out.

MR. USHER: Very well, Sir, perhaps I may proceed.

I must give, perhaps, a short account of the office of Chief Native Commissioner. It needs reference to dates and certain exact wording which has been used in connexion with that office.

In 1912 and 1913 there was a Native Labour Commission which recommended the abolition of the post, the one post of Senior Commissioner then existing and they proposed to substitute for it

an adviser on native affairs, as he was called, and in 1917 Colonel Ainsworth was so appointed. His duties were, exactly, to supervise and carry into effect, general native policy, advise on provision for estimates and control all expenditure.

In 1919 the native and non-native areas were separated and a Chief Native Commissioner was really established with the functions of administering and supervising native areas, issuing Government orders to provinces and districts, and he was also to be a Member of the Executive Council and Legislative Council.

In 1922 the Bowring Committee was set up, and the post came under fire. It was thought then to be redundant, but the Chief Native Commissioner protested that it was important he should be able to keep in personal touch by tour of the Africans in their reserves and the then Secretary of State accepted his arguments and, in fact, stressed the necessity for preserving that post in order that there might be continuity in native policy.

In 1928 the Secretariat was reorganized and the Native Affairs Department, as it had been hitherto, was absorbed into the Secretariat.

In 1929 the Provincial Administration was again reorganized and the settled areas were included in the provinces. Thus it came, and this is important, that the Chief Secretary became completely responsible for both, in theory. In practice, of course, there was very little difference as there had been no dual administration until then, or at least it had only been partial, and certainly it did not extend to expenditure.

In 1931, when the Closer Union Committee considered the matter, they supported the office of the Chief Native Commissioner, and the Secretary of State decided as follows: that while views and proposals must go through the Chief Secretary, they should not be disregarded or overruled, and be established that there must be direct access to the Governor by the Chief Native Commissioner.

In 1932 the Secretary of State approved a reorganization whereby the Chief Native Commissioner's office was

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to be primarily advisory, and the office was then, in fact, transferred, I think, to the Secretariat. There had always been stress laid on the necessity for close working between the Chief Native Commissioner and the Chief Secretary, although all orders were to issue from the Chief Secretary, and it was then established that when the Chief Native Commissioner went on leave, he was to be replaced by a senior officer of the Administration—a provincial commissioner. That I think, has been so ever since.

Now, Sir, it is clear and always has been clear, I think, that the Chief Native Commissioner has no executive functions at all, except delegated functions and the functions he exercises under the Native Lands Trust Ordinance. That is to say, as has been said before, influence without authority. Therefore, the character of the Chief Native Commissioner is the paramount factor in his office and functions. He has been described, I think it was Sir Alan Pim, as the fifth wheel to the coach. He was also described by Lord Hailey as *vox bombrans in vacuo*. That was irreverently translated by one holding that office as a "voice crying in the wilderness". (Laughter.) It is an incorrect translation, of course, and he had a special reason for saying that at the time. I do not want to labour that point. The office comes under fire not only from this side of the Council frequently, but also it has been, perhaps, most sharply criticized by the distinguished holders of that office themselves, and for the reasons I have given.

Times have changed very much since the institution of that office. We cannot say that there is, as it were, a separate African interest. It is completely interwoven, with the interests of the whole Colony, and I cannot see, Sir, any reason why we should not, as soon as possible, reabsorb the functions of that post into the office of the Chief Secretary. The hon. Chief Secretary might say, at the moment, that he could not take on those duties, and that I well understand, but, Sir, he is the Member for Development, and I think we all agree that the capital Budget which we know as the Development and Reconstruction should be reabsorbed very

early, as early as possible, into the Budget of the Colony as a whole. I am not at the moment suggesting in what manner this change should be effected, but I am quite certain that it should.

MR. BLUNDELL: Mr. Speaker, I wish first of all to take this opportunity of recording our appreciation of the work which the Administration is doing at the present time.

The hon. Member in a recent debate rather stole the thunder of the Council in that regard, but I wish to take this opportunity from this side of the Council—apart altogether from the many junior officers working in the field under great difficulty, I think it would be appropriate to mention how fortunate we are in the personalities of the two Provincial Commissioners at present administering the Central Province and the Rift Valley Province. (Hear, hear—Applause.) I cannot help but feel that it was a singularly good piece of fortune for us that faced those two men, comparatively young of great personality, and very well acquainted with the functions of the Administration in their particular jobs at this moment.

The second point I wish to make to the Administration, Sir, is I believe that it is necessary for us, to take more positive steps over this question of the changing of officers from district to district. (Hear, hear.) We have raised it constantly from this side of the Council and nothing has been done for various reasons, but recently when I was addressing the Elgeyo District Council the African Councillors themselves, they asked me if I would make a special point of referring the matter to this Council and say how dissatisfied they were with the constant changes in their administrative staff. They told me that no sooner had they got to know, respect and admire one officer than he was immediately moved. It is a fact that the changes are far too numerous and far too constant. I would suggest, Sir, that the hon. Member should give serious consideration to the forming of a reserve pool from which he can draw the officers for replacement for leave, etc., thus allowing officers when they return from leave, to go back once more to their areas.

Mr. Blundell]

In addition, Sir, on this subject, one particular point I would like to stress, it is a matter the Member for Mombasa has raised in the past, we have, in my opinion, unduly weighted the scales in favour of those officers who prefer to work in the staff, or Secretarial side of Government, rather than in the direction and guidance of what we might call, our people in the field.

Generally speaking, it is a principle in the Army that the command of troops is more onerous than the command of paper, and I would like to suggest that we should seriously consider special allowances for senior officers designed to attract them to remain in provincial commissioner's posts, and also special allowances for length of service in any one area.

Further, I would like to urge that promotion to some of the better positions in the Colonial Service should not always be reserved—it is not always, but it is often reserved—for those who have gone through the Secretariat rather than in the field. I would like to see some of our best Provincial Commissioners receiving the award of their real merit.

Now, Sir, the third point I wish to raise on the Administration is one that perhaps may not be very popular, but I think it is necessary at this juncture that we should look into it. I touched upon it in a recent debate on the Member for Law and Order's portfolio and I would like to expand a little of what I have in mind. I believe there is a warning in this *Mau Mau* movement which we would be well advised to observe. It is, as I have said elsewhere, an incipient revolutionary movement, but I also consider there is an element in it of what I might call "Kikuyu nationalism". That is, in my opinion, probably a warning for the future, when with the natural advance of the African peoples, we shall get a tendency towards xenophobia in this part of the world.

I think it is essential that the hon. Member should put proposals before Government which are designed to adapt the Administration, ultimately so that it rides, guides and sweeps along with that tide of African enthusiasm, rather than attempts to arrest and stem it. That will

be quite impossible, in my view, when that great surge of feeling gradually comes over the African people, and if we look elsewhere, there is no reason why it should not, and we would be living in a fool's paradise if we assumed that it would not come. I would advise strongly that we start adapting our administrative service so that when that moment comes, as I have said, they guide that rising flood rather than arrest it.

In other words, I believe the hon. Member has got to give the greatest consideration to the thought that ultimately, over the next ten years, the next decade, we have got to make the administration of the African people spring from themselves, rather than be imposed upon them from without. (Hear, hear—Applause.)

I would like to deal with this in particular, in regard to the Kikuyu land unit because I think that may well provide for us, in view of the circumstances in which we are now—may well provide for us a blueprint upon which we can design an administrative system which will avoid mistakes in other areas of our country as the African develops. I believe, Sir, that our attitude to the Kikuyu land unit must be one, as I have said, of close administration, and we have had the measures outlined, closer policing, closer administration and certain controls, or removal of privileges. But I would like to consider that area, not so much as a special punitive area, but as a special reconstruction area. I believe, Sir, that it will be necessary for us over the period in which we are rebuilding the Kikuyu in which we are rebuilding the Kikuyu to gradually transfer from the repressive measures, and that removal of privileges and that imposition of controls, it will be necessary for us to transfer from that to a system in which the people themselves initiate their ideas and the desires which we hope to instill into them.

I would like to suggest, Sir, that the hon. Member should consider the administration of that area somewhat on these lines. He is going to administer a very much closer level than young administrative officers, who will not be hampered by paper and who will go out and meet the people. Now, I would like to suggest that in each location he considers the building of what I would call a location reconstruction committee, and that the personnel of that committee

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might well be composed of his nominees and persons advanced by the Kikuyu themselves. The nominees would be the existing chiefs, headmen, etc., and sub-headmen, in other words, the existing framework of the lower levels of the Administration. The persons whose names would be advanced by the Kikuyu, and who might well be nominated by the Member at this stage, would be the young men who would be coming up, nurtured in our era of 1952, about which we have heard so much. Now I cannot help but think if that was started off at a location level, we might well, over the next decade, gradually bring through those location reconstruction committees, as I have called them, the actual enthusiasms and ambitions of the Kikuyu people themselves, and in that way we might slide from what I have called an imposed administration into one which indeed springs out of the people themselves and has their full backing. I do not want to develop the idea further, but I am most desirous, Sir, that we should not only be rigorous in our determination to set aright the wrongs which have taken place and the evil doings which is happening at the moment, but I think it is also necessary that we should read, mark and learn from what has happened and attempt to avoid situations such as this in the future.

Lastly, Sir, I wish to refer to something that disturbs me. Apparently we have embarked, and it has had our support, we have embarked upon the policy of removing certain members of the Kikuyu from the Highlands, but I think it is necessary, before we embark on such a policy widely and arbitrarily, to examine very carefully what we are going to do with them. First of all, let me say this, I should not be willing to be a party to the unwisdom granting of blocks of land to persons who have only been removed because of their extreme evil doing. (Hear, hear.) Again, Sir, I think we need to think deeply about such a policy. We need a plan and that plan will need considerable discussion, because an arbitrary fulfilment of the idea that we can remove the whole Kikuyu people from the Highlands, although it has been advocated by some of my constituents and they have given me complete freedom to ask for it, it must of necessity considerably disrupt the

economy of the country. There are administrative problems about their housing, their feeding and many other matters—I would urge the hon. Member, before he is too precipitate, to consider a plan carefully, to seek the wisest advice he can upon that plan and; above all, Sir, in his reply to us to-day, I think that he should outline to us what he has in mind in this matter. (Applause.)

MRS. SHAW: Mr. Speaker, I only want to touch on one or two points.

The first one was the point made by the hon. Member for African Affairs about officers being moved from post to post and his encouraging them to learn a vernacular language. I do hope he can assure us that once they have learned that vernacular language, they will be allowed sometime to go back to the district which speaks that vernacular, because that is so often the case—they do learn a vernacular language and now again, in their long service out here, do they go back to the same area.

The other thing is that I do contend, Sir, that the hon. Member sometimes, or perhaps it is fault of the Administration policy generally, tends to lay too much stress on age, and I say this advisedly, because I know of several cases where district officers have been carrying a district, in the absence on leave or otherwise of district commissioners, and doing it extremely ably. They have been carrying their heavy responsibilities, and as far as anyone can judge, the district has not in any way suffered. And yet, because their age is considered possibly unripe and they have not yet reached the half century, they are not allowed to become district commissioners and a district commissioner is put over them in charge of the district when they have really, for many months, carried that district and carried it extremely well.

The other point I want to join issue with, is the remark made by the hon. Member for Rift Valley when he said he was troubled on a matter which disturbed him—it is a matter which disturbs me too—for, among the Kikuyu tribe, there are many Kikuyu who live outside Kikuyuland. Now, of course, Sir, after the happenings of the past few months or at least the past several years we believe—we must be very careful to see

[Mr. Shaw]

that those Kikuyu who are affected with this disease of Mau Mau and are living outside their Kikuyu area, either in other parts of the White Highlands or in other reserve areas, are removed and returned to Kikuyuland. I do put forward a plea for the Kikuyu who has lived outside his reserve for many years and has given no reason for that he is in any way disloyal or affected by this disease, for it is my opinion, Mr. Speaker, that if those loyal Kikuyu are forcibly returned to their reserve, you will have many more people discontented and who would fall an easy prey to the subversive doctrines which have perverted the minds of so many of our tribes and kin under the Mau Mau influence. I would ask the hon. Member seriously to consider that point and although a careful check up should be made, and I do not think in this case the registration of all Kikuyu is sufficient, because registration does not protect the employer outside the Kikuyu Reserve, I do consider that the introduction of, as well as registration, either a pass or some form of permit should be necessary for any Kikuyu to go outside his reserve to pin employment, or if he is already outside his reserve, the local district commissioner would be able to give such a man a pass on a record of good behaviour. I think that a pass or permit must be introduced as well as general registration; but if they have shown their loyalty, as indeed many of them have, I think it would be a most disastrous thing if they were to be returned forcibly to the Kikuyu country. (Applause.)

MR. TAMENO: Mr. Speaker, I am a bit disappointed because I expected the hon. Member for African Affairs to enlarge on his department, but as it is, I will have to deal with several of the points which he mentioned.

In the first instances, Sir, I think some of the backward areas have been much more affected by this transfer of district commissioners. It seems to me that the backwardness of these tribes is not entirely due to their own fault but had been, to some extent, due to some district commissioners who go there and perhaps, due to bad climate or they are not very near to the towns, and things like that, they ask for a transfer quickly and they are sent away. If this is not

thinks so little of these backward areas that they do not mind transferring an officer after he has stayed for a few months, I believe, Sir, that this transfer, although it may be very useful to the officer as far as learning is concerned in dealing with Africans, but it is detrimental to African progress.

I would like to mention one or two things which I have seen in the few districts which I have visited. There is an African district council and there is the district commissioner who is the president. In most cases, they will find that the whole authority of the African district council is with the president. A few minutes ago, the Member for Rift Valley, it may mean that Government Valley mentioned that he was at Elgeyo. I was also there by the invitation of the members of the African district council, and one of the complaints I got was that something was done, which was within their jurisdiction, which was never referred to them, but the district commissioner took the opportunity of doing it without in any case asking their consent. I think that that has affected quite a lot the relationship between the people and the Administration. It looks to me that the African district council is a local body which must get the authority of the majority of the members before they pass any resolution, but there are many cases—I can quote quite a number—where several resolutions have been passed—not because the majority wanted the resolution to be passed, but because the district commissioner was the president of the council wanted it to be that way. I feel, Sir, it is time that such a system should be changed. (Hear, hear.)

Dealing with the chiefs, Sir, I feel that it is time that Government gave up having chiefs as civil servants. I believe that chiefs can be of more use to the people under local government, and not people under Central Government, or partly under local government, because it looks to me, when I meet these chiefs, they are not really quite representative of these people. It would be really a good thing if the people themselves are allowed to choose their own chiefs, these chiefs should, if more or less, cease to some extent, be simply the mouthpieces of the district commissioners. They should have a say,

[Mr. Tameno.] ... and by so doing, I think we are going to have more respect for the chiefs than we have at the moment. I say that in view of the happenings that have happened recently. In fact, if I could go a bit further—I know perhaps some Africans will not allow me to say that—I would say that the chiefs should not be paid at all—(Laughter)—but just be members of the council and have allowances.

The third point I wanted to raise is the power of the African assistant administrative officers. I know it has been dealt with before by my hon. friend Mr. Mathu, but I am still not satisfied that the powers given to these African officers are powers that are conducive to the best performance any African officers should have. I do not like the implication that the Member for Ukamba gave when she dealt with the police some time ago, asking whether there were some Europeans in such and such an area—Trans Mara area—that is a very bad implication because it implies that unless there is a European, nothing can be done satisfactorily. I believe, Sir, that these African officers, given the responsibility, can perform their duties to their utmost.

Sir, I beg to support.

COLONEL GREGGIAN: Mr. Speaker, I have only a very few words to add to what the hon. Member for Mombasa said, and only for the sake of historical accuracy. I was horrified at the fact that I am the only survivor of the Bowring Committee.

The facts of the matter are these—that the Chief Native Commissioner was imposed on this country by the Colonial Office, and he appeared on the scenes in the form of a gentleman from Polynesia—(Laughter)—who never had any African experience whatever. He arrived here, floated about round the country and reduced the whole administration of the country to a state of complete confusion. (Laughter.)

We, on the Bowring Committee, set ourselves to try and remedy the disaster that had been brought about us by the Administration. We challenged this particular post and, in the course of our discussions, I asked Sir Charles Bowring,

who was presiding over us, what were the instructions from the Colonial Office defining that particular gentleman's functions. The answer was the characteristic lemon. No instructions had ever been issued at all!

Whether or not that position has now been remedied I do not know, but I only rise, Sir, for the purpose of maintaining historical accuracy on the records of this Council. (Applause.)

MR. MATHU: Mr. Speaker, I have a few observations to make. I propose to do that in two ways—first I have some general remarks to make as far as the personnel and the administration of our country is concerned, and then lastly I shall deal with some of the points that have been raised in the course of the debate.

Now, dealing with the first head, I believe that the administration of this country—and I refer in particular to the African areas—must be regarded as a joint effort between Britons who are working in those areas on the one hand, and the Africans of the country, and my comments, therefore, will be based on that premise, that it is an effort which must be carried out by these two parties.

We have heard in the course of the debate recommendations directed against both parties, either in public condemnation or in criticism and, dealing with the African part first, we have heard criticism levelled against the African part in the administration of the country on the grounds that he lacks the necessary capacity, or on the grounds that he is ignorant, or on the grounds that he has never produced anything that might be said to be in the abstract.

Before I go on I would like to quote some extracts from a very well-written article by Margery Perham, which appeared in *The Times* of the 28th October. She writes:—

"If there not, also, too much reiteration of the case, all too easy to make against African ignorance and incapacity, disparagement which falls with deadly effect upon the minds of people needing every encouragement in their upward struggle."

[Mr. Mathu]

I quote those words because, Mr. Speaker, they are words that I have been trying to say in the course of the debates, but I have not been able to get such a short and precise way of describing what I would like to express. I would like to therefore say, Mr. Speaker, that that approach is not a helpful approach. The British approach to these problems—and I should like to underline this, because this is a British Colony—is that the Briton in his own society, encourages the best quality in the child in the home, at school, in colleges, in universities, on the open field—everywhere. I have had that privilege of studying this for myself in the course of my studies in the United Kingdom. I have met teachers, parents and tutors, and there is nothing that impressed me more in the British character than their emphasis on the good side—there is nothing that impressed me more.

I will give you one example. Visiting a home in England, a child of four or five comes with a paper. She has a pencil and had scrawled something that looked like—I do not know what it looked like, she said what it was: "Look at that cat, daddy!" It did not look like a cat at all. A cat was far away from the drawing that was drawn—and the commendation that she got was wonderful. She beamed with happiness, because it had been a wonderful achievement. That, Sir, is characteristic of the British mind. If I am wrong I would like to be corrected, because we are told here: "We understand the African." I want to venture to say, Sir, that I understand a bit of the British mind. That, I think, is the keynote of British progress—encouragement of their own people when they have achieved something—and I would like that to be transferred to this British Colony among all communities, because I feel, Mr. Speaker, that the crux of the whole matter—and just to give another sentence, following the same note, she says:—

"The unprecedented social strains thus set up among the tribes cannot be eased by blaming Africans and justifying British rights and intentions but only by daring and imaginative remedies."

I agree, Mr. Speaker, because that actually is the point which has been

raised by my hon. friend, the Member for Rift Valley; when he was making his suggestion about locational constructive committees, and I wish this suggestion came earlier in the course of our debates here.

I will just take one final sentence here, to impress upon this Council what I mean, and that is that we should encourage the African to take his full part in the administration of this country, be he a headman, a chief or a messenger—or what you will, even if he is an assistant administrative officer. She says:—

"The conclusion must be that Britain and her colonists have not only a duty but an overwhelming interest in working with and not against the awakening African desire to catch up quickly with the rest of the world."

Now, Sir, I am not suggesting in the least that all this applies to us. It is true that this Government and the people here have given a certain amount of encouragement to our own people. All I am suggesting, Sir, is that we can be speedier than we have done in the past.

The other point, Mr. Speaker, I want to make in this general statement is that we must—in order to move what I might call the negative side of our encouraging the African to take full participation in the administration of the country—provide opportunities for the educated African to play his full part in the administration of our country. I am not suggesting that the European officers who are in the field to-day have in the least failed in their duties. They have to be commended for what they have achieved under, in some cases, difficult conditions. What I am suggesting is that that picture could be made fuller if we harnessed the young educated African to take a full part in this administration. I would like to quote one sentence in this article by Miss Margery Perham, which I think puts the case better than I can:—

"The greatest contribution Britain could make to a potentially grave predicament would be to train competent African leaders and professional experts and to work with them as partners."

[Mr. Mathu]

I want to emphasize the words "as partners," because I think it is the positive principle that I am trying to impress on this Council—that it must be a joint effort. The African and the European in the African areas in particular must work as partners for the good of the whole country; but if we fail—and I have indicated on many occasions in debate that we have not been quick enough, we have not been as imaginative and as daring in this direction as we should be—if we fail, we shall have Africans feeling that they do not belong to the administration of this country; and the tendency would be for them to be a prey for those who want them to be subversive, and who want not peace, but violence.

And a sentence again which this lady has written, I think, puts the case better than I can. She says:—

"Yet, unless these are accepted and, indeed, generously assisted in their difficult leadership, they may be outflanked by impatient, xenophobic forces breaking up lawlessly from below."

That, I think, is a point we must take note of, particularly when we think of our present Emergency.

What we want, Sir—finally before I finish this head—is the co-operation of the African and the European in the field to carry on the very big task which lies ahead and, in this connexion, this article says:—

"The effort of winning African co-operation will be great, above all for the European communities. New and horrible possibilities of violence are opening up. The proper line between maintenance of order and repression will be hard to draw. But those who are offering Christianity or higher education to Africans know very well that these can be fully shared only in a relationship of equality. This equality, already happily possible at the highest level, is surely the ideal, however distant, to be openly and urgently pursued, in every sphere. It is the only one for which Africans will work wholeheartedly with Britons."

Mr. Speaker, that, I think, expresses itself, and I should like the hon. Members to ponder over these words, because they are helpful words. They are words that will pave a better future for our own country.

The main remarks I shall make will be very brief. The point raised by previous speakers. The suggestions of removing certain freedoms enjoyed by the Kikuyu, such as the freedom of movement, the freedom of assembly, the freedom of the Press and all other freedoms that it is intended to remove from them. Mr. Speaker, I say that we must, when we do these things, consider very seriously the repercussions it would have on the loyal and law-abiding Kikuyu who has to be put through these mills through no fault of his own except through the fault of those who have committed crimes and that is all I need say on that one. The other matter is the question of the moving of the Kikuyu from areas outside Kikuyuland and the present proposal is to remove over 2,000 of them from the Thomson's Falls area. Like other previous speakers, I would like to ask my hon. friend, the Member for African Affairs, first of all whether wherever you bring them, that there should be first of all an arrangement on the receiving end. I understand that most of their property has been confiscated and if they law been away from Kikuyuland for years, and they only come under a shirt or a heavy coat and nothing else, children and mothers and the aged of both sexes, you can imagine how tragic that could be if we have not got very good arrangements in Kikuyuland to receive them. Further we must also consider in connexion with the Member for Labor whether those people who have not committed any crime but have to remove themselves because of the fault of others will have any employment, because I think, Sir, you will appreciate that, when these people come and are thrown anywhere in Kikuyuland and so because it is Kikuyuland, the dangers of increasing our difficulties are very great and I would like the hon. Member for African Affairs to satisfy himself that first of all, he is able to accommodate these people with the least possibility of trouble. Finally, I want to make some remarks on the African officers, be they chiefs or headmen, or African administrative officers. I may not

[Mr. Mathu]

but these men in most cases have been extremely loyal and have assisted the district commissioners to perform their duties very well. (Applause.) I should like to congratulate them very much indeed, particularly in these very difficult times. I would like to suggest to my hon. friend the Member for African Affairs to indicate in his reply what steps he is proposing to take to improve the conditions of what are called the African assistant administrative officers, and I must say I am very cheered to see that he had increased it in numbers in various provinces and that is a very welcome sign and I would like to thank him for doing so. On the other hand, Sir, I suggest that these officers in many cases feel a bit heartened. We feel that they can perform certain things. They, do feel, unless a certain thing has been sanctioned, quite a matter of routine, by the European officer, they have no finally about the matter. I suggest, if you want people to exercise responsibility you must give them that responsibility. I would like to say, I am wrong, to hear from my hon. friend, Mr. Okwirry, from the other side to indicate whether what I say is incorrect. In any case I would be glad to hear his maiden speech. (Laughter.)

Mr. Speaker I beg to support.

MR. STONE: Mr. Speaker, I agree with the hon. Member for Rift Valley and with the hon. Mr. Mathu that if such Kikuyu are to be removed in large numbers from the settled areas, Government must pay very careful attention and thought to their future. Doubtless they are doing so. I agree also with the hon. Member for Nyanza that in such removal there must be discrimination as carefully as possible as to who is removed, discrimination between guilt and innocence, but, Mr. Speaker, I would not like it to be thought that we do not approve of the action that has been taken by Government in removing these 2,000 old Kikuyu from an area which has been the subject of a whole series of abominable crimes. On the contrary, Mr. Speaker, as representative of that particular area I wish to thank the Government. I will go further, Sir, I would emphasize that the removal of proved or suspected wrong-doers from the forest areas and the settled areas, is a matter of

the most extreme urgency. It is the continued presence of the notorious Africans going around the forest reserves and our own farms, that is one of the greatest causes of anxiety to those whom we represent in the rural areas at the present time. It is for the purpose of speed and proper discrimination in the carrying out of such removal that, among other things, I suggest that full powers for the district officers on the spot are of extreme importance. The district commissioner should be able to act on his own knowledge and on his own initiative, without constant reference back to central authority. That applies, even more strongly, with regard to the administration of the Kikuyu reserve, which, in spite of the hon. Member for Law and Order, I will continue to describe as a reformatory in the sense that I understand it is a place where it is intended to reform a million Kikuyu. (Applause.)

MR. JEREMIAH: Mr. Speaker, I want to stand to speak briefly in regard to our African assistant administrative officers. I am very grateful to Government, Sir, for having seen the necessity of increasing their number, and also I think they have done so by realizing that it is necessary to have Africans more included in the administration of the country. My only complaint, Sir, is that my area over the Coast is very much forgotten. We have had one African administrative officer for the last three years and although in other areas the fact that more have been increased, only one more is added in the Coast area. That Sir, I think, is not quite satisfactory and I would request the hon. Member to think about having more African assistant administrative officers in the Coast Province. Some hon. Members, Sir, have mentioned about the position of the Member for African Affairs, and seem to deplore it. I myself, Sir, would support that position, or Sir, would, very much. I think, Sir, that that post, very much, of the Member for the position of the Member for African Affairs is very beneficial to the African community—(Hear, hear)—the African community, that those people and who complain are only envious and I would suggest, if it is necessary, they should have the position of Chief European commissioner.

Sir, I beg to support. (Applause.)

GROUP-CAPTAIN BRIGGS: Mr. Speaker, I would like to ask the hon. Member for African Affairs, when he replies, if he will state what the Government policy is going to be in regard to Kikuyus who are arrested as Mau Mau suspects and then subsequently released. In the course of a previous debate I referred to a case of 16 Mau Mau being arrested and, as Mau Mau suspects they had Mau Mau markings on their arms which, from personal observation, appeared to be very clear, not likely to be confused with tribal markings, accidental injuries or anything of that sort. Well, the 16 Kikuyus were released, as I have already previously stated, in the settled areas, and I believe they were subsequently rearrested under the Emergency Regulations, but I would be grateful if the hon. Member, when he replies, would deal with that general question.

DR. HASSAN: Mr. Speaker, Sir, I rise to pay tribute to the administrative officers of Kenya because I have had more to do with them than anybody else in this country, having worked with them for about half a century. The administrative officers have done, in the past, and are doing very useful work in developing this country and putting these reserves on the map, but Sir, there have been difficulties experienced by them, that they are prevented from doing more work by travelling about to the houses of these Africans in the reserve, by being called upon to attend to duties to comply with hundreds of circulars that are going from the Secretariat and, at the same time, to keep on the magisterial bench, for days together, working as magistrates.

Now, Sir, there was a time when one district commissioner sitting in the administrative headquarters could deal with the whole reserve, because the requirements of the country were, at that time, very few. To-day, according to what we see about the development of the country, the Africans need much more to-day than what they wanted, say, a quarter of a century ago. If the administrative officers are getting more time to travel about the reserve, going from locality to locality, helping them to develop their social side, and introducing among them ideas to rise, so that they should make themselves an asset

to the country they live in, then some of the very, very important steps for the administrative officers to take from the mouth of the natives themselves, and to go about meeting with them like friends.

It is not the time that the administrative officers should be given an impression that you are officer commanding the reserve, because that part of the work, in the present stage of development, is taken by the military and the police. Their duty is, and they should be given ample time for that, to go about and observe and meet people like friends, and to hear their problems, not only in cases to prosecute them and deal with robbery and such other matters, but on their domestic problems and hear from the district commissioner himself what is good for them and what is bad in them.

Sir, I am suggesting that, because in this world, what we hear of history for the last two hundred years, to serve and administer any community like officer commanding, it does not pay, it is an absolute failure, and all the major powers to-day have found out that as an essential part, an essential remedy, to develop a country, is by friendly co-operation and by creating an impression among the people that are governed that they are partners of the country in which they are living.

Sir, I have seen some of the African district officers, I am not fully aware of their qualifications, but if such posts are to be increased, and increased more and more, it appears to be one of the most essential things that such district officers, if they are not properly trained and qualified, must be given an opportunity by bursaries to go overseas for education, and I would like to see these district officers working as district officers going through courses in the Cambridge and Oxford Universities. And when such people are appointed as district officers and given the responsibility, I am positive they will prove an asset of the administrative machinery of this country. (Cheer heard.)

Sir, I find in the Administration Year that there is not any post created for the Asian administrative officer. I do not mean to say that they should be appointed as administrative officers to go and

(Dr. Hassan)

to the reserve, which I feel was such in the primary works for the African, but in the major towns we have a large population of Asians, and I think it is necessary that the Asian administrative officer should also be encouraged, for the purpose of the Government knowing and taking the first hand information about their community which is now considered to be the third major community, a partner of this country.

There was a time when we found the European administrative officers were enough to carry on the administration of the work, but to-day, Sir, circumstances have increased to such a large extent that it is the intention of every Government, and the intention of everybody that is here, that we want everyone to take a share in every major responsibility of this country in a spirit of friendliness and complete co-operation. And I do not think it should be considered a matter of any inconvenience, or a matter which should be disliked by any member of any community.

The last point, Sir, I would like to rest upon is the question of these Kikuyus who have been rounded up in a part of the Rift Valley Province. I am positive it is going to create a fresh headache to the Government. I do not like to oppose the steps that Government has taken, but I personally feel that the action taken, of removing them from that area could have been avoided by strict supervision of the squatters, and people living in the locality, rather than placing them in the position and finding difficulty in sending them elsewhere.

It is to everybody—it appears to be most undesirable that these people should be sent back to the Kikuyu land. Some, probably, some of them may not have seen that Kikuyu land, and I swear that my information goes that the Mau Mau actually originated from those areas and people with that type of idea should never be allowed to go back to the Kikuyu land.

In conclusion, Sir, I would like to repeat again that the administration officers in Kenya all over the country have been the means of bringing about whatever development and improvement you find in the native reserves and the settled areas of this country. (Applause.)

COLONEL MARCHANT: Mr. Speaker, I would like to raise one point with my hon. friend, the Member for African Affairs. He has given us figures of staff for 1930 and 1953, which indicate that there is to be an increase of some 56 officers. Well, Sir, 56 officers will be very largely absorbed, if I may say so, in the closer administration of the Kikuyu land, particularly if the suggestions made from the opposite benches that a reserve pool of officers be set up, and it seems to me that, in these days, it is very important that we have a completely adequate administrative staff, not only in the Kikuyu land, but throughout the territory.

Years ago, when I first came here, one used to walk through the territory and you saw the people, the people you saw, which is much more important, and you dealt with heads of families or clans or locations, and orders were carried out. But, to-day, that is not the case, if I may say so. Ease of communications has corrupted good manners, and to-day each member of the tribe is an individual, he expects to receive, and I think often does receive, individual attention. And it is on that basis which I put a plea to this Council to ensure that the administration is not muddled or left short of staff, as I feel it has been in the past. And, as I go to the past, Sir, I do speak with some, I was going to say authority, but I do remember in the past the great difficulty which I had in trying to squeeze out of this Council a matter of three or four administrative officers. (Applause.)

Mr. AWORI: Mr. Speaker, I expected to hear a long speech from my hon. friend, the Member for African Affairs, on this subject. Unfortunately, he was quite brief. Perhaps it was due to the fact that he implemented some of the staff under the Head of the Member for Law and Order, and perhaps he thought it was not necessary to repeat what he said.

Now, Sir, I have two points, in the first instance, to make on this subject of African Affairs. In the first instance, I will talk on the administration point of view. I have talked to many district officers and district commissioners, and I have stayed with them. And, from my personal experience in my own district ever since I was a child, my father has invited almost anybody in Kenya

[Mr. Awori]

who has come to visit our district—they have always come to our place and we have talked with them. And they have got a big part to play in this country and I sympathize with the heavy duties they have to perform, particularly with the Member for African Affairs. I think in his department, of all departments, he has got a great duty indeed to do when he has to deal with nearly six million people, and I know their failings, perhaps, and where they succeed.

Now, Sir, as it has been said by other speakers, and I think it is quite right, it has been a mistake to have district commissioners or district officers in a place for a short time and then transfer them. I know a number of district commissioners who have been liked by the people, who have been successful, but then all of a sudden they were transferred, and I thought that it was not good for the district as a whole. I think it should be the policy of Government at least, to make a term of office, say five years, unless the man is found to be incompetent, after which he should leave the district. Because I know a number of district commissioners who have been liked by the people and who have made a great success in the country, suddenly being transferred to other areas. Then you find, when they want to learn the language and dialect in that place, they cannot do it for the simple fact they have to leave.

Now, Sir, I will come to the most important point and that is about the chieftainship in this country. This point has been a great headache in this country as a whole. From my personal experience and from my personal talks with people, I find that there is a misunderstanding between the people and the chiefs. Now, we have two uncles who are chiefs and one cousin who is a chief and they are quite good people. (Applause.) I know the way they want to direct the country and I advise them on various points, but they also tell me how they think and I find that so far, there is still a misunderstanding, there is a mistrust between the people and the chiefs; people take the chiefs to be Government stooges, to be people directed by the district commissioners. Now I think that system, if we have to continue it, is wrong, as my colleague,

Mr. Tameno, remarked. I completely agree with him that chiefs should be elected and should not be nominated. Now perhaps the hon. Member for African Affairs will tell me that the people as a whole have a say in selecting a chief that is true; but then, from the correspondence I have received from the people at the location, they would tell me that,

"Yes, we get a committee consisting of the provincial commissioner and the district commissioner and a few people from other areas who come to select a chief"; but then I think it is not perfect. The people as a whole have no real say in the man who is going to administer the area. Now that is one aspect and is one point that has brought a great deal of misunderstanding between the people and the chiefs. I feel that the chief should be people who are trusted by the people and not people who are so feared because of their position. Now, so far what is happening, is that the people fear the chiefs and adhere to the chiefs say but not because they believe them and because they have to render administration that they have to render to the country. It is a point, Sir, which I feel my hon. friend, the Member for African Affairs should think about very much. I feel that chiefs should be elected, not only elected but transferred from one area to another. I know chiefs who have been in certain localities ever since they were born; they were there, they were there, they were there, transferred. If we used a system as in Uganda whereby a chief was transferred from one location to another, I feel that would be a great help; it will remove a great deal of misunderstanding because the system in this country is to have a person born in that location and he is the man who has been given the chieftainship, and that is what I think this system should be changed. On this subject, Sir, I feel that a great deal of the *Mau Mau* happenings in this country are mainly concerned with the chiefs. Every person I find in the area tells me that the chiefs are bad people and should be done away with. I feel that Government would be helping the country and the people as a whole if they can have people who are popular. I do not mean people who are going to object to what Government proposes, but people who are going to have both the confidence of the African side and the Government side.

[Mr. Awori]

It has to come to the other point. It has been discussed at length by the other speakers before me. This is about the African administrative officers. Personally, Sir, I feel that that title should be done away with completely; I do not like the title as a whole. I feel that why, if these fellows are working, like the European district officers are district commissioners, why should we have another title—African assistant administrative officers? I say it is ridiculous. I say at once, if we have European district officers, we should have African district officers by appointment, let him be a district officer straight away. If we do not have an African capable for that post, then we do not want any African who is an African assistant administrative officer or anything. I feel that these African assistant administrative officers whom we have in the country are doing a great deal of work in the country. They are assisting the district commissioners and district officers but theoretically they are merely clerks and interpreters of the district officers and even a famed writer, Mr. Negley Farson, remarked to the effect that African assistant administrative officers, although they do a great deal of work, they are merely interpreters of the district commissioners and that is what we do not want to have.

On the other side of the Council, my friend Mr. Okwirry, is he not an African assistant administrative officer?

Perhaps during the course of this debate he might be able to say something. I do not mean it to be a reflection on his part if he tells us the part he plays in the administration of this country. I think that Government should change and do something about these officers. They should be appointed as district officers and they should be given all the responsibility that Government can give them, not only the responsibility and title but even from the monetary point of view; they should be well paid. I am disappointed to see the salaries that they have to earn—£190 a starting pay. I think it is most disappointing if we have to trust these people to do the great job of administering to this country.

So, Mr. Speaker, I feel that my hon. friend, the Member for African Affairs,

might be able to think very much about this point and let us not have an African assistant administrative officer but let us have a district officer. I mean, be they white or black, I still repeat that point.

Now, Sir, I come to the other point, and that is the question of district commissioners. In my particular area, which I represent, I feel that people have been asking me to raise this point in the Council and before the Government, that at least it should be an experiment to have an African as the president of the district council, and I think my hon. friend, the Member for African Affairs, has been told that when he visited my area. I do not say that an African might be perfect but I believe in trial and error and it is time we made an experiment by having an African in a certain district which, in the view of Government, has developed to the extent that they are able to run their affairs so that we should have an African to preside over the Council; it is an important point and I have been asked that—particularly in my area. I feel that the people are doing the best they can to proceed towards a kind of local self-government, if I may use the term. They feel that they should be given a chance to prove to the country whether they are able to undertake the responsibilities required in a local government.

The other point, Sir, is that I do not see why the district commissioner should be chairman of the district education boards. I feel that is the responsibility of the education officer and not the district commissioner. I do not mean to say that perhaps a district commissioner knows nothing about education, but I feel that the chairmanship of the District Education Board should lie on the district education officer or the provincial education officer, for that matter.

Now, Sir, I am not going to take up too much time of the Council but I will come to one point; this point does not really concern the hon. Member for African Affairs, but it concerns almost everyone else and I feel that it has something to do with this debate. That is, when we are dealing with Africans, the whole point is that all the administrative officers in the district tend to take Africans on one standard and particularly when they work among the raw people, and these people usually have a different

[Mr. Awori]— psychology. Their way of thought and their way of expression is different. That is the way they speak with the district commissioners and district officers. They never will express the truth in their hearts. I feel they suffer from an inferiority complex. I feel the district officers and the administrators should not take really the way you see the chiefs and other people expressing the truth. I for one, think that there have been too many "yes" men in the country— (Laughter)—and these, so far, although they might achieve a name in the Government, it is not really a great achievement. I believe in a person who speaks the truth, although the truth might hurt, although it is something which will make somebody else come to a conclusion and really speak what is in his heart. I trust a person who tells me where I am wrong, but not a person who tells me that I am wonderful and I am clever; I do not trust such a man. (Laughter.)

THE MEMBER FOR AFRICAN AFFAIRS:
Nor do I!

MR. AWORI: What I have observed is this, that the people, the Africans, want favours from the Government, they want favours from the administrators and so they will go and speak all sorts of rot so as to be told that they are good people. Now, Sir, I think if we adopt that policy, we shall get nowhere. We want people who are frank; people who will be able to say something, people who will be able to do something for the good of this country but not people who need to get a good name and that is all. Time is short, Sir, and everything counts. Every day we do something good for this country, matters more than all the flattery we can give. But there is too much flattery in the African areas, there are too many "yes" men and we have to tell these people to speak. If they think that such and such a thing is wrong, let them report it. I feel that if we have to continue with the present system which, let I be misunderstood by my hon. friend, the Member for African Affairs, I do not criticize very much, is that we must develop in the country an atmosphere in which there is trust, in which there is confidence between the people and the chiefs and the administrators, but it should not be an atmosphere in which

people rule and in which people live in fear. I think, Sir, that will take us where in the end. It will be but a vacuum.

Sir, in conclusion I will also refer to hon. Members have mentioned, about these 2,000 and over Kikuyu who have been evacuated from Thomson's Falls. I think it is a very dangerous subject and it is a very, very important item and Government should be very cautious on this point. You have to imagine people who have lived in a certain area for years and years, you have to understand what they have to be taken. If we have to take these drastic measures and remove thousands of people in a place where they will not have good living. I think we should be making a great mistake and we are bringing in more frustration and more bitterness. I feel, Sir, that it is a subject that Government should tackle with great caution and I believe that if anything could be done to keep these people in the same area but to have strict control over them, to have more information, more propaganda, tell them the whole truth, tell them where they are wrong, I think they will change. I believe that the people who committed the crimes in those areas were not the local people there but they may have been outsiders who did that, and why should all these people be victimized? Thousands of innocent people who have nothing to do with this subject at all? It is a subject, Sir, which I feel Government should tackle as I said before, with great caution.

Now, the other point, Sir, the African leaders in this country are being misunderstood by Government and by other people. Now, one point why they are being misunderstood, perhaps, is because they are frank. I was not here when I hon. Member for Law and Order spoke, but outside, when I arrived, some people told me about it although, of course, I should say nothing about it.

I am always frank and I have been trained in frankness and in truth and I believe so long as I have something in my heart, I will speak the truth. I will not be afraid of flattery for that matter or for favour from any one place. I do not ask for favours from the opposite side at all but I feel that if I have something that we can do to achieve a good end in this country, I shall offer it

[Mr. Awori]— whether it is inside the Council or outside the Council and I feel we should be taken into the confidence—we should be trusted, we should be consulted with matters pertaining to African interests. If we are not to trust us, I do not know how we shall achieve anything. Although we are not, and we were not, elected on the same ticket or in the same way like the other Members on this side, yet I believe that our people had a say in the election of us and they have confidence in us and what we say, they tell us to say. If they are wrong, they are wrong. Let it be misunderstood, it is not that we have to express what people say because if they are wrong in what they say, we have to correct them and particularly in this instance where there are these *Mau Mau* crimes, we tell our people not to commit these crimes.

Before I sit down I shall again ask the hon. Member for African Affairs to allow us to hold public meetings in the country, to tell our people where they are wrong. We should not leave this work to the hon. Member for Law and Order and the hon. Member for African Affairs, but it should be the responsibility of all of us to share it as Government has already asked us.

Outside the Council, I have expressed the fact that if I am allowed to hold a public meeting, I would like the police to be there. If I say anything to incite the people, let them arrest me. What I shall do is to tell the people to do what is right for this country. I do not believe in violence. Although I do not say I am weak, I do not believe in violence. I believe the hon. Member for African Affairs should tell us where we are wrong.

MR. OKWIRY (Nominated Member): Mr. Speaker, Sir, I am not going to speak very long, but I wish to make some observations arising from the previous speakers.

First of all, Sir, I want to make it clear that being one of the African administrators, I am very perturbed with the present situation facing the Colony. (Hear, hear.) And, indeed, I must

make it clear, too, that it is brought about by my own community—the Africans—and they must be prepared to suffer the consequences.

Now, Sir, I want to say a word on the chiefs. The previous speakers said that the chiefs are selected by the provincial commissioners and the district commissioners. Being an officer in the field, I say: "No." The method employed in the Administration is as follows. When a chief retires, the district commissioner writes to the location advisory council, the smaller unit in the location, and the location advisory council sits down and selects the names of those they want by themselves, the district commissioner is not there; and then these names are submitted to the district commissioner's office, and from there they are submitted to the provincial commissioner. The provincial commissioner then comes out, accompanied by the district commissioner, with one of the African administrative officers, and a very big *baraza* is held where everybody in the location is notified to come; a chief is selected. To say that the district commissioners and the provincial commissioners are the people who are selecting the chiefs in the reserves, I think my friends are out of date. (Hear, hear—Applause.)

Sir, in the Colony, we cannot all be "No" men. There is no country where there is only "No" men; there must be "Yes" men. (Laughter—Hear, hear.) "Yes" men. (Laughter—Hear, hear.) And, if I might go further, Sir, I think the "No" men are the creators of *Mau Mau*. (Hear, hear.) We must reason, we must reason all together, but I do not want my friends to think that all the chiefs are "Yes" men and all the African administrative officers are "Yes" men. I can assure them that we are not, but we reason.

Now, Sir, going a bit further, I quite agree with some of the European speakers on the other side of the district Council, that at present, the district commissioners are being transferred too frequently, and they leave the district without knowing, without being knowledgeable of what is going on inside the district, and that is very important, Sir.

I, being a son who was born in the Administration—my father worked until

(Mr. Okwirry) his last while in the Administration—I think that moment I was a very young man, the district commissioners used to stay longer, and they used to go round and dwell with the people and hear their grievances, not in the office but in the reserves, and even my people went as far as giving them our indigenous names, and that I think is a very good thing. (Hear, hear—Applause.)

My last point, Sir, being a new boy, I do not want to speak very long—(Laughter)—but my last point is I wish to make it clear to my friends opposite that the post of assistant administrative officer is exactly like the post of European district officer. My functions in the reserve are exactly like the European district officer and there is no doubt about it. The only thing I agree with, Sir, is that the name should be African district officer. (Prolonged applause.)

Mr. HARRIS: Mr. Speaker, Sir, I would like, first of all to congratulate the hon. Mr. Okwirry on his maiden speech, which not only had the advantage of being to the point, but was also delightfully brief.

I only rise on one point, that is the point made by the hon. Mr. Awori on the question of Africans assisting in the administration of the country through local government.

The hon. Member for Finance, and myself, have both had the honour to sit in the Chair of what is, perhaps, the most forward development of local government in this country, and in that position we have had a lot to do with African representatives helping us in the administration of Nairobi.

I would like to pay a tribute to many of the Africans who have been nominated to the City Council of Nairobi and assisted in probably one of the most difficult administrative jobs in the country. (Hear, hear—Applause.)

The hon. Mr. Gikonyo spent many years on that Council, and did yeoman work as a very honoured assistant in the job of administering a large city. I would also like to remind the Council to-day, Sir, and I think it is most unfortunate that the hon. Mr. Awori should have made his remarks to-day, that there was

another African also called to assist in the administration of this city, his name was Tom Mbotela and I would like to here pay a tribute in this Council to the work that Tom Mbotela started and was never given the opportunity to finish. (Applause.)

Mr. ODEDE: Mr. Speaker, Sir, I have only a few observations to make. The first one, is I must say that I was so appointed when my hon. friend, the Member for Mombasa, said that the post of the Member for African Affairs had to be done away with, and I am glad he did not get supporters to support him on that suggestion. That means, that what he was suggesting was not right.

The other thing which I should say something about was said by my hon. friend, Mr. Tameno, who suggested that the chiefs should not be paid. I think there was a flaw in Mr. Tameno's job because no one is prepared to do a job, if it is a full-time job, without being paid a reward for it.

I then get to my hon. friend, Mr. Awori, who said we must be frank unless we are frank we shall never get anywhere. We must be frank. And I am glad that he is a frank, if I may say a boy. He has suggested one thing, which I do not agree with and I must be frank with him. (Laughter.) Here, he suggests that the African assistant administrative officers, which Mr. Okwirry continues, should be district officers straight away. I am inclined not to agree with his point, but I am going to make a suggestion which I think the Government should follow. Now, I feel that the post of assistant administrative officer should be there, but from the assistant administrative officers, if we find that they are people who are capable—as I know there are so many of them who are capable—those people should be promoted to the rank of district officers.

Mr. MAMU: Quickly!

Mr. ODEDE: Quickly, yes. And my suggestion which has been put forward by the Government that there is establishment, say, for district officers, in the African areas, in the next few months—I hope that some of these assistant administrative officers are going to get those places.

The SPEAKER: Order, order, it is now seven o'clock and time to interrupt business in accordance with the usual Standing Orders. The debate, I take it, will be adjourned until to-morrow.

Other business will now be called.

The MEMBER FOR FINANCE: In accordance with Standing Orders I beg to signify that the consent of His Excellency the Governor has been given to the introduction of this Motion.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read.

Mr. Speaker left the Chair.

COUNCIL IN COMMITTEE

(Mr. W. K. Home in the Chair)

The ASSISTANT FINANCIAL SECRETARY: Mr. Chairman I beg to move—

BE IT RESOLVED—That this Council approves an amendment being made to the Second Schedule to the Pensions (Increase) Ordinance, 1951, by order of the Governor in Council made under proviso (iii) to sub-section (2) of section 3 of the Ordinance to provide that with effect from the 1st August, 1952, where the pension is a pension specified in the First Schedule to the Ordinance then subject to the provisions of the Ordinance—

- if the pension does not exceed £70 per annum the increase shall be 27½ per centum of the amount of the pension;
- if the pension exceeds £70 per annum but does not exceed £210 per annum the increase shall be 27½ per cent of the first £70 of the pension and 8½ per cent of the remainder of the pension;
- if the pension exceeds £210 per annum the increase shall be 15 per cent of the amount of the pension.

Mr. Chairman, if I had known when I sat in Council here two or three years ago wearing the wig and gown of the Clerk, that I would have to sit on the Government back benches even only in a temporary capacity, I might have paid more attention to what was going on. Sir, I am consoled by the fact that pro-

cedure has changed greatly since those days and, in my opinion, changed for the better. One thing I did learn and it is that this Committee appreciates briefly and I hope I will not detain the Committee long to-night.

The principle reflected in the Resolution before the Committee, namely that pensioners shall get half the cost of living allowances paid to serving officers is one that has been accepted by this Council when it approved the White Paper No. 1 and Resolutions similar to this have been moved before. The present resolution does no more than bring up to date the position, and will give pensioners half the amount of the new cost of living allowances payable to serving officers since the 1st August, 1952, and which have already been accepted by this Committee.

In conclusion, Sir, I have been warned by one Member of this Committee that when I first spoke, in Council or in Committee, that he would ask me what vernacular I used. Sir, may I anticipate this question and explain to hon. Members the vernacular I use is one which, broadly speaking, is used in the northern end of Great Britain and which all Members, if they wish to attend functions at certain hostilities and places of assembly in this Colony, will hear on the 29th November. (Laughter.)

Sir, I beg to move. (Prolonged applause.)

Mr. HAVELOCK: Mr. Chairman, I have only one remark to make—hearty congratulations on a very excellent maiden speech. (Applause.)

The question was put and carried.

The ASSISTANT FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee reports its consideration of the Resolution dealing with the Pensions (Increase) Ordinance.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

The SPEAKER: I have to report that the Committee have considered and approved the Resolution.

THE ASSISTANT FINANCIAL SECRETARY: Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

The question was put and carried.

MOTIONS

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move that this Council resolve that the Increased Production of Crops Ordinance, 1942, shall remain in force until the 31st day of December, 1953.

Mr. Speaker, this Ordinance, as I think hon. Members are aware, terminates on a given date unless renewed by Motion of the Council. It is necessary to continue the Ordinance on which the guaranteed minimum returns, guaranteed prices and prices of produce generally are based, also development loans. As all Members are aware, we still have not yet brought before this Council the new Agricultural Act, the new Agricultural Ordinance which we hoped to have discussed before now. In order to anticipate criticism, I may as well again inform Members that that Bill was drafted in England, came out here during the course of this year, but there were certain objections to one or two provisions which had to be clarified with the Secretary of State. Those matters have now been agreed to and also a number of smaller amendments as a result of further consideration of the draft are to be introduced, and the truth of the matter is that, due to the press of work on the Legal Department, it has not been possible to get these amendments drafted yet. Hon. Members will well understand—the drafting staff of my hon. friend the Member for Law and Order have been fully occupied and therefore it is absolutely essential to bring in again this Increased Production of Crops Ordinance pending consideration of the new proposed Agricultural Bill.

I beg to move.

THE MEMBER FOR DEVELOPMENT seconded.

The question was put and carried.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move:

Whereas the Governor considers it desirable to set aside the area of Crown land situate in the Highlands and described in the Schedule hereinafter as a Native Reserve for the purpose of satisfying the economic needs of the Suk tribe:

And whereas the consent of the Highlands Board to the setting aside of such land has been given:

Be it resolved that pursuant to the provisions of section 55 of the Crown Lands Ordinance this Council approves the setting aside of such land for the aforesaid purpose.

SCHEDULE

A portion of land adjoining the Kerio Native Land Unit in the Trans Nzoia district of the Rift Valley Province and known as L.R. 2112/II comprising approximately 366 acres more particularly described as follows:—

Commencing at a beacon on the north-east corner of L.R. No. 2037; thence on a true bearing of 11° 28' 56" for a distance of approximately 4,735 feet to a beacon;

thence on a true bearing of 136° 51' 50" for a distance of approximately 8,259 feet to a beacon;

thence on a true bearing of 101° 52' 51" for a distance of approximately 6,734 feet to the point of commencement.

These boundaries are more particularly delineated and edged red as Boundary Plan No. 178/7 deposited at the Survey Records Office, Survey of Kenya.

Now, Sir, this piece of land was part of a farm adjoining the Kerio Native Land Unit and it forms an awkward triangular salient impinging on the native land. The owner of the farm, Mr. Kersop, long ago surrendered this piece of land as it was useless to him but nothing more was done with it—it remained unoccupied Crown land. The Suk people have been occupying it for some years. Now comes the question of fencing. Arrangement has been made

(The Member for Health, Lands and Local Government)

whereby the boundaries between the farm and the land unit shall be fenced, the African tribe providing the fencing poles and the European owners providing the wire and organizing the work. This particular portion cannot come under that arrangement at present because the salient itself is still Crown land. Everybody is anxious to get on with the fencing but the legal difficulty persists until we pass this Resolution. It has been approved by everybody concerned—the Trans Nzoia District Council, all the farmers, the Suk, the Highlands Board, and now it only awaits the approval of hon. Members of this Council.

THE MEMBER FOR EDUCATION AND LAOOR seconded.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I have only one point—I would like to ask a question of the hon. Member, that is who is responsible for the shape of the fence that is being constructed. (Laughter.)

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I am not at the moment informed on that question, but I should judge it will be the responsibility of the European farmers who are in fact erecting the fence.

THE SPEAKER: The hon. Member having replied to the debate, I will put the question. (Laughter.)

The question was put and carried.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, the Motion I have now to propose is somewhat similar to the last one:—

Whereas the Governor considers it desirable to set aside the area of Crown land situate in the Highlands and described in the Schedule hereto as a Native Reserve for the purpose of satisfying the economic needs of the Kikuyu tribe:

And whereas the consent of the Highlands Board to the setting aside of such land has been given:

Be it resolved that pursuant to the provisions of section 55 of the Crown Lands Ordinance this Council approves the setting aside of such land for the aforesaid purpose.

SCHEDULE

A portion of land adjoining the Kikuyu Native Land Unit in the Kiambu administrative district of the Central Province and known as L.R. No. 2837 comprising approximately 30 acres, more particularly described as follows:—

Commencing at a beacon at the south-west corner of L.R. No. 5936;

thence on a true bearing of 108° 54' 10" for a distance of 1,472.6 ft. to a beacon on the west side of the 200 ft. road reserve;

thence by the generally western boundary of that road reserve by the following bearings and distances:—

Bearing 198° 19' 52" distance 197.5 ft. to a beacon thence bearing 190° 51' 07" distance 284.5 ft. to a beacon then bearing 226° 04' 44" distance 450.8 ft. to a beacon;

thence by part of the generally northern boundary of that 200 ft. road reserve on a bearing of 262° 50' 20" to the intersection of the Kiu River;

thence up-stream by the centre course of that river to the intersection of the south-eastern boundary of L.R. No. 5839;

thence by the latter boundary on a bearing of 185° 54' 03" for a distance of 1,437 ft. to a beacon;

thence on a bearing of 108° 54' 13" for a distance of 293.20 ft. to the point of commencement.

These boundaries are more particularly delineated on Boundary Plan No. 178/8, deposited in the Survey Records Office, Survey of Kenya.

Now, Sir, I hope hon. Members—my African friend particularly—will not get pre-empted about the wording of the preamble; referring to the economic needs of satisfying the economic needs of the Kikuyu tribe. (Laughter.) The word "Kikuyu" is due to the legitimate necessity of complying with the precise terms of the section of the Ordinance which authorizes a resolution of that kind.

MR. HAVELOCK: Indigenization of the 30 acres.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: There is a difference between legal and legalistic, I think. This is legalistic. This particular piece of land, Sir, was set aside in the early days of the century as a Nubian reserve. No doubt, then, a number of Nubians were placed there. So far as we can trace, the last Nubian left the area or died between 1910 and 1920. Since that date, it has been occupied by Kikuyu, has been regarded by them, and indeed by the Administration, as part of the native land unit. What we desire to do now is to give legal effect to what has been, in fact, the case for 30 years, and to bring the area under strict administrative control which is only possible if it is made part of the native land, as a native reserve. There are some 56 Kikuyu families living in the area, there are several shops of various kinds, owned by the Kikuyu, and it is important that the area be properly administered.

I beg to move.

THE MEMBER FOR AFRICAN AFFAIRS seconded.

MR. MATHU: Mr. Speaker, I rise to support the Motion, and to say that I intended to ask about the legalistic phraseology from the hon. Member, but he anticipated that so I am not going to do very much commenting on it, except to say that I am glad that he explained the legalistic meaning of the phraseology, because he implied that he knows the Kikuyu still need satisfying in the economic way in pieces of land such as the one he now moves to incorporate. I do hope, if he looks through the books, he might perhaps discover another 30 acres elsewhere, which have been lying there like that for 30 years, and give them to the Kikuyu.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I have nothing to say, Sir, except that I had heard rumours that the Kikuyu thought they needed more land to satisfy their economic needs.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, in accordance with Standing Order No. 128, I beg to notify the recommendation and consent of His Excellency the Governor has been obtained to the introduction of these financial resolutions.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Consideration read.

Mr. Speaker left the Chair.

COUNCIL IN COMMITTEE

[Mr. W. K. Horne in the Chair]

THE MEMBER FOR FINANCE: Mr. Chairman, I suppose, Sir, you would like us to take the financial Resolutions separately, or all in one—there are four here!

Well, Sir, this is an adaptation of our new procedure. Under the old procedure, Sir, the Schedules of Additional Provision were recommended by this Council to the Standing Finance Committee, then returned from the Standing Finance Committee to this Council for approval. Under our new procedure, Sir, they are dealt with directly by the Council. As to the details, Sir, as to the various reasons why this additional provision was necessary are given in the right hand column—column No. 7 of each page. The financial procedure that we are now adopting, I trust, Sir, reduce progressively the need to bring these Schedules of Additional Provision before the Council at all. As I am sure, that all hon. Members will feel as I do, that detail at this stage, with a financial Resolution that I am now moving, additional provision for 1949, is not a very good practice, but under the new organization, and the new financial procedure, accepted by the Council, as I say, I trust this will be progressively reduced and perhaps, except for very small amounts, finally eliminated altogether.

I beg to move that a sum not exceeding £332,006 be granted to the Governor on account for, or towards defraying the charges set out in Schedules of Additional Provision Nos. 10, 11 and 12 of 1948.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, the remarks made on the previous Resolution apply to this Resolution also.

I beg to move that a sum not exceeding £376,787 be granted to the Governor on account, for or towards defraying the charges set out in Schedules of Additional Provision Nos. 7, 8, 9, and 10 of 1950.

The question was put and carried.

THE MEMBER FOR FINANCE: Again the same remarks apply, Sir.

[The Member for Finance]

I beg to move that a sum not exceeding £1,074,346 be granted to the Governor on account, for or towards defraying the charges set out in Schedules of Additional Provision Nos. 5, 6, 7 and 1 of 1951.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to move that a sum not exceeding £539,751 be granted to the Governor on account, for or towards defraying the charges set out in Schedules of Additional Provision Nos. 1, 2, 3 and 4 of 1952.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to move that the Committee do report to Council its consideration of the financial Resolutions dealing with Schedules of Additional Provision, Nos. 10, 11 and 12 of 1949, Nos. 7, 8, 9 and 10 of 1950, Nos. 5, 6, 7 and 8 of 1951, and Nos. 1, 2, 3 and 4 of 1952.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

THE SPEAKER: I have to report the Committee have considered the Resolutions on the Order Paper and have passed the same.

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Council do agree with the Committee in the said Resolutions.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

The question was put and carried.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that the Voluntarily Unemployed Persons (Provision of Employment) Ordinance, 1949, shall remain in force until the 31st day of December, 1953.

Sir, Members are well aware of the purpose and content of this Ordinance. It expires at the end of each calendar year unless it is kept alive by resolution by this Council. I think it is generally recognized that it is necessary to preserve it alive.

I beg to move.

THE ACTING LABOUR COMMISSIONER seconded.

MR. MATHU: It has been for the last three years my practice formally to oppose this Motion, but to tell the Government to use the Ordinance to do what exactly it is intended to do. I want to emphasize this to-day, Mr. Speaker, is the hon. Member satisfied that really the Voluntarily Unemployed Persons (Provision of Employment) Ordinance is functioning properly in Nairobi, because some of these fellows who are voluntarily unemployed are the fellows who are causing some of the present trouble. If we have to have it in the Statute Book, I suggest, Mr. Speaker, the law must be implemented, and the sooner it is implemented, and the sooner it is in Nairobi, particularly in these days, the better, and I would like the Member to inform us whether he is satisfied there are no people in Nairobi now who are here, but they have no work at all. They live, they fatten on others.

MR. GIKONYO: Mr. Speaker, while I do not want to oppose this Motion, I wish to make two points. One is that there is a general complaint that the operation of this Ordinance in Nairobi is that most of the people who are picked up under this Ordinance are usually people coming to town to look for work, and once they fall into the hands of these people, they are detained, and there is a lot of inconvenience between the time they are picked up and the time they go before the committee, where in the end they are released.

I do feel that this matter should be gone into so that people who are really genuine and who have come into this town particularly, either to sell their produce or look for work genuinely, should not be inconvenienced.

The second is, I have a complaint from the people who are members of the committee before who the people are brought once they are apprehended. They have written to me complaining about their remuneration. They say they are paid at the rate of Sh. 10, and they understand the usual rate for Official Members who attend committees such as this, are paid Sh. 30. I think that is the matter which would like the Member to go into because it has caused a great deal of feeling, particularly amongst the African

[Mr. Gikonyo]

members who sit on this committee. It is very important and they have written to me and I feel it is my duty to bring before the Member, if other Members of other races—I do not know whether the committees of the other races have ever sat to examine the question of the people of the other races who are not employed—but this committee sits almost every day, and the members who sit there are paid at the rate of Sh. 10, and they say to me that usually it is Sh. 30 for other races. I would like the Member to go into that and let me know the position.

MR. JEREMIAH: Mr. Speaker, in spite of the conditions obtaining at present, I am sorry that I cannot support the Motion, because, Sir, it has been my belief that I would not agree that it is justice to arrest someone at all because he is just not employed. In most cases he is not voluntarily unemployed. He may have, perhaps, left his job and not got another job, and we have had a case of people who were coming to look for employment and they are arrested and go through all the inconvenience which is known to those who are arrested. Therefore, Sir, so far as you have heard that the law is not actually effective, I do not see why we should waste our time on approving things which are not being done.

Therefore, Sir, I oppose the Motion.

MR. HAVELOCK: I would merely like to add, Sir, that I think the view of Unofficial European Members is rather the same as the hon. Mr. Jeremiah. If this Bill is no good, let us get rid of it, but we would rather see it put into action. As far as we can see, up to now, there has been really very little result indeed, and I would like the hon. Member in his reply to say, and give reasons why he thinks this particular Ordinance should be extended. Why he seeks to extend it—and if he can—really implement it properly.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, replying first to Mr. Mathu and the hon. Member for Kiambu, I think there is no doubt that this Ordinance is sufficiently useful to justify our keeping it in force. Nobody has ever pretended that it is a complete answer to the problem of people coming

in to Nairobi or Mombasa, which are the two places where the Ordinance operates, who have not employment, but during the present year, up to the end of August, in Nairobi, a total of 142 persons have been dealt with under the Ordinance. They were disposed of in various ways. Some were permitted to engage in approved employment, others were repatriated to the place they came from. I think the numbers do justify keeping the Ordinance in force.

With regard to the points raised by Mr. Gikonyo, if he will bring to my notice specific cases of people whom he thinks have been unfairly treated under this Ordinance, I shall be very pleased to take them up. I have, personally, not heard of any cases of people who have been arrested who should not have been arrested. If he will bring to my notice, or to the district commissioner's notice, they will certainly be dealt with.

With regard to the other point with the hon. Mr. Gikonyo raised about the rate of remuneration of the people who sit on the committee, I shall be pleased to look into that and give him an answer.

The question was put and carried.

ADJOURNMENT

THE SPEAKER: That concludes the business on the Order Paper and Council will stand adjourned until 9.30 a.m. to-morrow morning.

Council rose at thirty-five minutes past Seven o'clock.

Friday, 28th November, 1952

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

[Mr. Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTIONS

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to give notice of the following Motions:—

(i) The Export Duty Ordinance, 1951 (No. 71 of 1951):—

"BE IT RESOLVED that the Export Duty Ordinances be continued in force until the 31st day of December, 1953."

(ii) The Civil Contingencies Fund (Increasing of):—

"BE IT RESOLVED that a sum of £200,000 be granted to the Governor for the purpose of increasing the Civil Contingencies Fund to £250,000."

(iii) The Sugar Consumption Tax Ordinance (Cap. 271) (Continuation of):—

"BE IT RESOLVED that the Sugar Consumption Tax Ordinance (Cap. 271) be continued in force until the 31st December, 1953."

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to give notice of the following Motion:—

"BE IT RESOLVED that the Eviction of Tenants (Control) Ordinance, 1949, shall remain in force until the 31st day of December, 1953."

COMMITTEE OF SUPPLY

Draft Estimates of Expenditure, 1953—Vote 2-2—Administration

The Member for African Affairs has moved: "That Mr. Speaker do now leave the Chair".

Debate adjourned.

Debate continued.

MR. ONDIE: Mr. Speaker, Sir, when the debate on Administration was adjourned yesterday, I was speaking on assistant administrative officers, and some of my colleagues have suggested that the post of assistant administrative

officer should be abolished, and that the title of "district officer" should be implemented. That was expressed both by my colleagues on this side and by my hon. friend, Mr. Okwirry.

I was not of the opinion that the post of assistant administrative officer should be abolished, but last night, when I was thinking, I thought that we can bring something which can make the African people feel that in the Civil Service there is no discrimination. I thought that the best title should be "assistant district officers". Now, that title, I feel, is the best for the time being, because there are some Africans who are joining the Administration, and who have not got university qualifications. Therefore, if you have the post of assistant district officer, we can still take such people into the Administration, knowing that they are capable of doing anything that can be done in the Administration but because due to their qualifications they may not be pushed straightaway to the rank of district officers, before they show that they are worthy of being pushed to that status.

I realize that in the next few years we shall be having Africans from Makerere with university qualifications with knowledge in social science, political science and in administration. At that time, Sir, if the Africans who emerge from the university are taken straightaway to the status of district officers, I will be very pleased, but at the moment, when we have some people who are taken into the Administration just because they have shown that they are good at work, I would do a good job of work. I feel that the best thing we can do is to have a title which I have mentioned—assistant district officers. That would not be discriminatory to anyone.

Sir, I demand from Government that the title of assistant administrative officers should be changed straight away to the title of assistant district officers.

Now, my hon. friend, Mr. Okwirry, said that the work that is done by the assistant administrative officers is the same as the work done by the district officers. If that is so, why does the Government not regard these people as equal, and pay them equal pay. I do not know what Mr. Okwirry would say

[Mr. Odele] about that, because if he agrees that they are doing a good job of work—just the same work as the district officers are doing—then I do not see why they should not be paid the same pay, or even paid half of what the district officers are paid. If that is done, then I feel that justice will be done to the African people.

Now, Sir, I am talking as a man of experience, because I have been an assistant officer in the African areas, and I can tell this Council that, unless the African people—capable Africans—are given responsibilities in the African areas, we shall never develop the African areas to an extent that we would like them to be developed. Because I know the influence that an African man can have on his people is better than the influence that a European or an Asian can have on the African people. There have been cases when I was an assistant officer where Europeans could not approach the Africans and I was sent to talk with the Africans. I could talk to them frankly and tell them:—"If you think that I am betraying you, then I think you do not know where you are; how can I betray you, you being my people". I know several occasions where I have succeeded.

Sir, it is time that the Government thinks of giving the Africans responsibilities in their areas.

There is one other thing, Government should now try to get Africans into responsible positions in Government service, because the ordinary African believes that the Government is not for Africans, that the Government is for Europeans, and I want that to be destroyed from the minds of the Africans—that the Government we have to-day, and the Government which we may have to-morrow, is for all of us people who are living in this country. And so, if we can try now to associate several good Africans in Government service in responsible posts, then the African people will have confidence in Government.

My hon. friend, the Member for Health, Lands and Local Government told us last week that Africans with capability, integrity, and Africans who can really show that they can do good things, can be taken into responsible

posts. I can assure you that, in my constituency, we have African administrative officers who have got all those qualities. Now, these people have for some time been with the young European administrative officers. Now, they guide and advise the young European administrative officers. Now, if they can guide these people, why not put them into a post that will make them guide these people properly. I ask Government to do something about that. I have evidence of where some of the administrative officers feel that they are unjustly treated because people whom they guide and people whom they tell what to do or what they call there "Bwana Mlaku". Now, that is, I believe, wrong.

I would say, at this juncture, as far as Africans who are leaving Makere are concerned, when they get into the Government service—I do not mind what they have been called; assistant medical, assistant veterinary, and agricultural officers,—but they must at the time be given the title of proper officers because they get tired of being called assistant, assistants every time. Sir, such people who have proved to be capable of doing a good job should be promoted, and an African cannot wait if he knows that he is capable, to be called assistant for 30 years. That is why these people retire young, and if I knew—I have been in the Civil Service—if I knew that I could climb to something better than assistant, I would not have said that I had better leave the Government service.

MR. MATHU: Quite right.

MR. ODELE: I have worked with European district officers, who have, some of them, risen to the rank of deputy directors and the directors of such and such a department are, as I have said, are directors, but if I were in the Civil Service, I would still remain an assistant, and I must be tired of that.

Now, I may comment on the selection of African chiefs. My hon. friend Mr. Okwiry said that chiefs are being elected and that my colleagues who spoke before him were out of date. I do not think my hon. friend Mr. Okwiry was right, because these hon. friends are also living in the African areas where selection of chiefs is being

[Mr. Odele] done, and I was, at that time, going to be an assistant administrative officer, as he is himself, and I am still interested in what happens in the administration. So I first of all want to administration. So I first of all want to say where I agree with him. Now, first of all, as he said, when a chief is going to be appointed a locational council will select, a panel of names, they are submitted to the provincial commissioner through the district commissioner and then, after that, a big baraza is called. My hon. friend, Mr. Okwiry called yesterday to tell us what happens after the big baraza has been called. He then passed it over, because he knew that it was badly done at that stage, and I am going to tell the Council why it is badly done.

After the provincial commissioners have spoken to the baraza—people are not now given a chance of saying that this is the man we like, and I have examples which I can show, and therefore we are not out of date. When the baraza has been called what happens is that the provincial commissioner, having made up his mind in his office, now takes the name which he had liked, and usually it is a name of one of the weak persons—one of the weakest of the people in the panel, and then he takes a few areas and discusses a few things with him and then he goes to the baraza and then announces that so and so is now your chief.

Now, can that be called a popular or a good selection? No, it cannot be called a good selection, because it is the provincial commissioner—

MR. OKWIRY: Sir, I would like to explain to the hon. Member that the name selected by the provincial commissioner is one of the names which are submitted by the people themselves, not the name brought by the provincial commissioner. (Applause.)

MR. ODELE: That is quite true, it is the name which was submitted by the locational council which is just a handful of people, about eight people. Now, those names are not the names which the majority of the people in the locational area approved. It may be that, among the names, yes, usually it is, that among the names one person or

two people are the best—are the people who have been chosen. But why not give the people a chance of saying, "Now, we are going to have a proper election", and let the people, the majority of the people in the locational area, say that "this is the name which we would like to be taken". If that is done, then I agree the selection will be correct.

Now, Sir, I leave the point of chiefs and I go to what I think many Members have forgotten about, and it is very important. There are Government employees who I might call the "foundation" of the administrative work in the African areas, people known as *malangos* in Swahili. It is difficult to put that into English, because we have got sub-headmen—whether we can call them sub-sub-headmen, because they are lower than sub-headmen—these people, I believe they are the foundation of administration in the African areas, and they have been overlooked. They used to be paid and then their services were dispensed with by Government, but they are still existing and in every place I go I am asked by the Chiefs about them. They say the Government have destroyed our work because they have destroyed our *malangos*, because the *malangos* are still doing the work but they are not paid and they are discontented. These are the people who get to the African people, they are responsible for persuading the African people to go in for soil conservation work, communal labour and road making in the African areas, yet these people are not paid. Even the hon. Mr. Okwiry can't paid. Even the hon. Mr. Okwiry can't support me in that. I remember, I was talking to him a few days ago and he was telling me that if we could only fight for the *malangos* to get some money, we would have done a lot. I would ask Government to see that these *malangos* are retained that they do get paid for the services and the Government, because that is where the foundation of the administration in the African areas begins. I need not say more, but I have a question to ask my hon. friend the Member for African Affairs.

I would like him to tell me how far are administrative officers, who are not Members of this Council, are allowed to interrogate the chiefs and the African people

[Mr. Odede] in the local council against African Representative Members of this Council. And this I am saying and asking for his answer. I ask it very strongly because we are Members of this Council and we do not know whether we should be criticized, or our people should be instigated by the members of the Civil Service. Now, if this goes on happening, what I can see is that the African people will not have faith in the direct election which has been introduced recently, it will be regarded just as mere nomination. We have been trying to say, we have been persuading the people, that what the Government is doing is not wrong—it is a step towards proper election by the African people. I remember there was a time when one of our provincial commissioners, who is supposed to be one of the best provincial commissioners, and yesterday my hon. friend, the Member for Rift Valley, paid a tribute to his work, and he was commenting that the African Representative Members are irresponsible.

Now we are not irresponsible, and I will tell this Council that we are ready to co-operate with Government in every way possible. Now if the administrative officers can instigate our people that we are irresponsible, what happens if we also go back to those *barazas* and tell the people that the administrative officers are irresponsible, they are not good people? It means that we shall never have any co-operation at all.

I would like Government to give me an answer as to how far the administrative officers are allowed to instigate the chiefs and the ordinary men in the *barazas*, that the Representative Members are irresponsible.

Now, Sir, I go to the treatment of the Kikuyu people. I have not said anything about it, and so many people in this Council have said a lot about it. Now I must say that I have no sympathy, and I will never have sympathy, with those people, or for those people who resort to violence in their demands from Government. It is wrong. (Hear, hear.) But amongst the Kikuyu people there are—as it has been said by so many people—loyal people, people we should show as examples to those Kikuyu whose actions have spoilt the country. We must use

those good Kikuyu as examples to the gangsters and thugs whose actions we all, in this Council, deplore.

Now, Sir, I have heard some people suggesting that the Kikuyu, whom they are, should be looked at as criminals; that Kikuyu in European farms should be sacked. I am asking Government that we should take all the precautions that we can find to make the Kikuyu people not feel the Government are enemies of the Kikuyu people as a whole. We should make them feel that the Government is against those people who have acted badly, and people who try to do things by subversive means. Now, those people should be dealt with severely, but we should not make all Kikuyu be enemies of the European and enemies of the Government. If we do this, then I do not think that we shall have a good future for our country; I do not think we shall be happy. I would like to say that the action that has been taken by some Kikuyu people has destroyed the faith of other tribes in the Kikuyu. Other tribes now do not look on the Kikuyu as friends and the action of these people have spoilt the African case—it has destroyed the African case for unity. We people who look for the unity of the Africans deplore what these gangsters and thugs are doing, because now they have given Government a chance of telling other tribes that the Kikuyu people are bad, and so these gangsters, these thugs, are spoiling our case for unity in a country where the Africans should unite to fight for their grievances. It is dreadful, and I can assure you that the African people who stand for unity and we—I do not deplore what these people are doing against unity. We have said so many times that the Kikuyu people will rescue themselves. I would like to see a man by which we can get to these gangsters and tell them that they are destroying the African unity, but we cannot get that means. I just do not know how we can get to these people, but if we could get to them at all, I would like to tell them that they have destroyed the faith that all other tribes in Kenya had in the Kikuyu. Now all the other tribes in Kenya look at the Kikuyu leadership as subversive leadership.

Sir, I beg to support

Mr. Crossin. Mr. Speaker, Sir, first of all as a fellow new boy, may I offer my congratulations to the hon. Mr. Okwiry for his most lucid, clear and definite maiden speech. (Applause.)

I think his sound common sense provided a high degree of advocacy for the further advancement in the different lines of administration, although perhaps that advancement was unqualified, while the rather biased claims put forward by the hon. Mr. Odede. I think he has been very fair in what he said of co-operation rather earlier than it can be provided. I must point out that the seeds for co-operation have not only been sown and there has not been just for the tree to bloom, still less to bear fruit.

I am glad, too, that the hon. Mr. Okwiry supported the claim put forward by the hon. Member for Rift Valley yesterday, and myself, with regard to district administration. He pointed out that administrative officers should be able to remain longer in their districts in order that they may get to know the people they are administering. I think that is such an important point that I do hope that the hon. Member for African Affairs will give us a favourable answer when he replies to this Motion. So I feel that whatever the difficulties, the principle is so right and so correct that those difficulties must be overcome and administrative officers must remain longer in one place so that they can get to know the people they are administering. I think they should be specialists—some should be allowed to specialize in Duma, some in Nandi, and so on. Perhaps those administrative officers who did not do so well in their Tripos, but perhaps got a shooting or boxing blue, should be allowed to go to the Kikuyu (Laughter.)

I should further like to suggest with regard to closer administration, that Government should consider the purchase of a helicopter. I think, although this may seem an extravagance, I believe it would be extremely useful for observation and would continue to serve a very useful purpose in the future. The hon. Member for African Affairs speaks of the difficulties of relieving outposts such as Kabarnet, and I think there are

other posts, equally difficult, where such an aircraft would provide the means whereby that could be done.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, there are a number of Members on both sides of this Council, whom I was accustomed at one time to call "Sir". That was before I went elsewhere, and it was no doubt due to the fact that I was brought up with a certain amount of discipline, which seems to me all too lacking, not only in this unfortunate country of ours, but further around the world (Hear, hear.) But, Sir, it makes it very difficult when I have to disagree with some of those people whom I called "Sir", and more particularly when they were senior officers in the Colonial Administrative Service, when I was a junior officer of that service to which I have the honour to belong.

I am sorry the hon. Member for Mombasa is not here at the moment, but I do wish to express my disagreement with his proposal that the functions of the Chief Native Commissioner should be merged in those of the Chief Secretary. Now, it is not only on personal grounds, Sir, He was good enough to say that he would relieve me of the functions of the Member for Development; the Membership for Development is not a full-time job in itself—I have various other things to do—and the Chief Native Commissioner himself has more than a full-time job. However, Sir, that is a purely personal point; ever, Sir, that is a purely personal point; there are other factors. The hon. Member for Mombasa gave us a history, a very interesting history, of the coming and goings of the Native Affairs Department, or what is now known as the African Affairs Branch. That history was embellished by the hon. Member for Entertainment—(Laughter)—the hon. Member for Nairobi West, who then gave us a bit of his personal experience and participation in the past history. Now, Sir, I understand it was before my time—but I understand that the first Chief Native Commissioner was a Polish or at least, he came from Poland; I think the hon. Member said he came completely fresh, as I understand it, to our African affairs here. But, Sir, all his successors were people who had grown up in the administrative service

(The Member for African Affairs)

North Nyanza has been mentioned by my hon. friend, Mr. Awori, and my hon. friend, Mr. Okwiry. The record of the North Nyanza is that Mr. Hunter was there from 1941 to 1943. There they had an interregnum for a month in 1943. They had Mr. Hlop from 1943 to 1946. There was an interregnum for six months. Mr. Williams was district commissioner from 1946 to 1950. Mr. Osborne was there from 1950-1952. There was then another interregnum, but we shall get a man there for a five-year period as soon as we can possibly do so. I do not think really many bricks can be thrown on the grounds that district commissioners have been moved very frequently. I think the bricks that can be thrown I know only too well, are the bricks thrown concerning the frequent movements of district officers. I dislike this as much as anybody else in the Council, and as my hon. friend, the Member for Development, has said, it is largely due to the fact that the Administration has been underestablished for as long as I have been in this job; I only hope we can get up to this proposed establishment now. We are having constant calls on the administration and we have suffered or, not, as you would like to say, from a good many promotions. Lately, we have just lost our district commissioner of Machakos, we have lost a district commissioner at Nandi, and we have had a good many other promotions which speak well for the quality of the service, although it does put the service horribly out of gear.

THE MEMBER FOR AFRICAN AFFAIRS: I should like to thank the hon. Member for Rift Valley for the positive suggestions he made about trying to improve our record in this particular sense. He suggested we might pay special allowances to encourage provincial commissioners to stay on. Now, that has been done in the form of making Senior provincial commissioners posts in other neighbouring territories, and it is certainly one I will go into and see if we can do anything about.

I also think myself that there may have to be responsibility allowances for certain districts. I think that might also help, because I must say quite frankly to Members of Council that we have a

very large proportion of comparatively junior officers and district commissioners there fairly low down in the salary scale and, being a district commissioner nowadays, with big staffs—as they have in the district headquarters—staffs which have to be kept together, which depend tremendously upon the character and drive and co-operation, and so on, of the district commissioner—that job is becoming more and more expensive. It is a job that calls for a good deal of attainment in the district headquarters. Communications are better than they used to be, and all kinds of V.I.P.'s come along and naturally are given entertainment, and district Commissioners are only too pleased to give them entertainment but this is hard on the purse.

Another point, Sir, and I think this probably the most pertinent and would have the greatest effect upon these movements of the district commissioners and district officers—I say this particularly in view of the fact that we hope to open sub-stations. I believe that if our term of service in the Administration anyhow were cut by half, and that the length of leave was cut by half, or more, I believe we could manage to get better continuity in the districts, because you can leave a district for six to eight weeks in the hands of a junior man, and you certainly could leave a sub-station in the hands of an African administrative officer for six weeks, and get your man back again from leave; whereas if you are faced with sending a man away from six to seven months, you have got to make moves—one move, as far as I can make out on the frightful check-board I keep in my office, possibly means five.

Now, Sir, the hon. Member for Rift Valley also referred to the future of Kikuyuland, and suggested that we should set up location reconstruction committees which, I think, were to be composed of men who were either selected or elected by the people, and came from every part of life, I understood.

MR. BLUNDELL: And your own nominees.

THE MEMBER FOR AFRICAN AFFAIRS: And my own nominees. That is very ill the location district council, certainly it exists in the Nyanza Province—well like indeed. The Nyanza Province

(The Member for African Affairs)

Location Council consists of anything from 20 to 40 members, although the hon. Mr. Ododo mentioned eight this morning, which gave me rather a shock, because I know of none with less than that. All those are composed of men who are selected from clans within the locations or sub-locations, and they also have, I think, two of the Chief's representatives and two of the district commissioner's representatives on them. This is, generally speaking—I cannot speak for everyone. The chief is in the Chair.

These locational councils are developing. They were started, I would say, by a very well-known African, ex-Chief Paul Mboya, who is a man whom, I think, we probably all know, and he carried them, I think, in Karachuonyo in South Nyanza—I think in probably the middle thirties. They were taken up in 1941-1946, and have been developing quite fast since then. That, I think, gives the basis which the hon. Member for Rift Valley suggested himself.

They are not formed in exactly the same way in the Central Province, where there are "Indigenous Elders", as you call them perhaps, but the indigenous elders are not necessarily gentlemen with long white beards at all. They are people of standing in their own areas, and can be quite youngish men as well as older ones. They have been the basis for the location councils in most of the Kikuyu districts. I agree that the development of that kind of thing is just what is wanted, particularly in Kikuyuland.

The hon. Mr. Tameno, the hon. Member for African Interests, said that he did not like the district commissioner having so much authority on the African district council. Well, African district councils vary very much. The Elgeyo District Council, to which he was referring, I should have said was a comparatively backward one. There are a few Elgeyo, I know very well, who live on the top of the escarpment, who are very go-ahead gentlemen, as I know them personally quite well, and some of their members, and a good deal about their occupations; but there is a comparatively large number of people sitting on the African District Councils of the Elgeyo district who are nothing like so advanced as that and, if the hon. gentle-

man says that these members did not like a by-law that was passed, why did they vote for it? Nobody forced them to vote for it. I have sat on a good many African district councils, and I can assure you that not all African district councillors, by a very long chalk, are "Yes" men—the men we heard so much about last night from the hon. Mr. Awori.

Now, Sir, on the matter of Chiefs—that has been dealt with by my hon. friend, the Member for Development, but I would say absolutely firmly, that Chiefs are Government executives, and chiefs are Government executives, they must continue to be Government executives. That, I am sure, is absolutely correct. We do try to get as much local rigour for chiefs as we can. I know support for chiefs was a nebulous and their position is rather a nebulous and official, but who has as much local back-up as you can get now. I do not believe that any system of the election of chiefs, as such, should be followed. What does happen is exactly what has been described here. The people are asked—or the location council are asked, who are, after all, selected practically entirely by their own people, and are able to put their own representatives on their location councils—the people or those representatives are asked or harassed or held and are asked whom they want to have as chiefs, and they put up a number of names; from amongst whom one is selected by the provincial commissioner or district commissioner. And I can describe one delightful performance, if I may, that I had to do as a provincial commissioner myself. I had to put in a chief in the locations not very far from Kisumu, that had recently been divided. After deputations from both sides as to whom they wanted to be put in, I had to take the bull by the horns and put in a chief. If I had not done so, there would have been a very unpleasant battle. I do not believe any election in that sort of situation would have got us any further at all.

MR. ODODO: I am glad that the hon. Member for African Affairs admits that the African chiefs are not elected by the people, which the hon. Mr. Okwiry was trying to make us believe.

THE MEMBER FOR AFRICAN AFFAIRS: If I may reply to that, Sir, the hon. Mr. Ododo entirely misunderstands what the

[The Member for African Affairs] hon. Mr. Okwiry said if he was trying to say that chiefs were elected. The hon. Mr. Okwiry surely said these names were put up and one was selected from a panel. Nobody has said in this Council that chiefs are elected. They are not elected; they are selected from amongst people whose names have been put up by representatives of the location.

Now, Sir, another point has been the question of African assistant officers, this term African assistant administrative officer, which nobody likes very much. We are going into that, hon. Members, and we are going to change the title. (Applause.) I am afraid I cannot say what the title is going to be. No doubt hon. Members will have a lot to say when that title is decided.

MR. HAYLOCK: It may be worse!

THE MEMBER FOR AFRICAN AFFAIRS: It will not be worse. I would like to pay a tribute particularly to three of those African assistant administrative officers, who are now working in the Central Province, who, in this emergency, have really done a magnificent job of work. (Applause.) They really have shown their mettle, and we are all very proud of them.

As to the point raised by the hon. Dr. Hassan yesterday, about their being trained overseas, and so on. Well, I am afraid I am very old fashioned and I have never really understand what this term, social science, means. (Laughter.) I am always told that they want to take social science, or one of those things, but I would far rather they went home and did a course with other administrative officers, than they went and read some; if I dare say so, such rather nebulous subject as social science, and I propose, Mr. Speaker, to try to get one home on the second Devonshire course next year.

MR. HAYLOCK: Oh!

THE MEMBER FOR AFRICAN AFFAIRS: The second Devonshire course is an extremely good course, if I may say so. Not the first; but the second Devonshire course. It is a course where we send selected administrative officers to, at the end of their first year. It is a very good course indeed.

There is one point upon which I would like to say how very much I agree with my hon. friend Mr. Odoko. He referred to the work of *millenars* and "Law Elders", or what have you, in different parts of the country. Their work is most valuable, and I deplore, as much as he does, the fact that their work goes unpaid. I propose to take that up with my friend the hon. Member for Finance. (Applause.)

The hon. Member for Mount Kenya asked me a very pertinent question yesterday. He asked what was to be done with *Mau Mau* suspects who had been released. Well, Sir, there are a good many *Mau Mau* suspects, whether they have been released or whether they have not been released. I should suggest that *Mau Mau* suspects on farms and so on should be asked to take a cleansing oath—made to take a cleansing oath, which will, at least, give you some idea on what the nature of their minds and intentions are. I should also suggest a very close eye be kept upon *Mau Mau* suspects. This, I entirely appreciate, is a very unsatisfactory answer, but keeping a close eye on them is about as much as I can say. If a man is charged with being a *Mau Mau* offender, and he is found not guilty, there you are, he has been through the courts, he is free, he has been not proven to have been guilty. I know that some of those people are highly suspected afterwards. Another point, Sir, made by a large number of hon. Members yesterday, was that the action taken by the Kikuyus of Laikipia—

Mrs. SHAW: Mr. Speaker, on a point of information, would the hon. Member tell me if such *Mau Mau* suspects have been arrested and subsequently released because of insufficient evidence, although they have been found in possession of *Mau Mau* literature and have behaved in a suspicious manner; supposing they live outside Kikuyuland, in a prohibited area such as Nyanza, would it be possible to cancel their squatter contracts, especially if the police thought it was advisable—if they were on farms run by women only—would it be possible to cancel their squatter contracts and send them back to Kikuyuland?

THE MEMBER FOR AFRICAN AFFAIRS: That is a legal question on which the best advice I could give to the hon. Member is to go to the district commissioner, who would study the law and find out just what could be done in a situation like that. I should have said that a man fails to carry out a lawful order as a squatter, his contract can be terminated.

MR. HAYLOCK: You want to send them back to Kiambu, do you? (Laughter.)

THE MEMBER FOR AFRICAN AFFAIRS: I would say this, about this sending them back to Kiambu, or whatever it is. It is not an easy question, certainly there should be no witch-hunt in this performance.

MR. BLUNDELL: I would like to take up the point the hon. Member has made in answering the hon. Member for Nyanza. I believe that, to answer that the person concerned should go to the district commissioner, etc., etc., is all wrong. Clear-cut, incisive instructions on this matter need to be issued by the hon. Member to the district commissioners. It is not a local problem, this is a problem affecting the whole country, it should come from the hon. Member.

Mrs. SHAW: The point was that Nyanza is now a prohibited area for Kikuyu—fresh Kikuyu coming into Nyanza. If those that are there have not got a good conduct record I understood that they, likewise, could be returned.

THE MEMBER FOR AFRICAN AFFAIRS: Whether this a matter for the Member for African Affairs, or whether this is a matter for the Member for Law and Order, no doubt we shall sort it out, and no doubt, if there is any doubt upon this matter, which I do not think there is, in the minds of the district commissioners, they have the law in front of them to do it, and I do not think there is any doubt, but if I am asked technical questions in that sort of way, I really must either look up the law and try and give you a proper decision, or advise you to go to somebody who has it there in front of him.

THE SPEAKER: Hon. Members have asked for a policy debate, and I do not think that they are entitled to raise these

detailed questions in a policy debate. It is placing the hon. Member under a great difficulty in making his reply which, no doubt, is very cunning, and so forth, but is not quite in order. (Hear, hear.)

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, about the movement of the Kikuyu from Laikipia, first of all: I would say that the movement was necessary because they had six crimes in that area fairly recently, of which four were in that particular ward, and those crimes culminated in this appalling business last Sunday, that we all know about, and something really drastic had to be done, because it was well appreciated that squatters on the farms knew what was going on—nearly every incident followed a pattern, which shows that there was, what you would call, inside information, on the subject, and it was necessary for drastic action to be taken.

Now, the action that has been taken, I know, very drastic and I know that to some people, a few will suffer. The figures, as far as I know, and I cannot give really complete ones, are something like 3,500 people. They are divided between Nyeri, Kiambu and Fort Hall districts almost entirely. I do not know exactly how many yet come from each district, because they are now being screened up at Thompson's Falls and are being divided into their districts, and details are being discovered about where they come from and how long ago they left their districts. All that has got to be done before they can be sent back.

When they are sent back to their districts they are going to be sent in comparatively small batches, so that they can be dealt with as they come along, and those who have left their districts most recently, will be the first ones to be sent back to those districts. I hope I have made myself clear.

Reception camps will have to be built—I have just been talking to the Provincial Commissioner just before we started this morning. Reception camps will have to be built for those who cannot be immediately accommodated with their relations, and it is also making inquiries for a Kikuyu settlement area elsewhere.

[The Member for African Affairs:] Now, I know that that is a matter—I can see my hon. friend, the Member for Kiambu, takes that very seriously. Now, gentlemen, I do say this. We cannot have both ways. We cannot say first of all, that drastic action must be taken—as soon as the Government takes drastic action, well, you should not have taken it, you ought to have done something else.

MR. BLUNDELL: We never said that.

THE MEMBER FOR AFRICAN AFFAIRS: There was a good deal of inference to that effect.

MR. BLUNDELL: I did ask the hon. Member to give us his policy on the matter, and perhaps, as he is doing so, and I spoke about it, would he outline to the Council whether he has considered the bracken area in the Kikuyu country above Fort Hall.

THE MEMBER FOR AFRICAN AFFAIRS: Yes, I have given consideration to those areas and above Nyeri, where I think there is more room probably than there is above Fort Hall. Those particular areas have got to be looked at by the district commissioners and they are going to try and fit in as many as they possibly can, but there may be, as I think one of the Hebrew prophets said, "a residue may remain". Something has got to be done with them. I think we may have to find a Kikuyu settlement area.

MR. HAVELOCK: On that particular point, would the hon. Member please take note that there is no objection to another settlement area, but there can be no—please do not allow any idea that land is being given to these people because they have made a nuisance of themselves in some particular area. [Hear, hear.] I suggest to the hon. Member, that if a settlement area is to be found for these people, they should be settled on it at their own cost, or something of that sort. It cannot be just a free gift from heaven.

THE MEMBER FOR AFRICAN AFFAIRS: Thank you.

THE SPEAKER: It is just on eleven o'clock. Council will suspend business for fifteen minutes.

Council rose at eleven o'clock and, and resumed at fifteen minutes past eleven o'clock a.m.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, on the matter of the Laikipia movement and the movement of these Kikuyu back to their reserves. I want to make it clear that anything in the way of a settlement area is purely under investigation, no sort of decision has been taken in the matter, and I would like to make it quite clear that as a sort of decision should or can be taken in the matter until, not only my colleagues, but other Members have had full discussions on the matter.

MR. MACONOCHE-WELWOOD: I would like to say something here of vital importance, it is that these people should not be given extra land, on any terms whatever, because if that is done, not only will it be in the sense of a reward for ill-behaviour, but it will destroy the one thing we are aiming at, to destroy the idea in the minds of all Africans here that subsistence agriculture is the only way of life. There is another way in which this matter, as in other countries, where there is unemployment, can be done. It can be done by Government putting people in places where there is vital communal work to be done. They should do that work for a wage which will enable them to keep their families. In that way they will not expect to continue with subsistence agriculture and after they have been moved they will be of use to the country, and to some extent it will be a punitive measure.

MR. BLUNDELL: Mr. Speaker—

THE SPEAKER: I do not think this is in order. The hon. Member opposite is entitled, at once, to resume his speech. After he is on his feet again, then if you can get him to give way, you may be allowed to speak.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, I am very grateful to the hon. Member for Uasin Gishu for the suggestion he has made. I can assure the hon. Member that Members will bring into consideration suggestions from hon. Members on the opposite side of the Council. This is an extremely difficult problem and the more heads we put together to solve it, the better.

MR. BLUNDELL: Providing there is something in the heads!

THE MEMBER FOR AFRICAN AFFAIRS: Providing there is something in the heads! I know that we are all very busy ones at this moment, and I do not want to take up the time of Council any further. I would, merely, beg to move.

The question was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Consideration read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Horne in the Chair]

Vote 2-2—Administration

THE MEMBER FOR DEVELOPMENT: I beg to move that consideration in Committee of Vote 2-2—Administration, be postponed.

THE MEMBER FOR AFRICAN AFFAIRS seconded.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

Vote 2-3—African Information Services

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Speaker, I have not got very much to say in the policy debate on this Head. Additional provision has been made in Supplementary Estimates a month or two ago for enabling the Information Services to produce, particularly, more written material and to increase their hours of broadcasting. That they did, to the tune that they now have a programme of two hours a day in Kikuyu and an hour and a half a day in Swahili. They hope—if staff permits, to put on a Sunday programme in Kikuyu or Swahili. That, I think, will be a very useful thing, particularly under the circumstances now obtaining.

The work of information has been carried a good deal as regards films and film strips, because it is quite apparent that where the areas concerned have a surplus put upon them, you can do very

little with cinema vans, so cinema work is being confined to other provinces other than the Central Province.

The importance of propaganda, particularly now, but also—at all times, I think, has been possibly under-estimated and the Information Office itself has only managed to get its full complement of staff very recently. I am, personally, of the opinion that we will have to look for a Director of Information, possibly in the fairly near future, who can really direct this business and give it his full, undivided attention. Notice of that policy was given by my hon. friend the Member for Development in the last few days.

The staff has been upgraded in salary considerably in these new Estimates we have before us because we cannot get the men for these jobs unless we pay them properly, and in my humble opinion they have been really badly treated and underpaid in the past. We have tried to make amends in this year's Estimate.

I would like to pay a tribute here to the work of the Information Services, and particularly to the Executive Officer, in the work he has done during the Emergency, dealing as best he can with the over-press in addition to his duties with African information, and he has carried it out, I know, extremely well.

I think, Sir, I will not say any more at this juncture, but will try to reply to the questions asked by hon. Members opposite.

MR. HARRIS: Mr. Speaker, Sir, I would like to tell the hon. Member that I welcome the suggestion that a well-paid director should be appointed, because in this Council this week we have heard a lot about intelligence and a lot about propaganda, and I do feel that there is a great demand in this country at the present time for intelligent propaganda. By that I mean that when the department in charge of the Swahili broadcast, it was instructed, Sir, to call the Swahili speaking people together with such tunes as "All ways lead the other one was 'dise' and I think the other one was 'dise' and I think I always shoot straight", (laughter.) It is not a very good way, Sir, of introducing African broadcasts an actual news.

(Mr. Harris)

There is just one other short point, Sir, and this is, whilst I would always wish that the Central Government should not impinge on the activities of local government, I would suggest that when this top-notch director is appointed, he might do well to consider the type of films that are being shown in the African locations in Nairobi at the present time. It is perhaps significant, Sir, that shortly before the murder of Senior Chief Waruhlu, a film was shown in Pumwani, the main feature of which was a murder very similar to that which subsequently befell the Senior Chief, and I feel, Sir, that this emphasis on cowboys and Indians and thugs is not a very good educational value in Kenya at the present time. (Hear, hear.) I would ask the hon. Member to bring a note accordingly.

GROUP-CAPT. DAVID G. MR. SPEAKER, Sir, I would like to support what the hon. Member for Nairobi South has said with regard to the work of the film units, but from rather a different angle. I have seen the African Film Unit working in the country, admittedly, only on two occasions, but as I understand from the hon. Member opposite, work has been curtailed in the Central Province recently, but the only films I have seen have been ones dealing with agricultural matters, one I remember very clearly was a very nice technical one, one which gave very clearly indication as to which end of the cow-to-milk, but it did not have any particular value, apart from that, and it certainly had no value in regard to the spreading of propaganda, which we hope might lead to better citizenship, and I do feel that something more on those lines is needed. If the new Director can get the right sort of films, and have them shown as widely as possible, I believe the propaganda effect would be tremendous.

MR. MATIU: Mr. Speaker, I should like to support the points raised by my hon. friend the Member for Nairobi South; it is not very often we agree, but I think I agree entirely with him as far as the film question is concerned, and similarly the point raised by the hon. Member for Mount Kenya.

Following on the point raised by my hon. friend the Member for Nairobi South, with regard to intelligent pro-

paganda, I should like, Sir, to mention to my hon. friend the Member for African Affairs that the technique of the propaganda which has been successful in Europe among the Germans, and the Italians, and the British, may not be the technique that will be required to be successful among the Kikuyu, or among the Luo, for that matter, and I do feel, Sir, that there has been disregard of that fact. I am not in the least suggesting that the Information Office knows very little about African psychology, but I am suggesting that they have not convinced me that they understand how to approach the African when putting across propaganda is concerned, a matter which is of vital importance to the country. I listen to the Kikuyu broadcasts, and sometimes I switch off, Mr. Speaker, I switch off, because of the way that I, as a Kikuyu, am being approached over the radio by the Information Office. It is a language I do not understand, although it is being put over in Kikuyu.

I should like to suggest that when this top-notch director is appointed that he will be either a Kikuyu or a Luo—he should at any rate have an advisory committee composed of Africans who can at least advise him on how to approach the African mind; I think there is a tremendous danger in that. Mr. Speaker, I say this without any bitterness, or ill will towards the Information Office; because I am desirous that this information should be the best and the most successful possible, particularly during our present time, and I say, Sir, that it is absolutely essential, of course, that the Information Office should release the everyday happenings of all types of crime, it is absolutely essential. But I say—now that they have increased the time from half an hour, I think, to an hour—they could divide their work so that stuff they put across the radio should be—the positive end, perhaps, first, the negative second, in order to impress on the people that it is not only crime that is being committed, there are other things that are going on at the same time, and that is, I think, the danger; and I appreciate, for example, the newspapers I read to-day, have not given anything positive—they are all negative—all their headings are of crimes committed. They must do that, I suppose, because they take money. But the Government Press Office

(Mr. Mathu) ✓
I do not want to make money, they want to impress on the African community that certain things are wrong, and certain things are right. That is the difference between the ordinary Press and the Government machine, like the Information Services. I therefore suggest that this matter these days should be looked into very carefully. When the Information Office puts across through the broadcasts or the radio—I suggest—and my hon. friend knows, we have been in his office for hours together, discussing these matters—I have made very constructive suggestions. I suggest that if they are on the economic field, if they are talking about land hunger, or what you will, I would like the Information Office—I may not be daily, but occasionally—to broadcast to the people that a Mr. "X" has been more successful on a farm of five acres in producing maize than another man has on ten acres, because he has cultivated the land better than the other man. Now, I should like to see that visually, also in a newspaper, and on the screen. But they hardly do that. I cannot see why they should not be able to do that at all. Similarly, they can put across someone who is looking after cattle—he has got two good cows, and another man has ten scraggy cows—he gets ten gallons of milk a day out of his good cows, while the other man, perhaps, only gets one pint! That is a thing that Africans would wish to know, that is a thing which would encourage them. When this man is talking about soil conservation, soil erosion, let him give the positive side to these people—that is what we want. I think the Information Office has not been as emphatic on that line as I should require.

Similarly, I should say that in a Government department like the Agricultural Department, for example, there may have been an African agricultural officer who has served that department for 20 years. Let us know his life history, and let us hear how he has served faithfully in that department; all we hear is "Mr. Kamau only works for two days for Mr. Harris, three days for Mr. 'X'—he is unreliable." That is the type of stuff we get.

Similarly, I could go to the Public Works Department and say to my hon.

friend, the Director of Public Works, "Now have you got an African artisan, a driver, who has been working for you for 20 years; how successful has he been—first class?" Let the Information Office tell us about that.

Also, in the Railway Workshops, it is the same. Surely there is some work being done there by mechanics, engineers, etc. What do we know about that? Very little. That, I think, is a department in which the Information Services could do this country a tremendous service. Well, I can give a lot of examples, Sir. I gave one or two to give a cross-section of the sort of thing I feel the Information Services should do.

Another aspect of it, Sir, is that being a multi-racial society, as we are, although we call it the African Information Services, I should like the Information Services to bring out occasionally the friendly relationships that sometimes come across in our social life in the country to-day—there is a gathering of some Europeans, some Asians, some Africans, over a cup of tea, or what you will, discussing a subject in a very friendly manner. Do we hear about that? I do not think we do.

Now, there is a Mr. "X", a European, who has a servant for many years as a boy and a houseboy, and he has served this master very faithfully—I want that brought up—from the bottom—from the lowest class to the highest class.

Before I finish with the relationship between the communities, and how the Information Service can help us, I should like to mention this: I know as a fact that in Kikuyuland, one European in Kikuyuland, works with the Kikuyu, on his farm, and the Kikuyu who come to work for him, casually, every day or every week, or something like that, and the relationship between these people and this European is "number one". If the Information Office want to get details later, if they do, I will give them details. This farmer gets assistance from the people, and he gives them assistance, and in this particular case he produced a calf to an African friend of his next door, and that calf later on went on until it has made that African farmer a first-class farmer in the way of looking after cattle, and in producing maize

[Mr. Mathu] for his small *shamba*, and so on. Can you have a better example for economic co-operation of the races than that? Surely that is the stuff, I submit, that the Member for African Affairs should take pains to see that we should know. All this of the laziness of the African, because the output is low, and all that kind of thing, that does not help us at all, Mr. Speaker, and before I sit down, I should like to say that, summing it up, that I should like the Information Services to be used more on the positive angle, whether it is through the publications that they produce, or through the films that they produce, or through the radio. As far as the films are concerned, I should like to emphasize that instead of seeing how the Eskimo farmer produces whatever he produces—the reindeer, or whatever it is—I want to see how the people here produce coffee. Let us be localized, because the people whom we are dealing with do not know what Alaska is. But they will know what it is about if you are treating a matter, a subject which is local. That is the sort of thing that encourages the African people, if they know a person has been successful in a particular economic field, or any other field, locally. We do not want to hear about America or Japan, for that matter, and I would like them to concentrate on the positive end, and make the Information Service worth the money that we spend on it.

Now, one final word. Two or three years ago, Mr. Speaker, I criticized the Information Service in regard to staff, and particularly as it affected the Africans, and I said in those days that the Information Service did not give them an opportunity for self-expression. Now, I want to thank my hon. friend the Member for African Affairs, because since then, I think there has been a tremendous improvement, and the vans in particular have been manned almost entirely by the African staff, and I should like to hear what he says about them in his reply, if they have been successful. I think they deserve to be given more responsibility in the African Information Service. Similarly, the reading of the scripts was in those days, I think, done by people other than Africans—writing scripts, I mean, but now my information is that more and more

of that work has been placed in the hands of the African. I think that is a point in the right direction.

I would like, therefore, to suggest that the staff, the African staff in particular, should be encouraged as I say, by being given more responsibility, and being asked to give suggestions as to how to improve the work in that department.

Mr. Speaker, I beg to support.

COLONEL GROGAN: Mr. Speaker, I find myself in complete accord with my hon. friend, Mr. Mathu, and I think there is a general lack of understanding of African psychology. The easiest approach, I think, to the African mind, is through that very acute sense of humour which they share with my race. I have a little experience of this matter because I have intervened, in my part of the world, in a very expensive machine and during the course of these seances—we have a long series of educational films and so on—and after half an hour of these, it always ends up in a loud chorus, "We wait Charlie Chaplin". (Laughter.)

THE SOLICITOR GENERAL: Mr. Speaker, Sir, I only want to make two points. I too am very much in sympathy with what my hon. friend, Mr. Mathu has said. There is one point though, Information, in so far as it is to reach the African, is not the monopoly of the African Information Service. It is a positive duty of every Government officer—(Hear, hear)—every farmer—(Hear, hear)—every person who comes into contact with the Africans in any activity of life. There are hundreds of opportunities daily which are being lost, and they are being lost through a lack of appreciation of the fact that they exist. It is through no indifference to the effect of that form of information and propaganda, but it is just through ignorance that the opportunity exists to pass it on.

The other point I wish to make is that, while the general purpose of an African Information Service is, or should be, directed towards objects such as my hon. friend has described—a general civic education, farming, education; and the like; these services, of course, have a particularly important part to play in our campaign against *Mau Mau*. In particular, these services and everybody else who has the opportunity, must

[The Solicitor General:] and enthusiastically seek to get news that the real, the issue's *Mau Mau* against Society, to ridicule *Mau Mau* and to encourage, by all possible means, an acceptance by the African of the Government case. (Applause.)

Mr. AWOBI: Mr. Speaker, I have got very few observations on this subject. I am not going to be critical, but I shall only suggest what my hon. friend, the Member for African Affairs, could try and implement in this department.

First, I think that the Africans do not get enough news per day. I know that is not of radio. I know that the Information Service has provided a number of radios actually in Nairobi, but outside in the reserves, there is still that lack, except in social centres, Sir. I feel that Government should make more effort, particularly to get these saucerpan radios which are cheap—to provide them in the villages so that more people get to know what is happening.

The second point is that the African Information Service is not making good use of the African leaders to tell, or to send more propaganda to the people. I do not think that anyone on my side—among my colleagues—has been invited, particularly in the recent times, to give a broadcast to the people to tell them the situation in the country, and what they should do. None of us has been invited, and I think the Information Service should have done that.

The other point, Sir, is that we only get news in two dialects, in Kikuyu and Swahili. I feel that the Information Service should have been able to do as it did during the war, or after the war, to provide news in most of the big dialects—in Wakamba, Juhos, Kikuyu, etc. I think it should be done, because it should not be taken for granted that all Africans understand Swahili.

The other point is the question I raised some time ago in this Council, that is regarding African newspapers. I feel these people should co-operate with the Information Services and, if possible, I think that the Government should try to train African editors. As I said before, I am not going to repeat what I said, but African leaders are inexperienced in newspaper work, and of course, that is

a work we are trying to render in informing the people, but if they have to do it in a stupid manner, I think we shall not be achieving anything. I feel, Sir, that Government should try to give more bursaries, or at least some help, to see that responsible Africans, who can be trained as editors, should go overseas as is done in West Africa, to learn in the field of newspaper work—to co-operate with the information services in this work. In Nigeria the Information Service, which provides a newspaper, I think, monthly, is not bad. The views given in that paper are the views of Government, it is doing a great service to this country. I feel if we could have a paper of this sort, it would be helping a great deal instead of having only news letters published in different districts giving Government's outlook on the subject.

The other point, and most of what I should say has been mentioned by my colleague too, Mr. Mathu, is about giving the positive side to the country. The other day an African friend of mine showed me a letter from his department. He had been appointed to a big responsibility, if he continues like that—we would like that sort of publicity given to the Africans so that they know that Government is doing something for them, and that Government understands that those people who have got responsibility in them, can be promoted to a higher salary. If such information went round the country, people would realize that the policy of Government is not going to depend upon the colour of a person but upon his experience and his responsibility.

LADY SUAW: Mr. Speaker, it just occurs to me, as I sit and listen to this debate, that there is one point which has not been mentioned in the duties of the Information office or information service, and that is, the putting across to the public of the enormous amount of solid achievement in Government work and the immense amount of money that has been spent on African agriculture, African medical services and African education, as well as the efforts which are being made by local district councils, being made by local district councils and local government, both African and European.

I think it is most important, not only for the African himself, but for the

[Lady Shaw] world at large, to know the vast increases of money which have been spent on services directly to the benefit of Africans, and one of the most remarkable of all is the vast increase in what is being spent on African education. Now, I think it is extremely important that not only the African but the European world overseas should know that, and it should be known by the world at large, that the money paid in taxation in this country—indirect and direct—by Africans, is being returned unto them well and truly. I think it is highly important that Africans should know that. (Applause.)

MR. TAMENO: Mr. Speaker, Sir, I would like to ask the hon. Member for African Affairs, whether it would be possible to increase the number of visits which the mobile cinema units pay to certain areas, rather remote areas like Samburu, Suk and Masai, because usually they go about once a year. Sometimes never at all.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, I will endeavour to deal with the points that have been raised by hon. Members.

The first point was raised by my hon. friend the Member for Nairobi South, who referred to the films that were being shown in the African locations in Nairobi. Those films, I would say at once, are not made by the African Information Services, and I think have nothing whatever to do with the African Information Services. I entirely agree that those sort of films are most undesirable and I will go into the matter as to the kind of films that are being shown there.

On the subject of films, the hon. Member for Mount Kenya and the hon. Member for Nairobi West also talked about the nature of the films that should be shown. As regards loyalty and citizenship, and so on, I would refer to the quite excellent film that was taken by the African Information Services here when the present Queen came here, and that film is being shown all over the place. I am glad to say also that a copy has been sent to Her Majesty. It was quite an excellent film.

On the lighter subject, Charlie Chaplin, we have one or two extremely good African comedians and I hope that hon. Members opposite will have a chance of seeing some of the films made by those African comedians, which, I can assure them, are most enjoyable and very amusing. I think we made about four last year, and they are very good value. They may not be quite Charlie, but they are very near it.

I should like to thank, Sir, the hon. Mr. Mathu for the positive and constructive remarks he made about the type of information that should be given and the positive kind of propaganda that should be put over. I had long discussions with him on that subject, as he said, and I had discussions with the Information Services afterwards on those points he had raised. Now, one of the difficulties of doing what he has suggested—and a good deal of it has been done for some year, I personally was responsible for a good deal of it is about 1944 or 1945, when successful Africans were photographed and were brought to the broadcasting station last so on—one of the difficulties nowadays, and particularly within the last six months, is that that they are frightened to come to the microphone, and sometimes with good reason. That, I hope, is a situation which will pass, and pass quickly, but it has had a very definite effect on our ability to get these successful men and bring them along and publicize them. A good deal of work has been done in a paper called *Topsy*. Hon. Members may have seen something on that particular line from time to time. We have been told also that we should make films showing the advantages of having good stock. I would suggest that hon. Members should see a very good film made by the African Information Services on clearing bracken and the making of pastures, which certainly shows the excellent results of clearing ground, planting grass, getting decent stock and increasing your milk supply.

As regards this matter of being frightened to come to the microphone, the Information Services have also lost, through fear, quite a number of their African staff, and a number who are still there have been threatened in the

[The Member for African Affairs] particular emergency we are going through now. I should like to pay a tribute to those who have stuck to their posts despite these threats.

The hon. Mr. Awori asked for radios in Nyanza. That is a plea that is often put in. I think hon. Members will remember that when the report was made upon the African Information Services one of the recommendations was that we should concentrate on Nairobi and its environments and places close to it. Well, we have done that. I think I am right in saying we have 243 public receiving sets out, the majority of those are in Nairobi and in the Kikuyu districts, and I admit that we have with us quite a number from Nyanza; but it is extraordinary, in this matter of broadcasting, the completely contradictory reports that you get. You are told one moment that nobody can hear anything in Nyanza, and anyhow, they do so want to. You take their receiving sets away, and you get a scream saying, "Please, we want our receiving sets back again". Sometimes they say: "The reception is bad, take the receiving sets back". Then when we take them away, they say: "Oh dear, we cannot do without our receiving set".

On the subject of broadcasting in other languages than Kikuyu and Sehilli, that is a matter largely of expense and, to some extent, the time that is available on the transmitters. We will go into that, but I would warn hon. Members that it means more expense.

On the subject of African psychology and the bad way we apparently put things across in the Information Services well, now a year or two ago the hon. Mr. Mathu and the hon. Mr. Othman asked for more Africans in the Information Services so that we should get this approach to the psychological question right. Well, we have, as the hon. Mr. Mathu has noted, put up the number of Africans in the Information Services very considerably, and as he will now see, we have now a senior broadcast producer and two other broadcast producers, and I know that the Africans play a very big part in the production and, of course, the actual announcement of the programmes and the writing of

scripts. I am sorry that we still seem to fail to get the right psychological approach.

As regards the African editors of newspapers and the help that is required for them, I would, if I may, remind hon. Members that it was only a year ago that we abolished a press officer who was doing a lot of work in that respect, and this work is now being carried on, with his other multifarious duties, by the Executive Officer of the African Information Service. A lot of encouragement and help is also given to the various papers produced by the African Vernacular Press Company.

The hon. and gracious Member for Ukamba has said how necessary it was for us to put across information about what the Government was doing and had done for Africans. I would refer the hon. and gracious lady to a series of booklets called *Serkali-Inkaswadila*, which means "The Government Heaps You". That covers education, agriculture, health and all kinds of services, giving a lot of figures, illustrations and so forth, and I think they are very good. I quite agree with the hon. Member when she said that a lot of that kind of information should also go overseas. I could not agree with her more.

The hon. Member for African Interests, Mr. Tameno, asked for more visits from the mobile cinema vans, through the outlying districts. We have, Sir, eight of these vans only to cover the whole country and it is very difficult to get them more frequently to these areas; if you want more frequent visits it means more vans and more money.

With regard to the other point made by the hon. Mr. Mathu, about the Africans in charge of those vans, some have done very well and some have done so well, I would not like to generalize on them.

Mr. Speaker, I think I have dealt with all the points that have been raised.

I beg to move.

The question that Mr. Speaker do now leave the Chair was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Horne in the Chair]

THE CHAIRMAN: In order to economize in time, I am proposing each post in order. If any Member wishes to ask anything about them they are to rise at once. If nobody rises I shall immediately put the question that the sum be granted.

Vote 1-1—The Governor

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £34,115 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 1-1—The Governor.

The question was put and carried.

Vote 1-2—Judicial Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £161,590 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 1-2—Judicial Department.

The question was put and carried.

Vote 1-3—Legislative Council

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £43,730 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 1-3—Legislative Council.

The question was put and carried.

Vote 1-4—Audit Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £72,419 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 1-4—Audit Department.

The question was put and carried.

Vote 2-1—Office of the Chief Secretary and the Member for Development

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £50,786 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 2-1—Office of the Chief Secretary and the Member for Development.

The question was put and carried.

Vote 2-2—Administration

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £981,989 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 2-2—Administration.

The question was put and carried.

Vote 2-3—African Information Series

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £58,731 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 2-3—African Information Services.

The question was put and carried.

Vote 2-4—Public Works Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £651,250 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 2-4—Public Works Department.

The question was put and carried.

Vote 2-5—Public Works Revenue

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £1,080,485 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 2-5—Public Works Revenue.

The question was put and carried.

Vote 2-6—Public Works Non-Revenue

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £81,185 be granted to the

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £136,870 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 2-6—Public Works Non-Recurrent.

The question was put and carried.

Vote 2-7—Office of the Member for African Affairs

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £13,120 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 2-7—Office of the Member for African Affairs.

The question was put and carried.

Vote 2-8—Registrar of Co-operative Societies

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £15,402 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 2-8—Registrar of Co-operative Societies.

The question was put and carried.

Vote 2-9—Miscellaneous Services

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £15,670 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 2-9—Miscellaneous Services.

The question was put and carried.

Vote 4-1—Office of the Member for Finance

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £3,555 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 4-1—Office of the Member for Finance.

The question was put and carried.

Vote 4-2—The Treasury

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £136,870 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 4-2—The Treasury.

The question was put and carried.

Vote 4-3—Inland Revenue Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £70,375 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 4-3—Inland Revenue Department.

The question was put and carried.

Vote 4-4—Miscellaneous Services

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £2,455,417 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 4-4—Miscellaneous Services.

The question was put and carried.

Vote 4-5—Pensions and Gratuities

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £771,300 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 4-5—Pensions and Gratuities.

The question was put and carried.

Vote 4-6—Public Debt

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £844,609 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 4-6—Public Debt.

The question was put and carried.

Vote 4-7—Raid and Interest to H.H. the Sultan of Zanzibar

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £16,000 be granted to the

[The Chairman]—
Governor. *46* defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 4—7—Rent and Interest to H.H. the Sultan of Zanzibar.

The question was put and carried.

Vote 4—8—Price Control Office

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £38,771 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 4—8—Price Control Office.

The question was put and carried.

Vote 4—9—Loans from Revenue

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £254,000 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 4—9—Loans from Revenue.

The question was put and carried.

Vote 5—1—Office of the Member for Agriculture, Animal Husbandry and Natural Resources

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £18,400 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 5—1—Office of the Member for Agriculture, Animal Husbandry and Natural Resources.

The question was put and carried.

Vote 5—2—Services under the Member for Agriculture, Animal Husbandry and Natural Resources

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £108,110 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 5—2—Services under the Member for Agriculture, Animal Husbandry and Natural Resources.

The question was put and carried.

Vote 5—3—Agricultural Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £572,209 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 5—3—Agricultural Department.

The question was put and carried.

Vote 5—4—Forest Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £245,370 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 5—4—Forest Department.

The question was put and carried.

Vote 5—5—Game Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £73,734 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 5—5—Game Department.

The question was put and carried.

Vote 5—6—Veterinary Services

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £448,527 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 5—6—Veterinary Services.

The question was put and carried.

Vote 5—7—Miscellaneous Services

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £78,635 be granted to the Governor to defray the charges which will come in course of payment for the year ending 31st December, 1953, for Vote 5—7—Miscellaneous Services.

The question was put and carried.

THE CHAIRMAN: It is time to interrupt business and to report progress and I, therefore, leave the Chair.

REPORTS

THE SPEAKER: I have to report that the Committee of Supply has considered the Votes 1, 2, 4 and 5 and have passed the necessary financial resolutions.

The resolutions were accordingly read by the Clerk.

THE MEMBER FOR FINANCE: I beg to move that the Council doth agree with the Committee in the said Resolutions.

THE MEMBER FOR DEVELOPMENT seconded.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Speaker, with your permission, Sir, and with the leave of the Council, I would like to give notice of the Motion it is intended to move in due course.

MR. SPEAKER: By all means.

THE MEMBER FOR FINANCE: I beg to give notice of the following Motion:—

(i) That subject to the provisions of an Ordinance entitled 'An Ordinance to Amend the Estate Duty Ordinance' and published in the Official Gazette on the 11th November, 1952, where the principal value of an estate does not exceed £5,000 it shall be exempt from estate duty and where the principal value of an estate exceeds £5,000 and does not exceed £10,000 the rate of duty shall be 2 per cent.

(ii) That subject to the provisions of an Ordinance entitled 'An Ordinance to Amend the Dangerous Petroleum Tax Ordinance' and published in the Official Gazette on the 18th November, 1952, aviation spirit and similar fuels ordinarily used in aircraft engines and imported for such use shall be exempt from consumption tax.

(iii) That subject to the provisions of an Ordinance entitled 'An Ordinance to Amend the Customs Tariff Ordinance' and published in the Official Gazette on the 29th October, 1952, grease, axle and lubricating, to be subject to a duty of 10 cents per pound, aviation spirit and similar fuels

normally used for aircraft engines and imported for such use be free of duty, motor spirits ordinarily used as such be subject to a duty per imperial gallon of 50 cents and oils lubricating not including castor oil be subject to a duty of 60 cents per imperial gallon.

(iv) That subject to the provisions of an Ordinance entitled 'An Ordinance to Amend the Traffic Ordinance' and published in the Official Gazette on the 11th November, 1952, the fees for vehicle licences for motor vehicles with pneumatic tyres be increased to Sh. 20 for every additional 250 lb. or part thereof, in excess of 1,500 lb. tare weight.

THE SPEAKER: Council will now stand adjourned until 10 a.m. on Wednesday morning next.

ADJOURNMENT

Council rose at thirty minutes past Twelve o'clock p.m.

Wednesday, 3rd December, 1952.

The Council met at five minutes past Ten o'clock.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following papers were laid on the Table:—

The Development and Reconstruction Authority Quarterly Report for the period 1st July to 30th September, 1952.

(BY THE MEMBER FOR DEVELOPMENT)

Supplementary Estimates of Expenditure No. 7 of 1952.

(BY THE MEMBER FOR FINANCE)

The Community Development Organization Annual Report, 1951.

(BY THE MEMBER FOR AFRICAN AFFAIRS)

Government White Paper No. 1 of 1952—The Report entitled "An Economic Survey of Forestry in Kenya and Recommendations concerning a Forest Commission" (known as "The Hiley Report").

(BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, in laying this White Paper I would give hon. Members opposite the assurance that Government will present an opportunity for a discussion on this Paper at a convenient time in the future.

The Review of Kenya Fisheries, 1951.
(BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES)

ORAL NOTICES OF MOTION

MR. MACONOGHIE-WELWOOD: Mr. Speaker, I beg to give notice of the following Motion:—

"THAT THIS COUNCIL RESOLVES that the Kenya Veterinary Laboratories shall continue, as at present, the preparation and sale of biologicals."

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to give notice of the following Motion:—

"Be it resolved that a sum of £750,000 be allocated to meet expenditure arising from the State of Emergency."

ORAL ANSWERS TO QUESTIONS

QUESTION No. 58

MR. GIKONYO:

Will the Government please state when compulsory primary education will be introduced for African children in Nairobi and other big centres in Kenya?

THE MEMBER FOR EDUCATION AND LABOUR: It is the intention of the Government to introduce compulsory education for Africans in the large urban areas as soon as it is practicable. It will, however, be some years before this intention can be implemented, for the following reasons.

First, there is the problem of accommodation. The Government has embarked on a very large programme for the extension of African educational services, and the buildings which would be required before compulsory education could be introduced in urban areas could only be provided by the curtailment of much-needed educational development elsewhere.

Secondly, there is the problem of teachers. The Government's present teacher-training scheme is rapidly reaching its full output; but there is a large back-log of untrained teachers to be replaced by trained teachers, and sufficient teachers to meet the needs of compulsory education in the towns could not be provided except at the expense of failing to meet the essential needs of other areas.

Thirdly, the housing shortage in most urban areas is very severe. The Government could not bring a large number of teachers into the towns without providing them with adequate accommodation, and sufficient living quarters can only be constructed gradually.

Lastly, if compulsory education were introduced in the urban areas, it is likely that African fathers working in the towns, who at present leave their children and families in the Reserves, would tend to bring their children into the towns to take advantage of the compulsory schooling. This would apply especially in the case of children whose academic standard is too low to enable them in rural areas to gain admission to Standard V in an intermediate school. There would be a steady movement of

(The Member for Education and Labour): children into the towns which would aggravate the already serious social problems connected with the welfare of people in urban areas.

QUESTION No. 59

MR. GIKONYO:

Will the Government please state how many Europeans, Asians and Africans respectively have been arrested and prosecuted under the provisions of the Voluntarily Unemployed Persons Ordinance of 1950?

THE MEMBER FOR EDUCATION AND LABOUR: The Ordinance, No. 39 of 1950, came into force on 1st January, 1951, and has been applied to Nairobi and Mombasa only. In Nairobi up to 1st October, 1952, no Europeans or Asians have been arrested or prosecuted under the Ordinance; 3,769 Africans have been arrested, and 1,516 Africans have been prosecuted.

In regard to Mombasa, the statistics available do not differentiate between persons who are arrested and persons who are dealt with under the Ordinance without being arrested. But from 1st January up to date one European, six Asians, and 1,170 Africans' cases have been handled, and there have been 94 prosecutions, all in respect of Africans.

THE MEMBER FOR DEVELOPMENT: Mr. Speaker, Sir, I beg leave to make the following statement.

I have to announce that the East African Governments have decided, with the approval of the Secretary of State, that a Commission be appointed to review salaries and terms and conditions of service of the civil servants in the East African Territories. The composition of the Commission and its terms of reference will be announced later. (Applause.)

MR. SPEAKER, Sir, I beg to move that, under Standing Order No. 168, Standing Orders Nos. 91 and 94 be suspended to the extent necessary to enable any of the Bills set out in the Orders of the Day to be taken through all stages in one day, and also that the Bills be exempted from the operation of Standing Orders Nos. 10 and 12.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: seconded.

The question was put and carried.

BILLS

FIRST READING

The Export Duty (Amendment) Bill—(The Member for Finance)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-day.

The Hotels (Amendment) Bill—(The Member for Commerce and Industry)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-day.

The Hotels (Control of Tariffs and Accommodation) (Temporary Provisions) Bill—(The Member for Commerce and Industry)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-day.

The Pensions (Increase) (Amendment) Bill—(The Assistant Financial Secretary)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-day.

The Reinstatement in Civil Employment Bill—(The Member for Education and Labour)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-day.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Horns in the Chair]

Vote 6—Office of the Member for Education and Labour

THE CHAIRMAN:

It is resolved that a sum not exceeding £14,590 be granted to the Governor to defray the charge which will come in course of payment for the year ending 31st December, 1953, for Vote 6—Office of the Member for Education and Labour.

THE CHAIRMAN: I understood there was to be no debate, that is why I put the question. As you were not here the other day, as soon as the Clerk calls the Vote, any Member wishing to speak should rise at once.

MR. MATHEU: It is only a question I want to ask the Member for Education

[Mr. Mathu] and Labour, under Personal Emoluments, Sir, in regard to the African Education Officer, and the six African Assistant Education Officers. I want to know whether these posts have been filled at all, Sir.

THE CHAIRMAN: But that is under Vote 6-4, Mr. Mathu.

MR. MATHU: I beg your pardon.

The question was put and carried.

Vote 6-2—Labour Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £162,110 be granted to the Governor to defray the charge which will come in course of payment for the year ending 31st December, 1953, for Vote 6-2—Labour Department.

The question was put and carried.

Vote 6-3—Coast Agency

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £15,970 be granted to the Governor to defray the charge which will come in course of payment for the year ending 31st December, 1953, for Vote 6-3—Coast Agency.

The question was put and carried.

MR. HAVELOCK: I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORT OF COMMITTEE OF SUPPLY

THE SPEAKER: As Chairman, I have to report that Committee of Supply have considered Votes 6-1, 6-2 and 6-3.

THE MEMBER FOR FINANCE: I beg to move that the Council do agree with the Committee in the said Resolution.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

The question was put and carried.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that Mr. Speaker do leave the Chair.

Sir, the object of this Resolution is not to enable me to make a policy speech on the Head, Education, because, as you

know, Sir, it has been agreed by both sides of the Council that we shall not have policy speeches in order to save time, but I understand that it is the wish of Members on the other side to raise certain points connected firstly with educational fees, and secondly, with certain African posts in the Education Department. Therefore, Sir, I am moving this Motion merely to give Members on the other side an opportunity of raising those points.

THE MEMBER FOR DEVELOPMENT seconded.

MR. MATHU: Mr. Speaker, I want to raise the question of the African Education Officers in this department. This year, Sir, there has been provided as Education Officer post of a salary of £630 a year, and I should like to know from the hon. Member whether he has got a body to fill that post, if it is not already filled, and if it is not already filled, why it is not already filled? And also, Sir, for the last two or three years there has been provision for three posts in the Education Department for three Assistant Education Officers, and for next year this number has increased to six, which is a very good thing, Sir. But I would like to know whether the Member has filled the three posts which already have been provided in the Estimates for the last two or three years, by African officers in his department, because I think it is very important that, if we provide money in his department, for posts, these posts should be filled and, if my information is correct, I understand that these posts have not been filled and I would like to know the explanation for that.

Further, I understand, it seems to be the policy of his department not to recruit officers for these posts from men who have university degrees, and, if that is the policy, Sir, I suggest that it is a very discouraging one. Because, if we pay money for young men to go and study overseas and graduate, and when they come they are not appointed to these senior posts in the Education Department, but only people without university degrees, it seems to reflect very badly on the young men for whom, as I say, public funds have been expended to educate them in the universities in the United Kingdom. (Hear, hear.)

[Mr. Mathu] These are the two points I wanted to make, Mr. Speaker, and to try to impress upon the hon. Member and the Government that a change in policy in regard to the appointment of African officers in the senior posts of the Government must be effected, and I think this is the right way for doing so, so that we can encourage our young men to take their full part in the activities of the Government and there should not be a more important department for this to be done than the Education Department.

DR. HASSAN: Mr. Speaker, Sir, I rise not with a view to engineering any debate on the increased fees that have been passed to be enforced from 1953, but I would like to appeal to the hon. Member for Education and Labour and the Government to give serious consideration to the increase of fees, because it is likely to create hardship to the lower income groups of our communities.

Sir, the present increase in fees is going to defeat the very policy which the Government has adopted in this social service to all the people in Kenya, towards educating all the children, and my policy that is likely to debar people from having education, is against that policy. The increase in fees also affects the girls, although the girls' fees were half or less than the boys' previously. Now, Sir, the community I represent—it is only with the greatest attempt on our part that we have persuaded them to educate their girls, and if the lower income group find that the education fees for the girls are going to be on the same level as the boys', there is a danger that the low income group will have to give priority to the boys, if they cannot afford to give education to all their children at the same time.

It is for this purpose, Sir, that I rise to appeal to the Member for Education to give consideration to afford relief to the lower income group. There are sliding scales in the European schools in which relief is afforded to a father of three or four children, which, unfortunately, is not the case in the Indian schools. And if the Government insists upon having these increased fees, I would appeal to them and request them that they should afford relief at least to allow fees up to primary to remain the same as they were before, and it is not likely to affect the amount

which they expect to raise from the fees as a whole.

I again would like to ask the Member for Education if he can possibly assure us that some relief will be afforded to the lower income group of all communities.

MR. TAMENO: Mr. Speaker, Sir, I would like to make a few points, which I would like the hon. Member for Education to say whether he could put into effect.

The first thing is that, at the moment in Kenya, there are only three trade schools. Two of these are in the Central Province and one in the Nyanza Province. I was wondering whether it was possible—quite a number of us in the Rift Valley would like to have a trade school in the Rift Valley. There is no senior secondary school within the whole of the Rift Valley Province. I wonder if it would be possible for Government to make arrangements for these.

The second thing I would like to know, is whether the Education Department has ever had any control on private schools within the settled areas. There are a few farmers who employ teachers for the children of their workers. I do not know whether the Education Department has ever had any say in such schools.

The third point, Sir, is the system which is in use for giving bursaries to African children of the farm workers, because these children—quite a number of them—usually have to report back to their African district councils to give them a bursary for further education. I wondered whether this should not be through the money put into the European district councils. I think it would be fair enough if these children could get their bursaries from such district councils.

The last point I would like to make, Sir, is a question as to whether it would be possible to legalize the kind of compulsory education that exists in Masai. There is a kind of compulsory education but I do not think it is legal and I would like—I think it would be a good thing, if this compulsory education in Masai is legalized.

MR. COOK: Mr. Speaker, I would like to join with my friend, the hon. Dr. Hassan, and protest against the raising of school fees.

[Mr. Cooke]

I regard this, Sir, as virtually a breach of implied contract, whether a young man is working on Government service or working in commerce, he obviously comes out to this country; if he is a prudent man, and he takes into consideration, when his salary or his wages are being fixed, what his expenses are to be. If he finds an arbitrary interference of raising of the school fees, which is something like 25 per cent, as worked out by me, it is really taking that 25 per cent or that amount of money from his salary, and I think that anybody, especially coming from England, where we have social services so strongly developed to-day will feel a very strong sense of grievance, if a man finds that, in effect, his salary, his real wages are £50 or £60 a year less than they otherwise would be. I know that it will be said that people can go in front of a board and plead their inability to pay these fees, but that, Sir, savours of pauperization and it has been found, in effect, here in this country, that a lot of people are too sensitive—you may say it is very stupid, but they will not go in front of the board to plead what amounts really to poverty. Also there is a number of people who are, possibly, quite well off, who are blatant enough to plead poverty and according to the education report, I think the Glancy Report, of a few years ago, actually a lot of well-off people are getting off their obligations by being sufficiently blatant, or whatever the term may be, to plead poverty.

Now, Sir, this is the worst time possible to put up the cost of living to non-Africans in this country, and I do plead very strongly with my hon. friend that he will, by cutting down expenditure, and I am sure it could be cut down to the requisite amount, balance his budget, abandon this proposal and keep the school fees as they were last year, and, as I said before, find savings in the expenditure items of this Budget.

Sir, I beg to oppose.

Mr. A. B. PATEL: Mr. Speaker, on behalf of the Asian Members, I wish to register the strongest opposition to the increase in school fees.

Sir, some time back, when the Committee under the Chairmanship of the

hon. Member for Education, which was known as the Hartwell Committee, made recommendations, amongst other things, that Committee came to the conclusion that with regard to Asian schools a limit had been reached in regard to fees payable by the parents, and it would not be possible to increase the fees without the greatest hardship to the parents. That was a conclusion which was arrived at by the Committee, and it was felt by that Committee that if fees were increased, then there would be so many applications for remission, that Government was not likely to collect any substantial amount from increased fees.

Now, Sir, I would like to say that the Government in regard to this matter, was warned at that time by the Asian Members, that if it was desired to raise any money for the purpose of increasing the revenue on the side of education, the Government might take any steps they desired, excepting the increase of school fees. At that time, the European Members suggested that they were prepared to bear the increased burden by the increase of school fees, but the Asian Members had made it absolutely clear that they would not be prepared to accept the position of an increase in fees and the Government ought to take other steps. The Government has, in my view, Mr. Speaker, failed to take any steps for the purpose of raising more revenue, and now they have come forward with an increase in fees.

It should be realized, Sir, that amongst the Asian community there are some parents who can afford to pay these increased fees, while a larger number of Asians whose income is less than £15, and who may have two, or three, or four children at school will find it not only extremely difficult to pay, but it will be impossible for them to pay these fees. If there had been any method by which these people in the lower income groups could be given relief, then perhaps it would be less of a hardship, as the hon. Member, Dr. Hassan, has suggested, if the father has to pay, say, increased fees for the first child, and more moderate fees for the second; and still less for the third, perhaps it will not be such a great hardship as it will be without such a method. In any event, Mr. Speaker, I think that unless the Asians in the lower income groups have some schools where they can

Mr. A. B. Patel]

and pay lower fees, it is a great hardship, and I would suggest that the time has come, in this country, if we want to employ the revenue by the payment of fees in primary schools, that instead of having European, Asian and African schools we must have "A", "B" and "C" Schools. "A" schools may pay high fees, "B" schools moderate fees and "C" schools lower fees. In principle, it is wrong that the revenue should be supplemented by charging increased fees in primary courses. It would be a different thing if it had been for higher education, or even for secondary courses, but to charge fees—such high fees—for primary courses is absolutely wrong, and the principle of supplementing the revenue in that way is not accepted, I believe, anywhere else, at least in countries where they are more sensible. (Laughter.)

Mr. Speaker, I strongly oppose the increase of fees.

GROUP-CAPT. BRIGGS: Mr. Speaker, here is one point to which I would like to draw the attention of the previous speakers, and that is that it is the practice of the European community to regulate the size of their families to bear some relation to the number of children they can afford to educate. I would commend to my friends that they might consider doing something on the same lines, because I do believe it is quite impracticable to provide unlimited education for unlimited families, from a limited revenue. (Applause.)

LADY STAW: Mr. Speaker, there are one or two points I would like to take up. On the question of the increase of school fees, I, myself, firmly believe that all communities have got to make a larger contribution towards their education. What they do—it has never been one of the things about which I have made up my mind, but I am quite sure of the principle, that either we pay increased school fees or we pay in community contributions for the education of that community.

I do not believe that it is right or fair that people who can well afford to pay higher school fees should not pay them. Those who can pay should pay. Those who cannot pay, they can and do get relief. Now, we have heard from the hon. Member for the Coast that in this

country a lot of wealthy people are given remissions. Well, Sir, all I can say, if that is true, the people who give them those remissions are not doing their duty, because there is ample provision made in the shape of committees for the examination of people's incomes, and so on, to deal with the whole question. If it is true that wealthy people are getting remissions—and it may well be true—I say, if it is true, then the fault lies with those who are responsible for granting those remissions. If one is too proud to ask for a remission of fees, I feel that is largely one's own look-out. One would not be too proud to get one's education for nothing, but one is too proud to ask for a remission of fees. I cannot quite see that point.

Dr. Hassan mentioned the sliding scale of fees. Unless I am greatly mistaken, the sliding scale of fees only applies to boarding costs. I would be glad if the Member for Education or the Director of Education would correct me on that, I do not believe, at present, that there is a sliding scale for more than one child—I mean for the second, third, fourth, whatever the number may be, for the actual tuition fees, I believe it only applies to boarding.

Now, there is one other very small point I want to make, that is that the hon. Member for Coast, I think it was, or perhaps it was the hon. Member for Eastern Area, said that if fees were put up, remissions would be greater, and Government would collect less. Finally, Government would collect less. Finally, from the fees. Now, I believe it is true that when the fees were put up at the time the Glancy Committee made its recommendations, the same prophecy was made. But, Sir, to the best of my belief, the proportion of remissions has increased, either not at all, or very little, and I think that anyway it is well worth trying this increase of fees to see how they go on, and if it is found that it is impossible and that the remissions become too great, then we have got to think again. At the same time, Sir, everybody will not be getting remissions and it will mean that the people who can pay will pay more, and I cannot see why they should not.

I beg to support.

Mr. Cooke: Mr. Speaker, on a point of explanation, I would underline that

[Mr. Cooke]

when I said that well-off people were obtaining remissions, I was quoting from the Glancy Report of two or three years ago.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I only want to make one point of importance. That is that the boarding fees of Europeans are by far the most serious and onerous burden on the parents. At the same time, I am quite convinced that we will have to give up, to some extent, the amount of boarding that is done. In other words, all countries have found that with compulsory education, that sooner or later compulsory education must cope with more day scholars than boarding scholars. No country such as this could afford to board, largely at Government expense, a lot of children. Therefore, I think Government should go into the question of transport in the form of buses and things of that sort, in suitable areas, to take the children to school, which would have the double effect of lessening the burden of the parents and on the State. I believe, myself, that we shall have to set up some sort of a committee of inquiry into this whole question of fees for all races, and there are various things that one can consider in the matter.

For instance, a sliding scale of fees based on income would surely be a reasonable method of dealing with the situation. At the present moment, certain people apply or do not apply for reductions on the ground of income. It might be possible—I do not say it is practicable, but it might be possible to give deductions automatically on income to prevent some people—

THE MEMBER FOR COMMERCE AND INDUSTRY: Is the hon. Member referring to yet more progressive remission?

MR. MACONOCHE-WELWOOD: No, I am not referring to that, but I am trying to defeat what is happening at the present time, that certain people who do not require remissions appeal for them and certain people who do require remissions, do not apply for them.

I believe that could be overcome by a sliding scale of fees which would automatically apply according to their income.

THE MEMBER FOR FINANCE: Mr. Speaker, I will try not to keep the Council very long. There are one or two things that have been said that obviously must be answered.

As I understood it, the hon. Member for Uasin Gishu suggested another income tax inside the present income tax structure. That, of course, would be in effect, calling for fees to be imposed in regard to the income of the parent. In fact, at the present moment, the State of course on an income tax basis draws more, already, from a man who has more money. I think hon. Members must remember that—or if they do not remember it I shall remind them when they get up and talk about the various adjustments that they wish made to taxation.

The hon. Member for the Coast, Sir, if you will forgive me, brought forward an argument, not really worthy of him. We usually have good arguments from him. The theory that a man came out from his country, looked at his expenses and then if his expenses increased, felt that there had been a breach of contract, really will not stand. On that ground, when I came out here, I found there was no income tax; I might well hold there had been complete breach of faith in taxing me at all. It just is not a really logical argument. On the general position, hon. Members must be reasonable on this. Not one of the hon. Members who has spoken, has pointed out the fact that the Government has, whilst it has been taking additional fees with the one hand and with the other hand, been giving a considerable additional amount of assistance to the grant-in-aid schools. I have not heard one hon. Member suggest that we should do away with that.

MR. A. B. PATEL: On a point of explanation, I thought our debate was confined to the increase of school fees. That is why I did not take it any further.

THE MEMBER FOR FINANCE: This is a debate on policy which I hoped we were trying to avoid; but, Sir, the fact remains that if the hon. Members grumble at what the Government is taking with the one hand, they must be

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[The Member for Finance]
and that argument what the hon. Members of this side are giving with the other hand.

MR. COOKE: We would like to see both.

THE MEMBER FOR FINANCE: Now, Sir, what is the cost of the increase in primary education in Asian schools under the new scale. It will be £4 19s. per annum. The great increase in these things in the revenue is, of course, the jump in European boarding fees from £60 to £90 per annum and from £72 to £90 per annum. I must stress at this level that the subsidization of the parent is something like 75 per cent of the production costs and that hon. Members are to choose between extra taxation to pay for extra services and fees of this kind, and I suggest that we know from that fact that a small fee of this kind in a developing country of this kind is a very wise reminder to all people concerned that there is not an unlimited profit from which the money for social services can be drawn. (Applause.)

MR. A. B. PATEL: Question!

THE MEMBER FOR FINANCE: Well, Sir, the hon. Member, Mr. Patel, may say "Question", but he knows as well as I do that the pocket is not unlimited but the only thing that is unlimited is the demands from the opposite side for services. That is the only thing that is unlimited. The thing that is limited in their minds is the amount of taxation or revenue you can draw to pay for those services.

MR. J. S. PATEL (Western Area): Mr. Speaker, Sir, I rise to oppose this increase of fees and I endorse the views expressed by my friend, the hon. Mr. A. B. Patel. I do so from the belief that although it is absolutely essential that in order to bring about the progress of our country, we have to put all the resources at the disposal of the Department of Agriculture to produce more wealth, yet I think that it is fundamentally important also to do all we possibly can to help develop the minds of the people by education. This increase of fees, I can safely say, is going to retard a very major proportion of our people from educating the children as they ought to be educated. If you do not educate the children, in

some cases you may produce the present state of affairs among the Africans. Lack of education among the Asian children may produce a state of irresponsibility while among the European children it may produce something very undesirable. The increase of fees has always been looked down on in all progressive countries. It is all very well for my hon. friend on this side of the Council to say that we should consider regulating our families. This is a very big subject over which much could be said. I am not prepared, however, to enter into a discussion at this time on the issue. We cannot all do the same thing. I think the time will come when some nations will find it necessary to make contributions in order to raise families.

With regard to the statement that services are provided and money should be found from people who are getting the benefits of those services, it is common sense. I must admit that the Education Department and the Government have done quite a bit to improve the education, but I must submit also that much has still to be done. Funds may be exhausted, there may be no pockets to find funds, but I am sure that the resourcefulness of the British Government is not exhausted and that they will find means to provide a small amount of money involved and thus avoid the increase of fees which is going to hit the lower-grade people of my community very hard.

THE MEMBER FOR FINANCE: If I might rise on a point of information, so that no wrong impression is left after the hon. Member's speech—I did not wish to interrupt him while he was talking—there is no suggestion of an increase in African fees.

MRS. SHAW: Mr. Speaker, I should just like to say that I support this Bill, as the majority of the people whom I represent have accepted the increase of fees and the principle that the increase should be borne by those people who benefit from the services and not by a general increase in income tax. I do, however, Mr. Speaker, suggest that the greatest hardship is falling possibly on some of the lower income group people from the very heavy increase in the boarding fees. I would support the suggestion made by my hon. friend, the

[Mrs. Shaw]

Member for Uasin Gishu, that Government should explore the possibility of having a greater number of day schools throughout the Colony and providing, possibly, transport in the form of buses to take the children to and from their day schools. Nyanza Province does not like to see any subsidization by Government of the feeding costs of their children, the European children, as the majority of the people there do not wish to feel that they are moving towards a welfare state.

Mr. SHERIFF MAHFOOD MACKAWI (Arab Interests): Mr. Speaker, is the Director of Education aware that the Arabs in Nairobi have been deprived of their education? Some time ago I approached the Director of Education about Arab education in Nairobi and he promised me that the Arab children would be admitted into Asian primary schools. My community have approached the Asian Government primary schools for the admittance of their children, and the answer was that there is no room for our children to be admitted. Will the Government build an Arab primary school for the Arab boys in Nairobi? (Applause.)

Mr. COWIE: Mr. Speaker, may I ask the hon. Member one question, which he may cover in his reply. During the sittings of the Giancy Committee, of which I was a member, there was a good deal of evidence brought in favour of loading the remissions onto each community. There was also a good deal of feeling against such a course. To make my point clear, may I put it another way. The idea was that where remissions were granted, possibly to European children, that should be covered from a fund provided by the European community and similarly for the Asian community. I do not commend it at the moment but I would like to know if the hon. Member has considered that point as it has a great bearing on the actual ratio of remissions in comparison with the fees.

Mr. SHERIFF ABDULLAH SALIM (Arab Representative): Mr. Speaker, one of two points on this debate. First of all I would like to know whether there is going to be any increase of fees on the Arab education. I took that (or granted); there is no increase of fees in Arab

education; if that is so, Sir, I do not think I have anything more to contribute. (Laughter.)

THE DIRECTOR OF EDUCATION: Mr. Speaker, I would like to deal very briefly with a number of points that have been raised.

First of all, with the question of increased school fees. When the present fees were fixed and introduced in 1949, it was made very clear at the time, if I remember correctly—that there would from time to time subsequently be reconsideration and, if necessary, upward revision of those fees in the light of the cost of the education provided. Well, Sir, since the fees were introduced, there have been very considerable increases in cost, in some cases, as much as 50 per cent. The new fees now charged bear the same relation to the present estimated costs as did the present fees when they were introduced bear to the cost at that time, with one minor exception, that is in the case of the fees charged for Asian education, where there has been an increase from £9 to £15, but even that increase only brings the new fee up to one-third of the cost of providing that particular service and also it brings the fee into line with all the other fees charged for tuition, namely, they approximate so near as is possible, to one-third of the cost of the education provided.

I should like to answer one or two detailed questions. That is, first of all, to assure the hon. Member for Ukamba, that the sliding scale, whereby there is a reduction for second and subsequent children, does apply to boarding fees only. I should also like to refer to the point made by the hon. Member for Uasin Gishu, who referred to the difficulty caused by these high boarding fees and the need for reducing the number of boarders as far as possible. That is a matter to which we have been and are giving, the most serious consideration, and where it is at all possible we hope to start small day-schools for European children wherever the numbers in the townships concerned justify it.

To return to the question of Asian fees, these at the moment are on a sliding scale, and if the average of the sliding scale is taken and compared with the new rates, which are not on a

[the Director of Education] sliding scale, it will be found again that the new rates bear the same relation to the present cost as does the average of the sliding scale bear to the costs when they were introduced.

I should also like to point out that for more than 40 per cent of the primary and secondary children, there is in fact, be a reduction in fees. The fees in standards V, VI and VII at the moment are higher than the new primary fees proposed, and the fees for forms III and above in secondary schools, are higher than the new fees proposed. Therefore, for rather more than 40 per cent of the pupils, there will in fact, be a reduction and a relief.

The question of remission, Sir, is one which again is receiving very serious attention and we hope it will be possible to introduce a system whereby there is complete uniformity of treatment as between one part of the Colony and another, and whereby people with certain incomes will receive a set rate of remission. (Applause.) That, I think, answers some of the doubts of my friend, the hon. Dr. Hassan.

I should also like to refer to a point made by the hon. Member for Ukamba when she said she thought, as a result of the introduction of the present rates of fees, which again represent a considerable increase over the previous ones, there has been no marked rise in the percentage of remissions.

Another suggestion which was made for easing the position in European boarding schools, was that some system of transport should be provided. That again has received careful consideration, but I am afraid that the road system of this Colony and the very wide distribution of pupils who attend the European schools, does not make such a scheme really practicable.

THE SPEAKER: Order, order. It is after eleven o'clock. We will take the break now and Council will resume again at 11.20 a.m.

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

THE DIRECTOR OF EDUCATION: Mr. Speaker, Sir, if I may resume and finish

with the question of school fees, there are just two more points I would like to make, one in connexion with the fees charged to Asian schools; and that is that the parents of Asian children in Government schools have, in fact, for some years been in a favourable position as compared with those parents who send their children to aided schools, where fees, on the whole, are higher. Furthermore, in order that the aided schools may balance their budgets each year it is necessary for the community each year to call upon the parents to make quite a substantial contribution over and above the money that has been paid by way of school fees. I think it right to mention here the increase in Grant-in-Aid which it is proposed to put into force next year, because this will bring a very considerable measure of relief, not only to aided schools, but I think, Sir, to the Asian community as a whole.

Now, Sir, I would like to refer to the point raised by the hon. Mr. Mathu earlier on, when he asked how many of the posts of African Assistant Education Officer had been filled in this year's Estimates. There are three such posts and two of them have already been filled and I hope that the third will be filled before the end of the year. In 1953 there will be three additional such posts and I do not anticipate, Sir, that there will be any difficulty in filling them. The men who are promoted to these posts are chosen from the ranks of graduates from Makerere, and other senior teachers and the promotions are on merit. So far as African graduates who return from the United Kingdom are concerned, there are specific posts in the Estimates to which they can be appointed. Next year there will be seven posts for graduates teachers, this year there are five, and of those five posts, three have been filled but I regret to say that one of the graduates who returned decided that he did not wish to continue in the teaching field and the other did not return at all.

With regard to the post of Education Officer, Sir, with your permission, I quote what the hon. Member for Finance who was then the hon. Member for Education, said in the Budget debate last year. He said, referring to the post of African Education Officer, "The men concerned", or "The men concerned, will

[The Director of Education] have to prove themselves through, at any rate, some portion of service in the Assistant Education Officer's post." We have not, Sir, at the moment any officer who has yet completed a sufficient period of probationary service to justify his appointment to an Education Officer's post, but as soon as we have such a man we will promote him.

The question was raised of the difficulty of Arab children in Nairobi securing admission into schools. When the hon. Member who raised this matter spoke to me, I think it was about a year ago, on this very subject, I promised that since the number of Arab children in Nairobi at the time scarcely justified the establishment of a special school for them, I would make arrangements for them to be admitted to Asian schools, and I issued instructions accordingly. If the hon. Member will let me have details of such cases where there has been refusal to admit Arab children I will take them up. Further, Sir, if the hon. Member will approach me in regard to the question of the establishment of a separate school, I shall be very glad to go into the matter with him once more. I should warn him, however, that in the development plan, as approved by the Planning Committee, there is at present no provision for capital funds for such a school.

The hon. Mr. Tameno raised the question of the provision of trade school and senior secondary school accommodation for children from the Rift Valley Province. Our experience is that so far there has been no hardship caused for those children because they can be admitted, and, in fact, are admitted, to the existing schools, trade schools and senior secondary schools, in their own tribal areas. I do agree, however, that the time will come when education in that province, which certainly lags behind the others at the moment, develops, and special provision will have to be made when that time comes, and due consideration will be given to the needs of the Rift Valley Province.

Mr. Tameno also referred to the question of bursaries. I think he was referring to bursaries for secondary education for the children of farm workers in the settled areas of the Rift Valley Province. That is a matter which

I would like to consider carefully and perhaps the hon. Member will approach me and we will go into the matter.

He also referred to the need, or desirability, for legalizing compulsory education in the Masai area. Well, Sir, there is no compulsory education in the Masai area and it would be impractical to introduce it.

MR. TAMENO: On a point of explanation, Sir, there is a type of compulsory education in Masai. The children who go there go voluntarily, but each section is asked to provide so many children. That is a kind of compulsory education. That is what I wanted to be legalized if it was possible.

THE DIRECTOR OF EDUCATION: It is true, Sir, that to introduce compulsory education in the sense in which it is meant in the Education Ordinance would certainly not be practicable at the present time, nor does it, in fact, exist in that sense.

There was one other point raised by the hon. Mr. Tameno, and that was in regard to the control of farm schools in the Rift Valley Province, and the answer there, Sir, is that under the new Education Bill there will be adequate control in every respect.

MR. NATHOO: Mr. Speaker, arising out of the remarks of the hon. Member for Finance and the hon. Member for Education, there may be an impression created that the increased aid the Government is giving to grant-in-aid schools is not properly appreciated. I wish to correct that impression, Sir. I had occasion to mention this point during the Budget sessions when this matter was discussed in general policy. I would again reiterate that the Grant-in-Aid Authority in particular, and the Area community in general, are really grateful to Government for the great increase they have given in the assistance to them. In the past, Sir, several times we have had occasion to appoint committees to go into the question of the education of various communities. It was a great disappointment that the committee which sat under the chairmanship of the hon. Member for Education presented a report but that for some reasons some of the recommendations could not be implemented. I feel, Sir, that this question of fees which has come up

for Nathoo) for six years go by more and more education will be raised; fees will have to be raised still further; moneys will have to be provided if we are to keep on providing education for the increased number of people, and it is quite essential that within the very foreseeable future we will again have to think and perhaps set up a committee or commission to decide as to what the future of the country is going to be as far as this social service is concerned. The sooner we do that the better, as under the present state of uncertainty it is very difficult to know where we are heading.

LT.-COL. GIERSSIE: Mr. Speaker, I have one very brief comment. It is very easy for hon. Members in this Council to put forward suggestions and make statements which sound attractive to their constituents, but this is purely an economic problem. It is a question of what the Colony can afford. When certain Members put forward statements set out for relief, that is all they do. There are no consistent or constructive suggestions as to from where the money should be derived. Is it to come from increased taxation? Is it suggested that other sections of the community shall pay for the pleasure and luxury of large families in other communities. No, Sir, it is purely economic, and that is what all hon. Members must understand. Some hon. Members on my left gave me the impression that all Government had to do was to wave a fairy wand and money would come down like manna from heaven. I rise to say I support this Motion very strongly and I represent part of Nairobi where I realize a lot of people may feel the hardship, but, Sir, it is purely economic and that is what hon. Members must understand: if they are putting forward suggestions for assistance from Government I suggest they should be more constructive in their suggestions as to how the money is going to be derived.

MR. COOK: On a point of explanation, Sir, the hon. gentleman must have heard the suggestions of this part of the Council that the money might be derived, indirectly by savings. I do not know whether he calls that economy or not.

LT.-COL. GIERSSIE: Even savings are economy I think, Sir.

MR. USTEA: Mr. Speaker, I merely wish to make one remark, after associating myself with the observations of the hon. and gracious lady, the Member for Ukamba.

Sir, the necessity for systematizing—(Applause)—the remissions has been admitted, and I welcome it very much. There is just one question, however, which I would like to put to the hon. Member. That is, whether he considers that the Central Fees Committee is really the right body to deal with these remissions, and whether there should not be set up a body which would deal with remissions alone. Also, whether he would not find his hands strengthened by the inclusion, on such a body, of unofficial representation.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I think it is unnecessary for me to say very much, because the greater number of points which have been raised by Members on the other side have already been dealt with very effectively by the Director of Education. But I would like to say something, very shortly, on the question of education fees.

Some weeks or so ago I tabled the report of the Committee on European and Asian Education, which I have no doubt Members on the other side have studied. That document contains a very full account of the history of this particular problem and the reasons for the increased fees for European and Asian education. Members will remember that this problem, the problem of how to meet increasing costs of European and Asian education, has been examined over the last five or six years by a whole series of committees. First of all, in 1946, there was a sub-committee of the Departmental Committee. Then there was the Glynn Committee, then there was the Harwell Committee, to which Mr. Patel has already referred. Finally, there was this last committee, which was appointed in pursuance of a statement made by my predecessor, Mr. Vasey, in the Budget debate on the 1952 Budget, in which he said he proposed to appoint this committee consisting of Mr. Wadley, Mr. Wilkie and Mr. Gould, to examine the problem again.

All those bodies came to the conclusion it was reasonable to expect these

[The Member for Education and Labour] two communities, which naturally desire a standard of education higher than that which can be provided for the general population, to meet either the whole, or, at any rate, a substantial part of the additional cost in some way, from their own resources, either through fees or some kind of special cess or by means of grant-aided schools.

The Hartwell Committee, as Members know, and as Mr. Patel has already said, made the recommendation that there should be an Indian education authority, and a cess. The idea was that the cess, plus fees, should, together with the Government grant of whatever amount it was decided to provide, should bear the cost of the education for the community. That report was never debated, and its recommendations were never approved for the reason, which is well known to Members, that it was very strongly opposed by the Asian community, and the Government did not, therefore, pursue it.

The position, as shown by the Wadley/Wilkie Report, which I have recently tabled, is that the cost of European and Indian education has continued to rise; it now far exceeds the proportion of the revenue which the Glancy Committee recommended should be devoted to the education of the communities, and the Government, therefore, has to consider what steps should be taken to deal with the situation.

We believe that the fees—the revised fees—are reasonable; they amount, as Mr. Wadley has said, to about a third of the actual cost of providing the education which we consider to be reasonable. The actual amount of the fees for Asian education, primary—£4.184 per year; and secondary—£13 per year, does not seem to me to be at all unreasonable. Admittedly there may be some increase in the remissions which have to be allowed, but the opinion of the Wadley/Wilkie Committee was that this need not be excessive.

As Mr. Wadley has already said, it is intended to systematize and tighten up the system of granting remissions. I find and that the fees which it is now proposed to charge are perfectly reason-

able. Now, Sir, I will turn to Mr. Usher's suggestion regarding remission. (I apologise, I should have referred to him as the Member for Mombasa.) That is a matter which I have not yet gone into closely; it is, at the present moment, being examined by the department, and I can assure him that the suggestion has made will be very carefully examined. I think that, prima facie, there is a great deal to be said for his proposal—certainly I would like to see some members outside Government associated with the body which deals with remissions. I think that would be a very good thing.

The hon. Nominated Member, Col. Cowie, referred to a suggestion, which he said had been made in the Glancy Report, that there might be some kind of fund, constituted for the European and the Asian communities, from which remissions might be borne. He wanted to know whether that proposal had been examined. It has not been examined. It seems to me that it is very intimately linked up with the question of education authorities, and special cesses on the communities. As I have said, that idea was not pursued because it was clear that, so far as the Asian community was concerned, it did not fit in with them. The Government, therefore, did not think it was proper to press it.

There is only one other point to which I would like to refer, and that is the one raised by the hon. Mr. Mathu regarding the six posts of African Assistant Education Officer, and the one of Education Officer. The Director of Education has already dealt with this, but I would like to say this, although, as the Director said, he has every hope that all the posts of Assistant Education Officer will be filled in the year 1953, and although, as I have said in other debates, in the long run, the African community itself will have to provide a large part of the staff for social services for the African community in the long run, I think it would be a very great mistake to appoint Africans to posts unless we are absolutely certain that they really are suited to them in all respects. That would be a disservice to the African community itself. So far as I am concerned, I will never agree merely to filling the posts unless I am absolutely

[The Member for Education and Labour] advised that the person is thoroughly satisfied in all respects. I believe that would be wrong and not in the interests of the African community.

That covers everything which I wish to say, Sir.

I beg to move.

The question "That Mr. Speaker do now leave the Chair" was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Horne in the Chair]

Vote 6—Education Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £2,524,434 be granted to the Governor to defray the charge which will come in course of payment for the year ending on 31st December, 1953, for Vote 6—Education Department.

The question was put and carried.

Vote 6—Military

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £741,330 be granted to the Governor to defray the charge which will come in course of payment for the year ending on 31st December, 1953, for Vote 6—Military.

The question was put and carried.

Vote 6—Miscellaneous Services

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £80,231 be granted to the Governor to defray the charge which will come in course of payment for the year ending on 31st December, 1953, for Vote 6—Miscellaneous Services.

The question was put and carried.

Vote 6—Printing and Stationery

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £226,810 be granted to the Governor to defray the charge which will come in course of payment for year ending the

31st December, 1953, for Vote 6—Printing and Stationery.

The question was put and carried.

Vote 7—Office of the Member for Health, Lands and Local Government

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Chairman, there is one small matter on which I would like a little information. It will be seen on the notes column on the first two items of the details, that is, the Member and Secretary for Health, Lands and Local Government, there is a letter "g." At the foot of the page we are referred to page 6 for the explanation of letter "g." On page 6 it will be seen that "g" means "change of destination" (Laughter.) Now, Sir, I do not wish to start a debate on the subject which might be rather embarrassing to me, but I would ask the hon. Acting Secretary to the Treasury to inform me privately, what this portends. (Laughter.)

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £16,485 be granted to the Governor to defray the charge which will come in course of payment for the year ending on 31st December, 1953, for Vote 7—Office of the Member for Health, Lands and Local Government.

The question was put and carried.

Vote 7—Services under the Authority of the Member for Health, Lands and Local Government

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £19,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending on 31st December, 1953, for Vote 7—Services under the Authority of the Member for Health, Lands and Local Government.

The question was put and carried.

Vote 7—Local Government Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £16,855 be granted to the Governor to defray the charge which will come in course of payment for the year ending on 31st December, 1953, for Vote 7—Local Government Department.

The question was put and carried.

Vote 7-4—Lands Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £111,135, be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 7-4—Lands Department.

The question was put and carried.

Vote 7-5—Government Chemist's Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £5,390, be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 7-5—Government Chemist's Department.

The question was put and carried.

Vote 7-6—Local Government Contributions

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £610,318 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 7-6—Local Government contributions.

The question was put and carried.

Vote 7-7—Medical Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £1,269,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 7-7—Medical Department.

The question was put and carried.

Vote 7-8—Town Planning Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £1,430 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 7-8—Town Planning Department.

The question was put and carried.

Vote 7-9—Survey Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £121,450 be granted to the

Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 7-9—Survey Department.

The question was put and carried.

Vote 7-10—Miscellaneous Services

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £51,195 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 7-10—Miscellaneous Services.

The question was put and carried.

Vote 8-1—Office of the Member for Commerce and Industry

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £14,480 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 8-1—Office of the Member for Commerce and Industry.

The question was put and carried.

Vote 8-2—Services under the Authority of the Member for Commerce and Industry

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £53,604 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 8-2—Services under the Authority of the Member for Commerce and Industry.

The question was put and carried.

Vote 8-3—Mines and Geological Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £47,874 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 8-3—Mines and Geological Department.

The question was put and carried.

Vote 8-4—Weights and Measures Department

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £16,335 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 8-4—Weights and Measures Department.

The question was put and carried.

Vote 8-5—Department of Trade and Supplies

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £36,070 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 8-5—Department of Trade and Supplies.

The question was put and carried.

Vote 8-6—Miscellaneous Services

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £15,840 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 8-6—Miscellaneous Services.

The question was put and carried.

Vote 9-1—Contribution to the Cost of High Commission Services

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £971,295 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953, for Vote 9-1—Contribution to the Cost of High Commission Services.

The question was put and carried.

Vote 15—The Development and Reconstruction Authority

THE CHAIRMAN:

BE IT RESOLVED that a sum not exceeding £1,753,841 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 31st December, 1953,

for Vote 15—The Development and Reconstruction Authority.

The question was put and carried.

THE MEMBER FOR FINANCE: I beg to move that the Committee reports consideration to the Council of Vote 6-1 to Vote 15-inclusive without amendment.

The question was put and carried.

Council resumed:

[Mr. Speaker in the Chair]

REPORTS

THE SPEAKER: I have to report that the Committee has considered the Fifth motion on the Order Paper without amendment.

THE MEMBER FOR FINANCE: I beg to move that the Council doth agree with the Committee in the said Resolution.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded:

The question was put and carried.

BILLS

FIRST READING

The Appropriation Bill

The Appropriation Bill—(The Member for Finance)—Order for First Reading—read—Read the First Time—Ordered to be read a Second Time to-day.

COMMITTEE OF WAYS AND MEANS

Committee of Ways and Means—Order for Committee read; Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Horne in the Chair]

THE MEMBER FOR FINANCE: Mr. Chairman, in accordance with Standing Order No. 128, I beg to notify that the recommendation and consent of the Governor has been obtained for the introduction of Resolutions Nos. 17, 18, 19, 20, 21 and 22.

Resolution No. 17

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

"That subject to the provisions of an Ordinance entitled 'An Ordinance to amend the Estate Duty Ordinance'

[The Member for Finance]

and published in the Official Gazette on the 11th November, 1952, where the principal value of an estate does not exceed £5,000, it shall be exempt from estate duty and where the principal value of an estate exceeds £5,000 and does not exceed £10,000 the rate of duty shall be 2 per cent."

This small measure of relief on estate duties, Sir, follows the proposal made in the financial statement. It is the desire to avoid disturbance of small family estates and businesses that has led us to reduce the impact of estate duties on the first £10,000. The loss of revenue entailed is not expected to be more than £10,000 in the coming year and I feel that this relief in taxation will be acceptable to both the family who survives the owner of the estate and to the Committee.

MR. HAVELOCK: Mr. Chairman, it is rather curious that in this time of Emergency, the only relief offered is that of estate duty—death duty.

I would suggest and remind the hon. Member and the Committee of the remarks made by the hon. Member for Rift Valley as regards attracting capital to this country. I believe it will be very necessary indeed to do everything we can in the next year or two to make capital investment in this country as attractive as possible. It is not a matter of a few thousand pounds in revenue which should be considered; it is a matter of the whole economic structure of Kenya Colony, and I would suggest, Sir, that the hon. Member for Finance give very serious consideration indeed to removing estate duty almost completely, because I do believe that would act as an extremely great attraction to bringing overseas capital to this Colony. I emphasize it is not a matter of direct revenue that the hon. Member for Finance is considering, it is a matter of the whole economic structure. Myself, and other hon. Members are very worried indeed as to what may be the result of the present times in the country. I do not wish to oppose as I want to give the hon. Member time to consider this matter, as things change from day to day, but I hope he will give very serious consideration to the points I have put before him.

THE MEMBER FOR FINANCE: Mr. Chairman, of course that is one of the main worries of the Member for Finance—that the moment he gives an inch, he is immediately asked to give an ell—but that seems an unparliamentary expression—it is without an "H".

Of course, the Government will keep in mind all the points which have been raised by the hon. Members opposite. Naturally, it is desirable to Government to attract as much capital as possible, and we also have to bear in mind that is the general effect on the economy and revenue in general, but if steps of this kind do seem, or appear to be necessary, then I can assure hon. Members that we shall have discussions with hon. Members opposite and see if it is possible to find further relief without reduction in our services.

MR. COOKE: While I am not disagreeing with the hon. Member for Kiambu, I do suggest that the only way to restore confidence in this country is to restore confidence between all the races. That would do far more good than any remission of taxation.

THE MEMBER FOR COMMERCE AND INDUSTRY: Would not the hon. Member agree with me that nobody would contradict the fact that it is necessary to restore confidence between the races, but surely the hon. Member would also agree that it is the flow of capital, the flow of economic activity that enables confidence to be restored? Surely the hon. Member realizes the importance of what the hon. Member for Kiambu and my hon. friend the Member for Finance have just referred to?

MR. COOKE: I realize that, Sir, but before capital can flow into this country, we must do all in our power, all races getting together to restore confidence in this country.

The question was put and carried.

Resolution No. 18

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

"That subject to the provisions of an Ordinance entitled 'An Ordinance to amend the Dangerous Petroleum Tax Ordinance' and published in the Official Gazette on the 18th November, 1952, aviation spirit and similar

[The Member for Finance]

is ordinarily used in aircraft engines and imported for such use shall be exempt from consumption tax."

This Resolution, Sir, is to some extent in line with the following Resolution, so I will endeavour to cover both subjects at once. As I said in the financial statement, Sir, some time ago, the hon. Member for Uasin Gishu moved a Motion that was accepted by Government that it should consider whether or not it was advisable to remove customs duty and consumption tax on aviation spirit. Immediately after that, refunds for duty and tax were arranged with the Air Charter Companies and the Aero Club of East Africa. Refunds of consumption tax on aviation spirit, at present, are only paid on aviation spirit which takes them from the airport to the boundary of the Colony. The number of *ex gratia* payments refunded has now reached a level where, in fact, it is considered, that it would be more economical to remove both duty and tax. For that purpose, this Resolution is now presented to the Committee and the Resolution which follows bears in part on the same subject.

Sir, I beg to move.

GROUP-CAPTAIN BRIGGS: Mr. Chairman, Sir, I would like to thank the hon. Member for Finance for the way in which he has responded to the suggestions which have been put forward from this side of Council. I believe in that I speak for all my colleagues. (Hear, hear.)

The question was put and carried.

Resolution No. 19

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

"That subject to the provisions of an Ordinance entitled 'An Ordinance to amend the Customs Tariff Ordinance' and published in the Official Gazette on the 29th October, 1952, grease, axle and lubricating, be subject to a duty of 10 cents per pound, aviation spirit and similar fuels normally used for aircraft engines and imported for such use be free of duty, motor spirits ordinarily used as such be subject to a duty per imperial gallon of 50 cents and oils lubricating not including castor oil be subject to

a duty of 60 cents per imperial gallon."

In so far as the aviation spirit part is concerned, that I have explained, but hon. Members may want a slight explanation of the other part of this Motion. The present duty on grease (Tariff Item No. 96) is 54 cents per lb. or 16 per cent *ad valorem* whichever is greater and the present duty on oil lubricating, (Tariff Item 103A) is 44 cents per imperial gallon or 16½ per cent *ad valorem*, whichever is greater. In agreement with the other Governments, it is now suggested that a specific duty should be substituted for the present rates. It is estimated that it will yield approximately the same revenue, but I think I should say to hon. Members that it is likely to result in a slight loss of revenue. I cannot imagine they will be in any way opposed to this further attempt to give any small crumbs of comfort that we can to the taxpayers of the Colony.

I beg to move.

The question was put and carried.

Resolution No. 20

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

"That subject to the provisions of an Ordinance entitled 'An Ordinance to amend the Traffic Ordinance' and published in the Official Gazette on the 11th November, 1952, the fees for vehicle licences for motor vehicles with pneumatic tyres be increased to Sh. 20 for every additional 250 lb. or part thereof in excess of 1,500 lb. tare weight."

Sir, again, as I explained in the financial statement, this is an increase in licence fees at the request of the Road Authority, and with small exceptions the revenue will be devoted to the Road Authority for expenditure.

MR. HAVELOCK: What small exceptions?

THE MEMBER FOR FINANCE: The hon. Member for Kiambu says "What exceptions?" The hon. Member is well aware that possible exceptions may have to be made.

Just one word of information so that hon. Members can see what this means and with regard to the various types and sizes of cars, I will endeavour to cover

[The Member for Finance] all ranges of cars because I must say that every time I see the hon. Member for Kiambu outside, he seems to have a different one. (Laughter.)

	Increased	
	From	To
	Sh.	Sh.
Austin A40	110	140
Ford Prefect	100	120
Hillman Minx	110	140
Humber Hawk	140	200
Humber Super		
Spive	180	280
Morris Elgin	90	100
Riley	160	240
Standard Van-guard	130	180
Vauxhall Wyvern	120	160

That, I think, Sir, will give hon. Members a general idea of what the effect will be. (Cries of "What about a Chevrolet?") There are remarks from my hon. colleagues as to what about a Chevrolet. It is so long since I have owned one that I have forgotten what they were.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to report that the Committee has considered Resolutions Nos. 17, 18, 19 and 20 and passed them without amendment.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

THE SPEAKER: As Chairman, I have to report that the Committee of Ways and Means have considered Resolutions Nos. 17, 18, 19 and 20 and report them without amendment.

THE MEMBER FOR FINANCE: I beg to move that the Council doth agree with the Committee in the said Resolution.

The question was put and carried.

BILLS

FIRST READING

The Customs Tariff (Amendment) Bill

The Customs Tariff (Amendment) Bill—(The Member for Finance)—Order for First Reading read—Read the First Time—Ordered to be read a Second Time to-day.

The Estate Duty (Amendment) Bill
The Estate Duty (Amendment) Bill—(The Member for Finance)—Order for First Reading read—Read the First Time—Ordered to be read a Second Time to-day.

The Traffic (Amendment No. 2) Bill
The Traffic (Amendment) Bill—(The Member for Finance)—Order for First Reading read—Read the First Time—Ordered to be read a Second Time to-day.

The Dangerous Petroleum Tax (Amendment) Bill
The Dangerous Petroleum Tax (Amendment) Bill—(The Member for Finance)—Order for First Reading read—Read the First Time—Ordered to be read a Second Time to-day.

MOTION

The Sugar Consumption Tax Ordinance—(Continuation of)

THE ASSISTANT FINANCIAL SECRETARY: Mr. Speaker, I beg to move that the Sugar Consumption Tax Ordinance (Cap. 271) shall remain in force until the 31st day of December, 1953.

Sir, I think as all hon. Members are aware, this tax is levied at the rate of one cent per pound on all sugar consumed in Kenya, and has been in force since 1948. The moneys raised by this tax is utilized in two ways. First of all, to pay a subsidy on sugar produced by Kenya manufacturers, and secondly, to provide services for the benefit of the industry. This Motion is merely a continuation of existing policy.

Mr. Speaker, I beg to move.

THE MEMBER FOR FINANCE seconded.

The question was put and carried.

MOTION

The Export Duty Ordinance, 1951—(Continuation in Force)

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Export Duty Ordinance, 1951, be continued in force until the 31st day of December, 1953.

I recognize, Sir, that this will be a contentious matter in this Council. I would say that the arguments for and against

[The Member for Finance] has been repeated in considerable quantity, if I may put it in that way, I do not propose, therefore, to delay Council at this stage. I would merely intimate the argument I have put forward in the Financial Statement, the fact that we are, I think, not in a position to do without the tax or this duty at this stage. Let I would inform hon. Members that as Government approaches the matter with a completely free mind each year and will say that if the duty does any harm to the industry, then the matter will be re-considered immediately.

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

MR. HAVELOCK: Mr. Speaker, for the record, Sir, I would like to say that I am opposed to the principle of export duties, and will continue to oppose them, as if money is required, as it certainly will be, for Government expenditure, other ways of raising that money should be devised.

MR. COOKE: Income tax!

MR. HAVELOCK: I would like to remind the hon. Member for Finance of a suggestion I made to him previously that there is some justification in an export duty on producers who do not pay taxation in other ways, especially through income tax. There is some justification for that, in which case, if Government would consider that as a justification, I would suggest again that they consider making payment of export duty deductible from income tax. It will mean that those producers who pay income tax will not pay twice; those who do not pay income tax will pay once. I feel that would resolve all the difficulties of hon. Members on this side, regarding this unjustifiable, unfair tax on people who pay taxes in the normal way.

Sir, I beg to oppose.

THE MEMBER FOR FINANCE: Mr. Speaker, there is nothing for me to say except, of course, I will note the suggestion made by the hon. Member for Kiambu, but I cannot make any concession at the present moment.

The question was put and carried.

MOTIONS

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move that:—

WHEREAS—

(a) the recommendation of the Planning Committee in paragraphs 200, 201, and 202 of its report dated 21st June, 1951, that a sum of £100,000 be set aside for the residential development of Crown land has been accepted by this Council:

AND WHEREAS—

(b) it has been considered desirable that this sum should be used for the development of Crown land for business and commercial purposes in addition to the residential purposes for which it was originally intended:

AND WHEREAS—

(c) the Governor has been pleased to appoint by notice in the Gazette dated 7th February, 1952, a committee to be known as the Crown Estates Development Committee for the supervision of a fund for the development of Crown land to facilitate alienation for commercial, business and residential purposes:

AND WHEREAS—

(d) the Governor has been pleased to authorize the Member for the time being responsible for lands to make rules for the administration of such a fund:

BE IT RESOLVED—

(1) That there be established a Crown Estates Development Fund which shall be subject to the control of the Member for the time being responsible for lands and out of which shall be paid all expenditure (including administrative expenses) which may be incurred in the development of Crown lands to facilitate alienation for commercial, business and residential purposes:

(2) That there be paid into the Crown Estates Development Fund:—

(a) All moneys from time to time voted by the Legislative Council for the purposes and

(The Member for Health, Lands and Local Government).

(b) All sums from time to time received from the grantees of land in respect of development undertaken with moneys from the Fund.

(3) That a statement of the financial position of the Fund at 31st December, 1952, and at 31st December of each year whilst the Fund is in operation, be laid on the table of the Legislative Council at the first sitting thereafter.

Well, Sir, everything that I could say or would wish to say in a speech supporting the Resolution is contained in the Resolution itself, so I feel that I have nothing more to add.

I beg to move.

THE MEMBER FOR EDUCATION AND LABOUR seconded.

The question was put and carried.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move that the Eviction of Tenants (Control) Ordinance, 1949, shall remain in force until the 31st day of December, 1953.

This Ordinance, Sir, has application to Mombasa Island and was brought into force to protect the interests of large numbers of the poorer class of the community, who were in danger of eviction unless some protection could be afforded. No one likes this Ordinance very much, and we are anxious to get it off the Statute Book as soon as possible, but it is not yet possible or practicable. The Mombasa Municipal Board has in hand a large housing scheme at Changamwe. As that develops, relief will be afforded to the tenants on the Island. I am in communication with the Provincial Commissioner with a view to arranging a scheme whereby, with the progressive development of the Changamwe Scheme, various sections of the Island can be released from the Eviction of Tenants Ordinance. That will be done during 1953 whenever it becomes possible. In the meantime, Sir, I feel that this Ordinance must be kept in force, at any rate for another year.

I beg to move.

THE DIRECTOR OF MEDICAL SERVICES seconded.

The question was put and carried.

ADJOURNMENT

THE SPEAKER: I think we had better interrupt business now, though the Resolution passed this morning does not strictly permit me to interrupt business because we have this Commonwealth Parliamentary Association meeting, as soon as Council adjourns, of our Kenya Branch. I hope all Members will attend.

Council will now stand adjourned until 9.30 a.m. to-morrow morning.

Council rose at thirty-five minutes past Twelve o'clock p.m.

Thursday, 4th December, 1952

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

(Mr. Speaker in the Chair)

PRAYERS PAPERS LAID

The following Paper was laid on the Table:—

The Select Committee Report on the Education Bill.

(THE MEMBER FOR EDUCATION AND LABOUR)

ORAL ANSWERS TO QUESTIONS QUESTION No. 46

Dr. HASSAN:

Will the Government please state the reason(s) why the sugar quota has not been issued to the Asian merchants of the Machakos district for the past six months?

THE MEMBER FOR COMMERCE AND INDUSTRY: It is not the case that Asian merchants in the Machakos district have not received sugar allocations for the past six months.

Sugar is distributed to 29 Asian merchants as under:—

(a) Twenty-one merchants receive a total of 198 bags monthly on permits issued direct by the Supplies Control Office. These allocations have been issued monthly to most of these merchants since 1938 and none have had their quotas taken away or reduced.

(b) Nine hundred and nine bags are distributed in the native reserves by the District Commissioner, Machakos, who has recently withdrawn from this amount 41½ bags previously issued through Asian merchants for African consumption in his district. This quantity has been re-distributed to African traders so that their needs can be met.

Dr. HASSAN: Arising out of that reply, Sir, will the hon. Member state whether these merchants can carry on their business without a sugar quota? These 41½ bags that he said were the quota for the provision merchants for their trade purposes. The other bags are for the con-

sumption of the merchants and their employees. It is not a trade quota.

THE MEMBER FOR COMMERCE AND INDUSTRY: I do not wish to bandy words with the hon. Member, but if the Asian merchants, employees and their families require 198 bags per month, they must eat a great deal of sugar. (Laughter.) I cannot, follow the hon. Member in speculation with regard to the respective Asian merchants being able or not to carry on their business. Naturally I hope to be able to do everything possible to enable them to carry on their business, but I would remind the hon. Member that there are also such people as the African traders, who also need sugar with which to carry on business. (Applause.)

THE SPEAKER: Would the hon. Member for Eastern Area kindly have the goodness to look at Standing Order No. 30, especially paragraph (c), which relates to a Member being responsible for the statement of fact put into a question. A great deal of time is lost in this Council through questions being put which have no substratum of fact.

QUESTION No. 57

Dr. HASSAN:

Is the Government aware that the Public Works Department took possession of a portion of "Plot" No. 276 Section V situated at Changamwe-Miritini, belonging to Messrs. Adamali E. Kaderbhoj and G. E. Karachiwalla in or about October, 1948, under the Indian Land Acquisition Act, for the purpose of constructing the Mombasa-Nairobi Road, and that in spite of various representations to the District Commissioner, Mombasa, and the Commissioner of Lands, Nairobi, the claim of the said Messrs. Adamali E. Kaderbhoj and G. E. Karachiwalla for compensation has not yet been decided or settled?

THE MEMBER FOR HEALTH, LANDS, AND LOCAL GOVERNMENT: I have only recently been made aware of the delay in completing this acquisition which was due to the absence of a survey in order to determine the precise area which has been taken by the road. A survey has now been completed, and is being checked as a matter of urgency, and the collector will make his award as soon as possible.

[The Member for Health, Lands, and Local Government].

The Government regrets the inconvenience caused to the plot-holders by this delay; the collector will, no doubt, take into account in making his award the bona fide damage resulting from the diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the collector taking possession of the land for which provision is made in the Indian Land Acquisition Act.

QUESTION No. 60

MR. GIKONYO:

Will the Government please state when it will be possible to appoint permanent African member or members on the Transport Licensing Board instead of the present system of co-opting Africans to serve on the Board at various places of the Colony whenever the Board meets.

THE MEMBER FOR COMMERCE AND INDUSTRY: I would refer the hon. Member to my reply to Question No. 67 of 1951 which read as follows:—

"The Transport Licensing Board travels from one part of the Colony to another to perform its functions. Under section 3 of the Transport Licensing Ordinance the Governor may, if he considers it desirable, appoint not more than two additional members for any particular meeting. This power has been delegated to the Chairman of the Transport Licensing Board who normally appoints an African member with local knowledge of the area concerned. The Government considers that African interests are best served in this manner."

and to state that the Government's views on this matter remain unchanged. Administrative arrangements have, however, been made to ensure that an African member will be co-opted on all occasions.

MR. MATHU: Arising out of that reply, does the hon. Member agree that there must be some dissatisfaction since the time he answered that reply and this time my hon. friend answers the same question? Government should change their policy and appoint a permanent African on the Transport Licensing Board.

THE MEMBER FOR COMMERCE AND INDUSTRY: I do not want to enter into an argument with my hon. friend, but I would point out that at the end of my reply I stated that an African member will be co-opted on all occasions. The reason why Government has taken the view it has done is that local knowledge is eminently required in view of the innumerable cases that come before the Board. I cannot agree with my hon. friend with respect to some of his remarks.

MR. MATHU: Arising out of that reply, would the hon. Member say that other members who are not Africans have local intimate knowledge everywhere in the country?

THE MEMBER FOR COMMERCE AND INDUSTRY: The assumption upon which the hon. Member's supplementary question is based is one in which I cannot follow him. On the other hand, I would ask the hon. Member to believe that there are a number of members who have local knowledge of various parts of the Colony, and also I would point out that in the case of very many applications coming forward from Africans a more intimate local knowledge is often more necessary than it is in many other cases coming forward.

MR. MATHU: In view of the very unsatisfactory nature of that reply, we propose to move a Motion at the proper time to deal with this matter.

QUESTION No. 66

MR. MACONOCHE-WELWOOD:

Will the Member for Agriculture and Natural Resources state whether there is any intention of handing over the preparation of veterinary biologicals to the High Commission? If the answer is in the affirmative, will the Member give an assurance that before doing so he will obtain the opinion of this Council in accordance with the statement made by him in the debate on the Adjournment on July 10th, 1952, and the pledge given in Committee of Supply on 4th December, 1951?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: As stated in my reply to a question by the hon. Member for Rift Valley on 10th July, 1952; it is

[The Member for Agriculture and Natural Resources].

intended that the East Africa High Commission should assume responsibility for the manufacture of certain veterinary biological products. I repeat the assurances previously given that I would report again to the Council before the transfer is made. In the meanwhile, a Motion has been tabled which will give an opportunity for the matter to be debated.

MR. MACONOCHE-WELWOOD: Arising out of that answer, could the hon. Member inform us whether such transfer will cause a rise in the price of biologicals to the consumer?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The Kenya Government has agreed to the suggestion by the High Commission that biological products should be sold at full cost. They further agreed that, should any Government wish these products to be sold at less than cost, the loss on the sale would be borne by the Government concerned. I am naturally not in a position to give any assurance with regard to prices which may be charged by an organization which will not be under my control.

MR. BLUNDELL: Arising out of the original answer, will the hon. Member say what will happen to the facilities available at present provided by the Government of Kenya for manufacturers if they are taken over by the High Commission?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think the facilities will still be utilized, because all biologicals will not be taken over by the High Commission.

MR. HARRIS: Arising out of the hon. Member's penultimate reply, will the Member, in fact, the general taxpayer of Kenya will have to pay more for the preparation and sale of biologicals under the High Commission auspices or under the Kenya Government auspices?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: To answer that question I should have to take into account costs of manufacture and the actual revenue obtained. It is an actual problem, but I should think the cost

to the Kenya Government would possibly be slightly more, because they have to buy, and not get rid of them.

MR. BLUNDELL: Arising out of that supplementary answer, is it the intention then to have two sources of manufacture and, with them, double overheads and double administration?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The answer is that, by degrees, I believe the intention is that the East African Institution should take over the other; but it means that they are going to manufacture the big ones, one of which is for indigestion.

BILL

SECOND READING

The Customs Tariff (Amendment) Bill

THE MEMBER FOR FINANCE: This Bill is in accordance with the Ways and Means Resolution which was discussed and passed by the Committee of Ways and Means and by this Council. I do not propose to detain Council longer and I beg to move.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Home in the Chair]

The Customs Tariff (Amendment) Bill

THE MEMBER FOR FINANCE: I beg to move that the Committee do report that it has considered the Customs Tariff (Amendment) Bill and passed the same without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

THE SPEAKER: I have to report that the Committee has considered the Customs Tariff (Amendment) Bill and has passed the same without amendment.

BILL

THIRD READING

The Customs Tariff (Amendment) Bill

THE MEMBER FOR FINANCE: I beg to move that the Customs Tariff (Amendment) Bill be now read a Third Time.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time and passed accordingly.

BILL

SECOND READING

The Estate Duty (Amendment) Bill

THE MEMBER FOR FINANCE: There again this Bill was debated and its principles passed by way of a Ways and Means Resolution. I do not therefore propose to repeat the arguments and I beg to move.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Horne in the Chair]

The Estate Duty (Amendment) Bill

MR. COOKE: On a point of order, we have all heard about itinerant judges but could not your continuous movement from the Chair be got over by considering all the Bills at one stage together? We should have to suspend a Standing Order.

THE CHAIRMAN: If you suspend Standing Orders well and good. I am simply carrying out my duties in the absence of the Chairman of the Committee. I have got a Chairman—Sir Charles Mortimer is perfectly willing. I suggest we go through the Motions anyway. If there is no debate I cannot help it. After all, when I come down here as Chairman it is for you all to speak at interminable length if you so wish.

THE MEMBER FOR FINANCE: I beg to move that the Committee do report progress on the Estate Duty (Amendment) Bill and has passed the same without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

THE SPEAKER: I have to report that a Committee of the whole Council has considered the Estate Duty (Amendment) Bill, and have made no amendments thereto.

BILL

THIRD READING

The Estate Duty (Amendment) Bill

THE MEMBER FOR FINANCE: I beg to move that the Estate Duty (Amendment) Bill be now read a Third Time.

THE MEMBER FOR DEVELOPMENT seconded.

The question was put and carried, and the Bill read a Third Time and passed accordingly.

BILL

SECOND READING

The Dangerous Petroleum Tax (Amendment) Bill

THE MEMBER FOR FINANCE: Mr. Speaker, my itinerant movements seem to be almost as rapid as your own!

This Dangerous Petroleum Tax (Amendment) Bill, which I now move to be read a Second Time, is one of those which has been debated in the Ways and Means Committee and the principles stated and agreed to by this Council.

I beg to move.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried. Ordered to be read a Second Time and committed to a Committee of the whole Council.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Horne in the Chair]

The Dangerous Petroleum Tax (Amendment) Bill

THE CHAIRMAN: The hon. Member for the Coast might have helped me out by observing that under Standing Order No. 7 no Motion need be put at the end of business.

THE MEMBER FOR FINANCE: I beg to move that the Committee do report consideration of the Bill.

Question proposed.

The question was put and carried:

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

THE SPEAKER: I have to report that the Committee have considered the Dangerous Petroleum Tax (Amendment) Bill and have made no amendments thereto.

BILL

THIRD READING

The Dangerous Petroleum Tax (Amendment) Bill

THE MEMBER FOR FINANCE: I beg to move that the Dangerous Petroleum Tax (Amendment) Bill be now read a Third Time.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time accordingly.

BILL

SECOND READING

The Export Duty (Amendment) Bill

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Export Duty (Amendment) Bill be now read a Second Time.

Sir, the principle of the continuance of export duties has, of course, been decided by financial resolution, but, Sir, at the time of the financial statement, I gave a promise that if the steel industry wished to have the basis of the duty lifted from an average to one of im-

position on individual consignments, then I would consider their application. They have made an application that the basis shall be altered from average value to the f.o.b. price on each individual consignment and this Bill is intended to carry out the promise that I made in the financial statement.

The wattle bark and extract exporters have also made representations to change to this individual consignment basis. The Government has agreed to apply the same system and this is again allowed for in the Bill.

Sir, I beg to move.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

Ordered to be read a Second Time and committed to a Committee of the whole Council.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read. Mr. Speaker in the Chair.

IN THE COMMITTEE

[Mr. W. K. Horne in the Chair]

The Export Duty (Amendment) Bill

THE MEMBER FOR FINANCE: I beg to move that the Committee do report consideration of the Bill.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

THE SPEAKER: I have to report that the Committee of the whole Council has considered the Export Duty (Amendment) Bill and made no amendments thereto.

BILL

THIRD READING

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Export Duty (Amendment) Bill be now read a Third Time.

1953 In Committee

THE MEMBER FOR DEVELOPMENT
seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time accordingly.

BILL

SECOND READING

The Appropriation Bill

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Appropriation Bill be now read a Second Time.

This, Sir, is for the authorization and statutory sanction for public expenditure for the year 1953 on the basis of this Council. The Estimates, having been passed by the Council without amendment, Sir, there is no need to move any amendment to the Appropriation Bill.

I beg to move. (Applause.)

THE MEMBER FOR DEVELOPMENT
seconded.

Question proposed.

The question was put and carried.

Ordered to be read a Second Time and committed to a Committee of the whole Council.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

(Mr. W. K. Horne in the Chair)

The Appropriation Bill

THE MEMBER FOR FINANCE: I beg to move that the Committee do report consideration of the Bill.

Council resumed.

(Mr. Speaker in the Chair)

REPORT

THE SPEAKER: I have to report that the Committee of the whole Council have considered the Appropriation Bill and have passed the same without amendment.

BILL

THIRD READING

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Appropriation Bill be now read a Third Time.

THE MEMBER FOR DEVELOPMENT
seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time accordingly.

BILL

SECOND READING

The Hotels (Amendment) Bill

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that an Ordinance to amend the Control of Hotels Ordinance, to change the title of that Ordinance and to provide for the continuation thereof as amended as a permanent measure be read a Second Time.

Mr. Speaker, in 1948, the Control of Hotels Ordinance became law, being made effective from the 6th July of that year. The object of the Ordinance was to exercise a degree of control in a more appropriate form than had been the case under the full operation of the Defence (Control of Hotels) Regulations, 1943, which were brought in under the circumstances of war.

The Control of Hotels Ordinance of 1948, Mr. Speaker, is an annual measure and has been renewed year by year in this Council by a vote of the Council. Prior to 1948, the control of hotels, I said, was under the Defence (Control of Hotels) Regulations. When the Bill was introduced in 1948 it was felt that by its nature, renewable every year, that it was again an interim measure, and somewhat lengthy discussions for revision were put into train in 1950.

Now, Sir, the object of those discussions, and the bodies which were principally concerned, were, of course, the Hotel-keepers' Association, the Hotels Control Authority and the Board of Commerce and Industry, the object of those consultations was to reach completely the Defence Regulations with legislation either permanent or temporary, as might be appropriate.

The Hotels (Amendment) Bill

THE MEMBER FOR COMMERCE AND INDUSTRY:

It has been felt, in the course of those discussions, that the way to tackle this somewhat contentious question of hotel control was in two parts. The first part is represented by the Bill which I have just moved; should be read a Second Time. The second part is represented by the next Bill on the Order Paper. It is necessary, Mr. Speaker, with your permission, to refer to both Bills at this stage, because they are so inter-connected with each other.

THE SPEAKER: The correct course will be to debate both Bills together and send both Bills into Committee of the whole Council together.

THE MEMBER FOR COMMERCE AND INDUSTRY: The Bills—the first Bill—

THE SPEAKER: They are inter-connected.

MR. HAVELOCK: On a point of order, may I ask: will the question be put on the Second Reading separately?

THE SPEAKER: The Bills will be dealt with separately at each stage, but, as the two Bills are inter-connected, it is convenient to take them in Committee together and, therefore, we will not go into Committee on the first Bill at once, we will wait until the Second Reading of both Bills has been completed, and go into Committee on both of them.

THE MEMBER FOR COMMERCE AND INDUSTRY: This Bill which I have just moved should be read a Second Time is concerned with the permanent legislation required to change the control of hotels in the war-time sense into provision for the licensing of hotels and the licensing of hotel-keepers. This Bill, I think, can be said, to a very large extent, to represent agreed legislation, in so far as it is possible to obtain complete agreement on a subject that concerns merely the interests of the consumer—the users of the hotels—and on the other hand the very legitimate interests of those who own and operate hotels; on the other hand.

The second Bill, in respect of which I will move the Second Reading before we go into Committee, is concerned with the continuation of those regulations under the Defence Regulations which it

has been thought necessary to retain for the time being. That, Sir, is a Bill which, if it is passed by Council, will require renewal every year. It represents, in every respect, Sir, a relaxation of the present Regulations.

Now, Sir, to come back to the Bill which I have moved should be read a Second Time, I do not feel that it is contentious. I believe that I have been able to explain its purpose, I hope to the satisfaction of hon. Members, and Mr. Speaker, I feel that it would both curtail debates and give hon. Members opportunity to raise any points on which they may have doubts, or desire further information, by finishing my introductory speech and moving that the Hotels (Amendment) Bill be read a Second Time.

THE MEMBER FOR DEVELOPMENT
seconded.

Question proposed.

MR. HARRIS: Mr. Speaker, Sir, this sort of legislation is the kind which I think all reasonable people dislike. It was born in war conditions and goes on years and years after the original cause for the legislation has disappeared, and, Sir, whilst I feel that many Members may agree with the principle that the licensing of hotels and their managers, when the law of supply and demand does not operate, I feel that, to make such legislation permanent, by putting on the Statute Book a measure only designed really to get over particular difficulties and the lack of the supply of hotel accommodation during war-time conditions. Quite apart from that, Sir, it does seem to me that this measure is killing a goat with a hammer. It would be possible, I feel, to license hotels, license hotel managers, without having to have the whole bureaucratic empire of an authority with all the powers which are granted under the second Bill.

Again, Sir, I would protest at the manner in which this Bill has been proposed. It is making temporary legislation permanent and there is so much cross-reference to the Ordinance that it is almost impossible for anybody to settle down and really see what it means, without writing the whole thing up again. I appreciate that the Government Minister has been very busy lately but if I

[Mr. Harris] is necessary to make temporary legislation permanent. I do feel Government might at least give us a piece of literature which we could read intelligently, even if we had the intelligence to be able to understand it.

Now, Sir, it mentions a definition of an hotel, which I see the hon. Member has changed with a piece of paper which was given to us within the last 24 hours. Even he, himself, could not quite follow his cross-references to the original measure. In the definition of an hotel, as amended, as I think it will be in Committee, the hon. Member mentions that it is a place where food and accommodation are provided for five or more people and paid for by cash or in kind.

Well, Sir, during the war it was my job to know every house around Eastleigh Aerodrome. (Applause—Laughter) There are several hotels—(Laughter)—under this definition in that area which I feel will not come within the province of this Authority. Now, Sir, that may be amusing to hon. Members, but I feel there is far too much legislation on our Statute Book which nobody ever has the slightest intention of carrying out, and the legislation which we are passing to-day falls into that category, in that we know quite well it is not the Authority's intention to go and do the same sort of safari as I had to do during silent hours during the war.

For that reason, Sir, I say this legislation is bad. But, as I agree to the general principle of licensing of hotels and their managers on a temporary basis, I do not propose to oppose this Motion, Sir, but I shall move amendments in Committee.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I would like to congratulate my hon. friend on his speech, not only did it raise a number of serious points, but he also envisaged an interesting tour of a certain part of the City. Now, Sir, my knowledge is not intimate of that part of the city—(Laughter—Applause)—and I perfectly well appreciate that the hon. Member has more common sense on his side, in suggesting—I think—the point he made was that perhaps to make five people

the decisive point is including a great many establishments—(Laughter)—that perhaps would be better left outside the purview of this Bill, and, if the hon. Member would like to move an amendment in Committee suggesting a larger number, I would be quite happy to consider it.

Now, Sir, I want to make a point seriously in regard to this Bill. Like the hon. Member, I dislike having Defence Regulations made into permanent legislation. That is why there are two Bills. That is why the second Bill, which has to do with control, is on a temporary, year to year basis, and there is also provision in it for relaxing control, as demand and supply meet. This Bill, Sir, is not a control. That is why the title has been changed. It is carrying out, as perhaps the hon. Member is not aware, a request from the previous Council which was to have permanent legislation in regard to the licensing of hotels and the licensing of hotel-keepers. This has nothing to do with the control of hotels, *per se*. It has as its object, the protection of the consumer and the tourist against exploitation by a small minority—that very small minority—of hotel-keepers. It has the considerable support, in principle, of the reputable hotel-keepers of this country. It has the support of the Board of Commerce and Industry, which gave it very great study, and I believe, Sir, that this permanent measure is non-controversial and is in the best interests, from the permanent point of view, of this country and will do much to assist us in building up that very important aspect of our economic life, the tourist trade, the most essential basis of which is the accommodation offered to those who seek it.

Mr. Speaker, I have made it clear that I am prepared to consider reasonable requests in Committee, but I must also make it clear that this Bill is a permanent measure and is, in my opinion, necessary as a permanent measure. (Applause.)

The question was put and carried.

THE SPEAKER: We will pass over Orders No. 20 and 21. The Clerk will call Order 22.

BILL.

SECOND READING
The Hotels (Control of Tariffs and Accommodation) (Temporary Provisions) Bill

MR. COOKE: I have observed out of the corner of my eye sundry Members reading the daily newspapers, both domestic and foreign. Is that in order, Sir?

THE SPEAKER: Definitely out of order.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move the Hotels (Control of Tariffs and Accommodation) (Temporary Provisions) Bill be read a Second Time.

Sir, this Bill—as is made clear in the title—is a Bill to control tariffs and accommodation in hotels. It represents a very considerable relaxation of the present regulations under which the control has been exercised, and under the Bill passed in 1948 and also under the Defence Regulations.

The purport of this Bill, Sir, is—to repeal the Defence Regulations in so far as they apply to hotels, and, at the same time, continue those provisions of the law that are still thought to be necessary, where demand is greater than supply, on a year to year basis.

Now, Sir, I like the hon. Member for Nairobi South, dislike the interference by Government with the natural play of supply and demand. (Hear, hear.) But the hon. Member for Nairobi South, and other hon. Members, are well aware that at the present time there is still a shortage of hotel accommodation. It is a shortage that is being met by the very useful and valuable efforts of private enterprise in increasing the supply of hotel rooms. Nevertheless, at the present time, it is necessary, in a certain measure, to provide protection for the consumer. (Hear, hear.) In the constituencies of every urban Member of this Council are people living permanently in hotels. It is necessary to protect them, not unreasonably, and not in such a way that, if they do not meet their legitimate dues and charges, they should then have a privileged position. Sir, the objects of these control measures are, quite frankly, to interfere with the natural processes of demand and supply to protect the weaker party. But

at the same time, to seek to do justice to those who provide the accommodation. The Bill, Sir, is a compromise, and as a compromise it is open to attack from both sides. It has been attacked by those who directly represent the consumer interests as not going far enough to protect them. It will naturally be attacked by those who own and build and operate the hotels as going too far in interfering with their freedom to charge and do what they like. In the sense that the Bill is attacked from both sides, it is, Sir, a difficult Bill to justify. On the other hand, as it is attacked from both sides—those who are protected—say they want more protection, and those whose rights are taken away, say too many rights are taken away—then, Sir, it is reasonable to assume that it, perhaps, adequately meets a situation that is deplorable, but still exists. On that basis, Sir, I have no hesitation in commending the Bill to hon. Members.

I wish to give notice that in Committee, after further discussion with those who represent the consumers and providers of accommodation, I would wish to move amendment, I would wish to move one or two minor amendments. The first and most important is to make it quite clear that those who do not pay their bills, on time have no right to the protection offered by this Bill. (Applause.)

Now, Sir, I do not believe I need detain the Council further. I can see my hon. friends are only too ready to rise to their feet to defend one side or the other. I cannot believe that they will cancel each other out. But, Sir, I will be only too happy to hear what their views are; to do my best to meet them and, indeed, to answer them.

I beg to move.

THE MEMBER FOR DEVELOPMENT
seconded.

Question proposed.

MR. SLADE: Mr. Speaker, I do not propose to say much on this Motion, because I have an interest outside my constituency in this Council in that I am a director of a concern named Black Hotels, Ltd., and, therefore, can be easily charged of being on one side.

The only point which I wish to discuss is one which, I believe, embodies a principle extending beyond the question

(Mr. Slade) of hotels. Under clause 15 of this Bill, it is provided that an authority or any person authorized in writing by an authority for the purpose may at all reasonable times enter upon and inspect any hotel or any portion thereof.

Mr. Speaker: I appreciate that certain powers of inspection are necessary where one has a control of this kind. Such powers of inspection are conferred by many other Ordinances too, but they are always welcome, and it is important, if we are not to become a totalitarian State; that they should be exercised with the utmost discretion.

I am not going to move an amendment to this clause in Committee, Mr. Speaker, but I would ask the hon. Member for Commerce and Industry for an assurance that this power will be exercised with the utmost discretion. That is to say, that wherever possible notice of intended inspection will be given, and wherever possible, the hotel-keeper or the manager will be invited to attend. I do appreciate that there may be cases of suspected offences where it is necessary for an inspection by way of detection but I do hope that only in those cases will there be an inspection without notice and without the attendance of the proprietor or manager.

MR. NATHOO: Mr. Speaker, whilst I agree with the hon. Member for Commerce and Industry that during the present time the law of supply and demand cannot work fairly on both sides owing to the circumstances beyond our control, and that for that reason it is necessary to control, particularly, the prices charged by the hotel-keepers, there are one or two points, Sir, in the Bill on which I would like to make some comments.

I refer to section 6 of the Bill, which gives the power to the Authority to regulate the permanent and casual accommodation in any hotel. This was fixed at a time when conditions were quite different, and the position not as favourable as regards accommodation as it is now. But I wish to submit that it is unreasonable for the Authority to force the hotel-keepers to continue to keep a larger portion of their accommodation for permanent visitors, when by such enforcement these hotel-keepers are not able

to make a reasonable profit on their outlay. And, Sir, I wish to request the hon. Member for Commerce and Industry to give me an assurance that sufficient instructions will be given to the Authority to see that, where reasonable cases are presented; the idea of what existed in 1942, but they must take account of the present-day conditions. (Applause.)

MR. HARRIS: Mr. Speaker, I have only one point I would like to make on this Bill. That is that the hon. Member rightly mentioned the encouragement of the tourist trade. But, Sir, in order to encourage the tourist trade, the investment of capital is necessary, particularly in the hotel industry, and I would ask the hon. Member to ensure that the Authority do not use its powers to such an extent that it makes it impossible for hotel proprietors to build up reserves which will be used in development to encourage the tourist industry.

MR. BLUNDELL: Mr. Speaker, I merely wish to record that I, personally, am against government by an assurance. I believe that asking for assurances from hon. Members opposite is not wise. Hon. Members are promoted; they sometimes die; they sometimes leave us. In effect, it is a well-known fact that to ask ministers for assurances is useless. That is not a reflection on hon. Members, Sir. It is no reflection on the hon. Member—he may give us every assurance that he wishes, but Governments may change and time passes; and the only real safeguard is to amend legislation in accordance with the wishes of those who want the assurances.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I would like to refer to the remarks of my hon. friend, the Member for Rift Valley first. I wonder if he was listening when I remarked that this was a Bill that, if passed in this Council, would have to be renewed by Resolution of the Council every year.

MR. BLUNDELL: Is the hon. Member quite certain that nothing will happen in the next year that will remove him?

THE MEMBER FOR COMMERCE AND INDUSTRY: If the hon. Member will let me finish my argument, I wish

The Member for Commerce and Industry)

of suggesting nothing would happen in the next 12 months. Naturally, those things are in the hands of God. But I would ask the hon. Member to remember a number of occasions when he has asked for assurances himself and has— I had HANSARD by me. I would, but he will remember them just as well—at a later date expressed his complete satisfaction that those assurances have been carried out. It may be that the hon. Member has changed his point of view.

MR. BLUNDELL: Mr. Speaker, the hon. Member is responsible for his statements—I very much doubt whether a HANSARD he could find the statement that I was satisfied. Have I been so cautious? (Laughter.)

THE MEMBER FOR COMMERCE AND INDUSTRY: I have not HANSARD by me, but my hon. friend, if he will look to the Budget debate last year, he will find that he accepted assurances from me and in doing so remarked that he had good reason to believe that they would be carried out, by his own experience in that regard.

MR. BLUNDELL: If, Sir, the hon. Member dies? That is what is worrying me.

THE MEMBER FOR COMMERCE AND INDUSTRY: I have already said, Mr. Speaker, that such things are in the hands of God. (Laughter.) Nevertheless, I propose to give certain assurances that hon. Members have asked for in this regard; that fate will allow them to be carried out.

As far as my own intentions are concerned, I can assure the hon. Member for Rift Valley and other hon. Members that I will use my very best endeavours to see that any assurances given are carried out and, Sir, in so far as it lies within my power, in view of the remarks in respect of mortality by the hon. Member, I will see that they are carried out.

Now, Sir, to come down to business. The hon. Member for the Aberdarees asked to clause 15: I am perfectly happy to give him the assurance that he asked for, and further, I will give him written instructions to that effect, along the lines that he asked for. That, Sir, I

suggest, is more than a verbal assurance; it will be a written instruction that would have, I believe, sufficient permanence to last for 12 months.

Now, Sir, to come to the points raised by my hon. friend, Mr. Nathoo, I would point out that under clause 6, there is discretion to vary of which I believe the hon. Member is aware of. I have already asked the Hotels Authority to use the greatest thought in applying to this matter, to use common sense, and I would also refer the hon. Member to provisions in the Bill before the Council for the exemption of certain hotels either in whole or in part. I can assure the hon. Member that discretion will be used, and I will do my best to see that it is used wisely.

I would now refer to the points raised by my hon. friend the Member for Nairobi South. I entirely agree with what the hon. Member has said about creating those conditions where capital can come into the hotel industry, it is absolutely essential, because it is, by investment of new capital that supply can meet demand.

Again, I would point out to the hon. Member that there is provision for exemption already; certain new hotels, buildings up to a certain standard of luxury have been exempted and, Sir, I would further point out that there is exemption that can also be applied on geographical lines.

I can assure the hon. Member that, as far as I am concerned, I do not want these regulations to remain one month longer than they are; really necessary to protect those who, economically, are in a weak control of the risk. In too much control discouraging capital, I can only say that we have had considerable success in attracting new capital to the hotel industry. That has been possible because, at any rate, have tried to see that regulations are applied reasonably. I hope that, as regulations, they will be withdrawn. I hope too, that further capital will come into the hotel industry and these regulations will be managed.

I beg to move.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—
Order for Committee read: Mr. Speaker
left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer in the Chair]

The Hotels (Amendment) Bill Clause 3

THE MEMBER FOR COMMERCE AND
INDUSTRY: Mr. Chairman, I beg to move
that under clause 3, the definition of
"Hotel" be amended to read as follows;
the present definition be deleted and the
following definition substituted:—

"'Hotel' means any premises in
which accommodation and meals are
supplied or are available for supply to
five or more adult persons in exchange
for money or other valuable considera-
tion and the expression "Hotel-keeper"
shall be construed accordingly."

I suggest, Sir, that that amendment is
self-explanatory and I need not speak
further to it.

Question proposed.

MR. HARRIS: Mr. Chairman, I support
that amendment. The hon. Member did
challenge me to produce an amendment
to this particular definition but I feel that
for the places I am considering it would
not matter whether you make it five or a
hundred, because nobody knows how
many people are accommodated there
each night.

The question was put and carried.

The question that clause 3 as amended
stand part of the Bill was put and carried.

Clause 5

MR. HARRIS: On clause 5, Mr. Chair-
man, would the hon. Member tell me
whether the question is covered in 5 (1)
of an assistant manager temporarily
managing an hotel. I feel it should be in-
corporated if he does not feel that it is
legally covered.

THE MEMBER FOR COMMERCE AND
INDUSTRY: I think anybody managing an
hotel for the time being is an hotel
manager and to that extent it is covered.

MR. HARRIS: Should be not, Sir, be in
a position to be issued with a licence on

appointment as an assistant manager.
That is the point I am making, particu-
larly with regard to the bigger hotels.

LT.-COL. GHERSIE: Mr. Chairman,
some hotels employ one or more assistant
managers and they may take over the
authority of managing the hotel if the
manager is ill, for instance.

THE MEMBER FOR COMMERCE AND
INDUSTRY: I would refer the hon. Mem-
ber to the definition of licensed hotel
manager:—

"... means any person to whom an
Hotel Manager's Licence has been
issued."

MR. HARRIS: It is that very definition,
Mr. Chairman, that is worrying me; if he
is not an hotel manager under this, he
cannot get a licence. I want a licence to
be issued to an assistant hotel manager,
so that in the event of his suddenly being
called upon to manage in the position of
his boss, he is a licensed hotel manager.

THE MEMBER FOR COMMERCE AND
INDUSTRY: I would refer my hon. friend
to an analogy. I believe it is quite
common for, shall we say, a certified
electrical engineer or an admitted solicitor
or a man holding a master's ticket to act
as an assistant electrical engineer, a
qualified clerk, a first or even a second
officer and to that extent, Sir, I feel to
have categories of differing kinds of
licences might add even more to that
bureaucratic complexity—that bureau-
cratic administration, to which the hon.
Member referred in his previous speech.
I believe, Sir, the point is covered in the
way that I have tried to explain, but if the
hon. Member is at all worried on the
point, I will consult with my friends.

MR. BLUNDELL: You have got it all
wrong.

THE MEMBER FOR COMMERCE AND
INDUSTRY: Not at all; I was meaning
friends in another place—and give him
what would be the legal answer.

LT.-COL. GHERSIE: I think it is a very
important point. I do not think it was a
satisfactory reply: the point is that the
assistant manager be issued with a licence
as an assistant hotel manager.

THE MEMBER FOR COMMERCE AND
INDUSTRY: I have already said, and I
perfectly well appreciate the point that
an assistant manager can be issued with
a licence.

MR. SLADE: Mr. Chairman, I agree
entirely with the hon. Member. The point
is fully covered with the draft as it
stands. There is nothing to say how a
man qualifies for a manager's licence;
even my hon. friend could apply for and
get a licence to manage an hotel, even
if he was not managing an hotel and
never intended to.

MR. HAVELOCK: It is lucky we can
have legal advice on this side.

THE MEMBER FOR COMMERCE AND
INDUSTRY: I gave a direct answer.
(Laughter.)

MR. BLUNDELL: Go up to the top!
(Laughter.)

LT.-COL. GHERSIE: Clause 5 (4), Sir,
I presume the licence could apply to
more than one premises. There are places
that run hotels in a group.

THE MEMBER FOR COMMERCE AND
INDUSTRY: Again, Sir, the text is per-
fectly clear to the hon. Member, that is,
the premises specified in the licence.

Clause 6

MR. SLADE: I apologize for not having
given notice of an amendment. I want
to move, but it is not a very complicated
one. (Applause.) Clause 6 as it stands
provides that section 6 shall be amended
to read as follows:—

"An Authority shall not issue, renew
or transfer an hotel-keeper's licence
unless it is satisfied that the applicant
or proposed applicant is of good
character and fit and proper to carry
on the business of the hotel and that
the premises in respect of which the
application is made are suitable in
every respect for the carrying on of
a business of an hotel thereat."

Now, section 7 of the principal Ordinance
provides that where an Authority
considers the premises used as an hotel
are unsatisfactory, notice shall be given
to the proprietor and time allowed for
him to remedy the defect. That is fair
enough, but under clause 6 as it now
stands, it is possible for the Authority
to refuse renewal or transfer of a licence
without the licence-holder having had
any previous notice that the premises
are considered unfit. It does seem to
me, Mr. Chairman, that although it is
quite right to refuse issue of a licence
on the grounds that the premises are

inadequate, it is not fair to refuse re-
newal or transfer of a licence, unless
notice of inadequacy has been given pre-
viously, and in that case, the Authority
can rest on section 7, which gives power
to cancel the licence if the requirements
are not carried out. Therefore, Mr. Chair-
man, I want to move that section 6 of
the principal Ordinance as re-worded
by clause 6 of the Bill be amended as
follows, by deleting from paragraph (a)
the words:—

"and that the premises in respect of
which the application is made are suit-
able in every respect for the carrying
on of a business of an hotel thereat."

so that paragraph (a), covering issue,
renewal or transfer of a licence relates
only to the character of the applicant.
Insert a new paragraph (b) to read as
follows:—

"Issue an hotel-keeper's licence
unless it is satisfied that the premises
in respect of which the application is
made are suitable in every respect for
the carrying on of a business of an
hotel thereat."

and renumber paragraph (b), para-
graph (c).

I hope that it is intelligible.

THE CHAIRMAN: In the meantime, I
will put the question of clause 5.

The question that clause 5 stand part
of the Bill was put and carried.

THE MEMBER FOR COMMERCE AND
INDUSTRY: Mr. Chairman, on the amend-
ment that my hon. friend has drafted
at this stage, in principle, I have no
objection to the view which he has put
forward. I wonder whether he would be
so good enough, as he has drafted it,
to clear the matter of the legal drafting
with my hon. friend.

MR. SLADE: Yes, Sir.

THE MEMBER FOR DEVELOPMENT:
Mr. Chairman, might I suggest that this
would be a convenient moment to take
up the adjournment, while this point is
being cleared.

THE CHAIRMAN: Would it not be
preferable to proceed with the other
clauses of the Bill and come back to
this one later as there is still ten minutes
to go?

[The Chairman] Schedule.

Is the hon. Member moving an amendment to Schedule?

THE MEMBER FOR COMMERCE AND INDUSTRY: No.

MR. HARRIS: I would like to move the deletion of the Schedule completely. If the legislation is necessary, then I do not see why it should not apply to these various premises in the Schedule.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I cannot agree that the Schedule should be removed; the reason why I cannot agree that the Schedule should not be removed is this. That under the existing law, the concerns appearing in the Schedule have the degree of exemption provided for under both these Bills. Now, Sir, there is provision in both Bills for His Excellency the Governor in Council to add or subtract from the Schedule. I think, Sir, that it is sound practice not to take away rights that already exist by legislation unless there is very good reason to do so, when there is specific provision for those cases to be considered individually by His Excellency the Governor in Council, acting in what is after all, a pseudo-judicial capacity where the individual case can be considered. I think, Sir, it would be taking away rights that have been enjoyed for many years by concerns such as those that appear in the Schedule without hearing the individual case, and I suggest, Sir, that the Legislative Council in Committee of the whole Council is hardly the tribunal to consider the details of individual cases. It is not, Sir, that I am not prepared to meet the hon. Member. I am. I am prepared to say that in every one of these cases, I will go personally into them and will consider whether they should go to the Governor in Council to see whether indeed the Schedule should be added to or subtracted from.

I shall go personally into them and will consider whether they should go to the Governor in Council to see whether, indeed, the Schedule should be added to or subtracted from, on the analogy that I do not think it right to take away rights that exist by legislation except in most extraordinary cases. Neither do I think it right to add to a

Schedule in this Council. That is why I did not move an amendment to the Schedule; although considerable pressure has been brought to bear on me to do so.

I suggest again, Sir, that if privileges are to apply to individuals or corporations when there is a procedure laid down in the Bill, then that procedure should apply, whether privileges are taken away from certain bodies, or whether they are conceded to additional bodies. (Applause.)

MR. HAVELOCK: I rise to support the amendment, and also to comment on the most peculiar remark that the hon. Member passed, that this Council is not the place in which to discuss things like moving the deletion of the Schedule.

THE CHAIRMAN: In order to put the matter in a regular order, it is proposed that all words in the Schedule be deleted.

THE MEMBER FOR COMMERCE AND INDUSTRY: On a point of explanation I did not, of course, suggest for one moment that this Council should not discuss anything that it desires to do. What I did suggest was that there was possibly a more suitable forum to discuss whether rights should be taken away from an individual society when the procedure is laid down in the Bill for another body to consider the individual cases.

MR. HAVELOCK: I think the words of the hon. Member before was that this was not the place to make decisions.

THE MEMBER FOR COMMERCE AND INDUSTRY: On a point of order, Mr. Chairman, if I am going to be told by the hon. Member words, as the Official Report will show, and he can look at it before I see it, then, Sir, we cannot debate.

MR. HAVELOCK: I am very grateful to the hon. Member for his permission given to me to look at the Official Report before he sees it. What the inference of that remark is I do not know. I believe this is the place that this matter should be discussed, and decided upon.

I would take up also the point that hon. Member made, that rights are being taken away. Well, surely Legislative Council is the place where rights shall

[Mr. Havelock] be given or taken away and such decisions should be made here, for that particular matter.

I also suggest that there are no particular rights that will be taken away by deleting it from this Schedule. I say that, Sir, because the original Ordinance included a lot of matter which has now been amended by this Bill and, indeed, as the words of the hon. Member himself, this Bill is now becoming, or rather Ordinance is becoming, a licensing Ordinance, and that is all that it is. It is something we have asked for for a very long time. I, personally, of course, regret the principle of that, but, Sir, there is one real reason why the Kirk Road Hotel, the Civilian Workers Hotel and Ann's House and so on should not be managed by a licensed manager? People managing hotels should have managers' licences. I can see no reason against that at all. I can see every possible benefit that these particular hostels—whatever they are—should be under exactly the same law as far as this is concerned. I am not referring to the other Bill, which we are coming to in a few minutes. That is entirely a different question. It is because of the provisions of the second Bill that these particular places were exempted. I submit it was not because of the provisions contained in this Bill that these particular places were exempted. It seems quite logical to me why such places should not be properly looked after by proper people.

I beg to support the amendment.

THE MEMBER FOR COMMERCE AND INDUSTRY: I do not wish to speak at length on this point, but I can assure the hon. Member that under section 13, sub-paragraph (2) the Governor in Council may by notice published in the Gazette from time to time vary the said Schedule. I am prepared to meet the hon. Member by saying that I see a great deal in what the hon. Member has said in relation to this Bill under consideration. I am prepared to examine each one of those items appearing in the Schedule in the light of the power provided in the Bill. I cannot at this stage accept the hon. Member's amendment, but I can give him an assurance that I will look at all these things again and I am per-

fectly prepared to let him see the reasons, and I do see a lot of sense in what he says in regard to this Bill, but I cannot accept the amendment across the board at the present juncture. I must have time to look at it.

MR. HAVELOCK: Mr. Chairman, the hon. Member is, as usual, being generous, but I am afraid not generous enough for me. He realizes that this matter has been a matter for discussion between him and I—in any case, warning has been given. I believe that if this Schedule is passed as it is to-day, then there may be legitimate reasons from the people concerned for grievance; if Legislative Council, having passed and exempted these places in the Schedule to the Ordinance, then under clause 13 Executive Council might reconsider the whole matter and delete them from the Schedule. I believe that then they would have quite a legitimate grievance in that regard. I would say that this is the place in which the decision must be made, and made now and not later.

MR. COOKE: Could we not adjourn while the hon. Member thinks of a better reason?

THE MEMBER FOR COMMERCE AND INDUSTRY: I cannot give way on this point at this moment. I have told hon. Members how far I can go.

THE MEMBER FOR FINANCE: Sir, I would like to speak on this; particularly on Sir, because I happen to have had some personal experience of the running of some of the places that are now being discussed, the Kirk Road Hotel, the Civilian Women Workers Hotel and Ann's House. Just the same as the hon. Member for Nairobi South has had experience. These, Sir, are rather in a different category to most of the places that we talk about cottages and licensing. These premises are very temporary premises indeed, and they are porray premises which serve a most useful purpose in the life of European women workers in this town. The Kirk Road Hotel, which has served a most useful purpose, the Civilian Women Workers Hotel, which was in Delamere Avenue, which has served a very useful purpose and is very present moment, because without these useful purpose, because without these places there would not be accommodation for a number of the women workers.

[The Member for Finance]

Now, let us turn, Sir, to the other institutions that are being exempted—the Young Women's Christian Association, the Women's Christian Association, the hotel for Africans in the Shauri Moyo district. These are not profit-making institutions and are serving an extremely useful purpose. Is there any real reason why this Council should not accept the view that these hostels and these institutions should not be subject to the rather stringent conditions for licensing, and for premises, that the ordinary commercial institution is subject to? After all, Sir, my hon. friend the Member for Commerce and Industry has indeed offered that the position will be reviewed and if there is a case against these institutions which are public institutions, non-profit-making, being run for good purposes, if there is any case against them, then he has assured hon. Members that it will be put before Executive Council and the position reviewed in detail. I would suggest, Sir, that to take a decision that institutions of this kind, which serve a vital purpose in the commercial life of the town, because they provide accommodation for women clerical workers—without whom we could not get on—and in African and European life of the town in that they provide accommodation that is not otherwise available. To suggest that they should be at this particular moment struck from the list of exemptions is, I suggest, a rather unreasonable thing, and I would suggest that hon. Members accept what I think the hon. Member for Kiambu called the generous offer of my hon. friend the Member for Commerce and Industry the assurance that the matter will be brought before Executive Council for reconsideration.

THE CHAIRMAN: If the debate is likely to be prolonged this would be a convenient time for the usual break.

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

THE CHAIRMAN: The debate will be resumed on the amendment that in the Schedule all the words be deleted.

MR. HARRIS: The hon. Member for Finance has given me the very argument I have wanted the whole morning. He

suggested by inference that this is a very great hardship for these charitable institutions to be subjected—

THE MEMBER FOR FINANCE: Mr. Chairman I must object. I never used the word "charitable", I used "non-profit-making". There is a very great difference.

MR. HARRIS: I accept the rebuke—that for these non-profit-making institutions, it is such a great hardship that they should be subject to the conditions of this Bill. I understood from the hon. Member for Commerce and Industry that this was a very desirable measure which would really harm nobody; all it was going to do was to assist the hotel industry. Now, Sir—

THE MEMBER FOR COMMERCE AND INDUSTRY: I think I made the point that these Bills are to try to strike a happy medium between the protection of the consumer and the industry, both of which the hon. Member represents.

MR. HARRIS: I thank the hon. Member for Commerce and Industry, because he has now added to the point I wanted to make, which was started by the hon. Member for Finance. There are consumers in these particular places and they are very important consumers. The hon. Member for Finance said that he and I both had experience of the administration of some of these institutions and I would point out that one in particular and the others to a lesser degree—Kirk Road Hostel—is now used by the City Council in the nature of a transit camp for new entrants into this country and their impressions of this country are very largely gained from their experience in the Kirk Road Hostel.

Now, Sir, I am sorry—hon. Members may laugh, even the hon. Member for Finance who shakes his head—perhaps he is so much out of date he does not know what the Kirk Road Hostel is now used for—that the Kirk Road Hostel is now used for that purpose. I maintain that the inmates of Kirk Road Hostel deserve as much consideration as the inmates of the New Stanley Hotel and the inference to be drawn from the remarks of the hon. Member for Finance was that whilst the City Council had no need to have its activities supervised, it was very necessary for some of the

[Mr. Harris] major hotels of this Colony. I consider that if that is so, it is casting an unnecessary aspersions on—the management of several hotels in the Colony and underlines the point I made earlier that this legislation is quite unnecessary in respect of a great many hostels.

I think, Sir, that the hon. Member for Kiambu has made the point that it is either necessary to control everyone or no one and why these hostels should not have licensed managers—it seems the easiest thing in the world to give them licences—and why the premises should not be licensed—and it seems the easiest thing to license them—why these people should be exempted, I just do not know.

THE MEMBER FOR FINANCE: Mr. Chairman, the hon. Member for Nairobi South astonished me, he really astonishes me. In the first place, to suggest that I am not up to date about the Kirk Road Hostel—he knows it is not true, he knows I know what is happening at the present moment—

MR. HARRIS: It was merely the hon. Member shaking his head Sir, that gave me the impression.

THE MEMBER FOR FINANCE: I was only shaking my head because, knowing the hon. Member for Nairobi South to be a very intelligent Member of this Council, I could not understand some of the arguments that he was putting forward.

Sir, I never used the phrase "hardship" in connexion with this Bill, all that I said, Sir, that these premises, these institutions we were talking about, were, in many cases, in temporary premises. They are wooden buildings, the hon. Member knows that perfectly well. Kirk Road is wood, Ann's House is wood and the Civilian Workers Women's Hostel is wood. I suggest it is wrong they should be given licences or that the Board of Control of Hotels should be asked to give them licences on that particular basis. As for the hon. Member's suggestion that all you have got to do is to take these people and give them managerial licences, I thought that the whole principle behind this Bill was that, in the interests of this Bill and in the interests of this Colony, the highest possible standard of managerial

ability should be called for, and I do suggest that with this particular type of institution, there is not a call for the restrictions that you must put on commercial and profit-making institutions at this point.

One other point—just so that we do not get in on the record: I feel perfectly sure that the City Council would not like to hear an ex-councillor refer to like to hear an ex-councillor refer to the Kirk Road as a transit camp, or to the people residing there as inmates. The whole principle—as the hon. Member knows very well—is that if people find difficulty in getting permanent accommodation, then the special effort that was made at Kirk Road Hostel to get them in is useful until they find permanent accommodation, but sometimes that effort to find permanent accommodation has lasted six months, twelve months, two years. I suggest that "transit camp" was not a happy phrase. I leave it to the agile brain of the hon. Member to think of something which will make a more pleasing headline in the newspapers.

MR. HAVELOCK: Mr. Chairman, I doubt very much if there will be a headline in the newspapers about this debate.

I would like to comment on one thing the hon. Member for Finance has said. He said he considers—and I think he is right—that the main purpose of this Bill is progressively to improve the management in hotels, through the licensing process. I suggest we should also progressively improve the management of the Kirk Road Hostel and other places mentioned in this Bill. They are just as deserving of good management as any body else.

I would like to make a suggestion to the hon. Members—there may be one or two—quits a few—provisions of this Bill which might be a little unfair to talk to the particular institutions we are talking about. On the other hand, I submit there are a number of provisions in this Bill which should be applied to the fact institutions, and especially to the fact of the licensing of the manager. I think it is very important it should be applied to these places. I suggest the hon. Member rather turns his mind to the other way than he is thinking at the moment, that he accepts this amendment, then puts to this Council—Executive Council

[Mr. Havelock]—under clause 13, that there are certain clauses of this Bill from which these places might be exempted. That, I think, Sir, should cover all points.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I cannot accept the hon. Member's suggestion. What I can accept is the substance of his suggestion, but I cannot accept the amendment. I am perfectly happy to examine it in the way he wishes me to do. As my hon. friend also remembered a few moments ago, I am prepared to examine the Schedule as a whole. I cannot accept the amendment across the floor of the Council. I am prepared to take most serious note of the points raised and examine the Schedule, not only in the light of the point that my hon. friend has just raised, but in the light of the whole debate. I repeat, I cannot accept the amendment.

MR. PATEL: Mr. Chairman, I beg to move that the question be now put.

The question was put and carried.

The question that the words in the Schedule which it was proposed to delete stand part of the Bill was put and carried.

THE CHAIRMAN: We will now take clause 6.

Clause 6

MR. SLADE: Mr. Chairman, the wording of the proposed amendment to clause 6 is:—

That clause 6 of the Bill be amended as follows:—

- (i) by deleting from paragraph (a) appearing therein all the words from "and that the premises" to the end of the paragraph;
- (ii) by renumbering paragraph (b) appearing therein as paragraph (c);
- (iii) by inserting a new paragraph (b) therein as follows:—

"(b) issue an hotel-keeper's licence unless it is satisfied that the premises in respect of which the application is made are suitable in every respect for the carrying on of the business of an hotel thereat;"

I am afraid, Mr. Chairman, that on discussing this amendment with the hon.

and learned Solicitor General, we have found it necessary to suggest a consequential amendment to clause 7 to which I would like to refer afterwards.

THE CHAIRMAN: Clause 7 has already been agreed to in the Bill.

MR. SLADE: I was afraid that might have happened.

THE MEMBER FOR COMMERCE AND INDUSTRY: Can it be done at the Report stage? That might accommodate my hon. friend.

Question proposed.

THE MEMBER FOR COMMERCE AND INDUSTRY: I have pleasure in accepting on behalf of the Government the amendment proposed by my hon. friend.

The question of the amendment was put and carried.

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

THE MEMBER FOR COMMERCE AND INDUSTRY: Under Standing Order No. 112, could not the consequential amendment that my hon. friend referred to be considered an amendment of a formal nature and dealt with now? It is consequential.

THE CHAIRMAN: Purely consequential. Subject to any views of hon. Members. I have no objection. I give you leave to propose the amendment.

Clause 7.

MR. SLADE: We found, Mr. Chairman, that, as a result of the rearrangement of clause 6, it became necessary to refer in section 7 of the principal Ordinance, and therefore in Clause 7 of the Bill, to premises which are unsuitable for carrying on an hotel. I had said in speaking, that section 7 of the principal Ordinance already covered that particular aspect, but it does not. I am now proposing an amendment of clause 7 of the Bill as follows:—

- (i) by renumbering paragraphs (a) and (b) appearing therein as paragraphs (b) and (c);
- (ii) by inserting a new paragraph (a) as follows:—

"(a) by substituting for the words "that an hotel is being carried on" appearing in sub-section (1)

[Mr. Slade]—thereof the premises in which an hotel is being carried on are in any respect unsuitable for that purpose or that an hotel is being carried on."

Question proposed.

The question of the amendment was put and carried.

The question that clause 7, as amended, stand part of the Bill was put and carried.

The Hotels (Control of Tariffs and Accommodation) (Temporary Provisions) Bill

Clause 5

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, clause 5 (2) (b). The clause, as at present drafted, deals with the circumstances under which eviction orders may be drafted. The clause, as at present reads:—

"(2) An Authority shall not grant permission under sub-section (1) of this section except where the Authority is satisfied—

(b) that the lodger has failed to pay any moneys due in respect of his accommodation in the hotel;"

Now, Sir, it has been represented to me, and they are entirely reasonable representations, that I think, that the clause, as at present drafted, might well result in a person who did not pay his bill, being able to stay in the hotel while the case was being heard. That seems to me to be going beyond the reasonable bounds of protection to occupants of hotel rooms. Therefore, Sir, I propose that amendments be made as under:—

(a) Amend clause 5 by adding the following proviso to sub-clause (1) thereof:—

"Provided that no offence shall be committed if such action or omission is taken or made owing to the lodger's failure to pay any moneys due in respect of his residence in the hotel.

(b) By deleting paragraph (b) of sub-clause (2) thereof and by renumbering paragraphs (c), (d) and (e) as (b), (c) and (d) respectively.

Question proposed.

MR. HAVELOCK: Mr. Chairman, on this amendment, Sir, I would just like to make one comment. I think it does meet certain objections to this clause, but there are further objections, and I am wondering—not to push the hon. Member to further amendments—but, possibly, he could, in spite of remarks made by the hon. Member for Rift Valley, make some sort of assurance.

The point is this, if the lodger, especially one on daily rates, makes a nuisance of himself in the hotel, under this particular clause, the hotel has got to get written permission from the Authority before that man can be removed. In practice, it takes quite a considerable time to get written permission and this person may be making a nuisance of himself during this period, which may run to two or three weeks.

I might ask administratively of the hon. Member, so that we do not have to move a further amendment, that the hon. Member would give us an administrative instruction that should there be any complaint of that nature the Hotel Authority will take immediate steps to investigate the complaint.

THE MEMBER FOR COMMERCE AND INDUSTRY: I am glad my hon. friend raised the point, and I will give written instructions to the Hotel Authority to take urgent action in such cases when they receive complaints.

The question of the amendment was put and carried.

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

Clause 10

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, again in regard to clause 10, I have re-examined the clause and have had discussions with some of my hon. friends, and other people concerned, and it appears that the provision, as it stands now, states that every receipt shall show separately charges made for board and lodging, and extras. This seems to me to be unreasonable. I, therefore, propose that clause 10 be deleted and the following substituted. The purport of the amendment, I think, will be clear when I read it out:—

"10. (a) Every invoice in respect of residence in an hotel shall show

[The Member for Commerce and Industry] the charges for board and lodging separately from any charges for extras.

(b) Every licensed hotel-keeper or licensed hotel manager shall, on receiving from or in respect of any lodger any payment for, or on account of such invoice, furnish such lodger with a receipt for such payment."

I think the amendment is self-explanatory.

Question proposed.

MR. HAVELOCK: Mr. Chairman, I would just like to ask the hon. Member one question. There is no inference in this amendment that board should be charged separate from lodging?

THE MEMBER FOR COMMERCE AND INDUSTRY: No, Sir.

The question of the amendment was put and carried.

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

Clause 15

MR. HARRIS: Mr. Chairman, the hon. Member for "Aberdare" has already spoken to this in the main debate. I do think this clause is the most objectionable in the whole Bill, in that, at the moment, it gives complete power to the Authority to enter and inspect, at any reasonable time, a hotel or any portion thereof. I apologize, Sir, for not having given notice of an amendment, but I feel the hon. Member for Commerce and Industry will accept a proviso to be added to this clause: "Providing the Authority has reason to believe that there is contravention of the Ordinance". That does put on the Authority some necessity for showing, at any rate to its own satisfaction, that there is contravention of the Ordinance.

The right given in so much legislation now of entry without any apparent cause being shown, I think is distasteful to British justice.

THE MEMBER FOR COMMERCE AND INDUSTRY: Would the hon. Member read

the amendment again? I did not quite get the wording.

Question proposed.

MR. MATHU: I did not want to intervene in these debates, because it is handled very ably by those who are directly interested, but this particular amendment, Sir, I do not think I would like to support because surely the Authority is a very competent authority and, I think, a very reasonable one. I do not think they would enter into an hotel unless they have a definite reason for doing so. I do not think that the proviso proposed would actually be very helpful in that it has, I think, a reflection on the Authority which, I think, should be a very reasonable authority, and, I, therefore, personally, would not be inclined to support the amendment.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I wonder if my hon. friend would reserve judgment on this matter. I, personally, agree with the principle put forward by my hon. friend, the Member for Nairobi South. He is consulting my hon. and learned friend on the wording. I believe it will probably meet the objection of my hon. friend. It is not a matter of great importance, but it is important that the wording is put in such a way that it means what it purports to mean.

THE CHAIRMAN: I think we might safely proceed with further clauses. I do not see that there will be any consequential amendments arising from them.

Schedule

MR. HAVELOCK: Mr. Chairman, I wish to move an amendment to the Schedule as follows:—First, that all the words in the second column opposite group 1 should be deleted, and the following words inserted: "From all the provisions of the Ordinance".

Secondly, that all the words in the second column opposite group 2 should be deleted and the following words inserted: "From all the provisions in the Ordinance".

Sir, the object of this amendment is, as hon. Members will see, these particular groups, that is, hotels situated outside the townships and municipalities and a ten mile radius from the boundaries are

[Mr. Havelock] only exempted from clauses 9, 10 and 11 of the Bill, which actually refer to tariff charges—receipts for tariff charges—and refund of excess charge.

I would suggest—this is, after all, only a temporary Bill—I would suggest, if there is any reason, as I do think there is, to exempt these particular hotels and rooms, that they should be exempted from all provisions of the Ordinance and not just the tariff charges. There are quite a number of bits and pieces, and restrictions in the Ordinance which I believe, under the circumstances, are not necessary to apply to hotels in the districts mentioned in the Schedule.

Question proposed.

THE MEMBER FOR COMMERCE AND INDUSTRY: Sir, I do not wish to reject the very reasonable point that my hon. friend has made out of hand. On this matter I would welcome, if I may make the suggestion, one or two brief expressions of opinion from Members opposite on the amendment put forward. I have an open mind on it but I feel, on a matter of this kind, the point at issue is not of major importance, on the other hand, it is of importance, and I would welcome some expression of support for the hon. Member or, on the other hand, some criticism of the hon. Member.

MR. HARRIS: I am grateful to the hon. Member for Kiambu, Sir, in moving this in my absence. I do feel, Sir, that the whole purpose of this proposed legislation is to control the places that we have, all of us, got in the back of our minds and I believe that to exempt from the provisions of the whole Ordinance, areas other than those quoted in the first column of the Schedule, are in fact, interpreting the spirit of this legislation.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I have not had notice of this particular amendment. I have already said that I would welcome some expressions of opinion other than from the Mover and seconder, because I have an open mind on it. I find it very difficult, without notice—I have notice of every other one—to make up my mind without having some indication of the views of the Council. I feel that is the proper way to approach a matter like this. The hon. Mover of the amendment and

the seconder, have put the case very clearly. If I can be satisfied that no other hon. Member objects, and I must, if nobody says anything, take it that they do not, then I am quite happy to accept the amendment. I do not mean to say by that that if one hon. Member gets up and objects to it, I am going to object too but I do feel, when notice has not been given, some expression of opinion is very helpful to Government.

MR. SLADE: Mr. Chairman, it does strike me that the amendment proposed is hardly appropriate to paragraph 2 of the Schedule, because paragraph 2 of the Schedule is clearly an exemption part of an hotel with particular references to tariffs. I think probably, the proposed amendment is really only suitable for paragraph 1 of the Schedule. In that respect I certainly agree with him.

THE MEMBER FOR COMMERCE AND INDUSTRY: I think my hon. friend has probably suggested the correct compromise. I do not know whether my hon. friend, the Member for Nairobi South, would accept it—I will.

MR. HAVELOCK: Having moved this amendment, I would accept the deletion of the second part of the amendment, confining it to the first.

THE CHAIRMAN: With the consent of the Committee, the hon. Mover of the amendment withdraws the second part of the amendment. This will leave the amendment as follows:

"That all words in the second column opposite group 1 shall be deleted and the following words inserted: "From all provisions of the Ordinance".

The question of the amendment was put and carried.

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

Clause 15

MR. HARRIS: I am indebted to the hon. Solicitor General for turning English into jargon, and am pleased to move formally, this amendment. (Laughter.)

Clause 15 of the Bill be amended by adding thereto a proviso as follows:—

"Provided that the power of inspection conferred by this section shall not

[Mr. Harris] in any case be exercised unless the Authority or the person authorized as aforesaid has reasonable cause to believe that any of the provisions of this Ordinance have been contravened in respect of the hotel or a portion thereof."

(Laughter.)

THE SOLICITOR GENERAL: If there is much more laughter I shall demand a fee. (Laughter.)

Question proposed.

MR. MATIUI: Mr. Chairman, I still think I will not be able to support this amendment, because on what other grounds can the Authority enter an hotel, but those who are acquainted with this affair will, perhaps, enlighten me? I could not see any other grounds. I do not think you are suggesting that if anyone should wish to have a meal that they should not go. I think it is redundant. I shall oppose this amendment.

THE MEMBER FOR COMMERCE AND INDUSTRY: I think my hon. friend will agree and, on reflection, possibly withdraw his opposition. Precision of definition in regard to powers exercised by the agents of Government is a very good thing.

MR. MATIUI: Mr. Chairman, I wish my hon. friend had supported me in some amendments of mine for that precision which have gone through this Committee on previous occasions.

THE MEMBER FOR COMMERCE AND INDUSTRY: Can my hon. friend mention any legislation I have sponsored in which he has made that complaint?

THE CHAIRMAN: I must ask hon. Members to keep to the legislation which is before the Committee.

MR. COOKE: Is the hon. gentleman in order in addressing the hon. African Member direct?

THE CHAIRMAN: He is not, and I have called his attention to it.

THE MEMBER FOR COMMERCE AND INDUSTRY: . . . (Inaudible.) (Laughter.)

The question of the amendment was put and carried.

The question that the clauses, as amended, stand part of the Bill was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that the Committee do report consideration of the Hotels (Amendment) Bill and the Hotels (Control of Tariff and Accommodation) (Temporary Provisions) Bill with amendment.

Question proposed.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

REPORTS

THE SPEAKER: I beg to report that the Hotels (Amendment) Bill has been considered clause by clause by the Committee of the whole Council and has been passed subject to amendments to clauses 3, 6 and 7.

I beg to report also that the Hotels (Control of Tariff and Accommodation) (Temporary Provisions) Bill has been considered by a Committee of the whole Council clause by clause and has been approved subject to amendments to clauses 5, 10 and 15 and the Schedule thereto.

BILLS

THIRD READING

The Hotels (Amendment) Bill

THE MEMBER FOR COMMERCE AND INDUSTRY: I beg to move that the Hotels (Amendment) Bill be now read a Third Time.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time and passed accordingly.

The Hotels (Control of Tariffs and Accommodation) (Temporary Provisions) Bill

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that the Hotels (Control of Tariffs and Accommodation) (Temporary Provisions) Bill be now read a Third Time.

THE MEMBER FOR DEVELOPMENT seconded.

33 The Reinstatement in Civil—

Question proposed.

The question was put and carried and the Bill read a Third Time and passed accordingly.

BILL

SECOND READING

The Reinstatement in Civil Employment Bill

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that the Reinstatement in Civil Employment Bill be read a Second Time.

Well-deserved tributes have been paid to the members of the Kenya Regiment and the Kenya Police Reserve from all parts of the Council and I am sure it will be generally agreed that except perhaps in very special circumstances, all the members of those forces should be assured that their civil jobs will be kept open for them when they are able to return to civil work. The object of this Bill is to ensure that this happens.

Its provisions will also apply to any service which the Governor in Council may declare to be national service for the purpose of the Ordinance. Provisions of the kind required already exist in sections 24 to 31 of the Compulsory Military Training Ordinance. The present Bill applies the appropriate sections of the Compulsory Military Training Ordinance to members of the Kenya Regiment and the Kenya Police Reserve, and to other people called out for national service, with the necessary modifications which are contained in the Schedule to the present Bill.

Members will no doubt wish to have some indication of the substance of the relevant sections of the Compulsory Military Training Ordinance.

Section 24 of that Ordinance states the entitlement to reinstatement and sets out the procedure which the employee must follow if he wishes to take advantage of this section.

Section 25 of the Compulsory Military Training Ordinance defines the period for which the reinstated person is entitled to be employed. It provides that if the person is serving on a contract with a specified date of conclusion, the date of conclusion is to be extended for a period equal to the period of active

service. If the person is serving on a verbal agreement or a written contract with no specified date of termination, then he is to be retained in employment for a period equal to the period of days worked under the verbal agreement or written contract up to the time he was called up, but there is a proviso so that he must be retained for three months and an employer cannot be obliged to retain him more than a year.

Section 25 (ii) of the Compulsory Military Training Ordinance makes provision for appeal by an employer or employee to a reinstatement committee if, in the opinion of either, the provisions of the section will operate harshly upon them.

Section 27 of the Ordinance deals with the case where the employer has died or disposed of his interest whilst the employee is called up.

Section 28 deals with the establishment and membership of the reinstatement committees. Now, under the Compulsory Military Training Ordinance it has not yet been found necessary to set up reinstatement committees because every body has been absorbed into his civilian job without difficulty, but in view of the much larger number of people now involved it will, I think, be necessary to constitute these committees. I have, that under consideration at the present time.

Section 29 of the Compulsory Military Training Ordinance sets out the procedure to be followed in making an application to a reinstatement committee.

Section 30 deals with the powers of a reinstatement committee and it says that they may make any order which the justice of the case may require, including an order to be made available to the applicant—or an order requiring the payment of compensation by the employer to the employee.

Section 30 provides for an appeal to the Supreme Court against an order made by the reinstatement committee.

Finally, Sir, I must apologize to hon. Members for the very short time they have had to study the Bill. If I had known that the present sitting of Council was going to end so soon, I would have tried to make it available sooner.

I beg to move.

THE MEMBER FOR DEVELOPMENT
seconded.

Question proposed.

LT-COL. GHERSIE: Mr. Speaker, I have two points I want to raise—one is, in the event of a person being called up and during his absence certain serious lapses were found in his work, possibly involving integrity, which would normally result in the termination of his employment, what would be the position on his return? What would happen to the employer if he did terminate the services of the individual? I realize there is appeal to the reinstatement committee, but is there any question of suspension of the individual during the time that the committee sits?

The other point is this. If we take an individual who is undergoing training, for instance, in Southern Rhodesia, and it may be he is offered a temporary commission, would this Bill then apply, or would Government terminate his service?

MR. BLUNDELL: I rise to give this Bill my fullest support and to congratulate the hon. Member on the speed with which he has brought it forward. (Hear, hear.) I believe that the least we can do at the moment for those men who are away in the Kenya Regiment and the Kenya Police Reserve, and other forms of national service is to give them this protection so that when they return their jobs are still open to them.

THE SOLICITOR GENERAL: Mr. Speaker, Sir, if I may answer the points, at any rate the first point raised by my hon. friend the Member for Nairobi North, the question about the reinstatement of employees, who in the interim have been found to have been guilty of misconduct of some variety, Sir, the Bill before the Council, of course, is applying by reference the provisions of the Compulsory Military Training Ordinance. That Ordinance is silent on the extent to which an employer can exercise his common law rights of summary dismissal for misconduct. It would not be proper for me to attempt to give a ruling on that point, because it would be a matter for judicial construction; if it should arise, but I would say this much, there appears to me to be no express exclusion in the

Compulsory Military Training Ordinance of an employer's common law right to dismiss for good cause. I think it is implicit in any legislation of this variety that whereas an employer is placed under an obligation to re-employ, the employee is under an obligation to serve properly and in accordance with the requirements of his employer. So, without presuming to arrogate myself to the functions of the court which would judicially construe this provision, I give that expression of opinion.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, the hon. Solicitor General has dealt with the first point raised by the hon. Member for Nairobi North. With regard to the second, I would refer him to section 24 (5) of the Compulsory Military Training Ordinance which says: "The provisions of this section shall not apply to any person who has, pursuant to permission granted by the Member, under sub-section (2) of this Ordinance, proceeded to the United Kingdom, if he goes to a training unit". In other words, if he joins to the United Kingdom to join a training unit, then he does not get the privileges of this Ordinance.

LT-COL. GHERSIE: On a point of further explanation, even though he acquires a temporary commission—on a temporary commission would his services be dispensed with by Government?

THE MEMBER FOR EDUCATION AND LABOUR: No, that is not what I meant at all. What the section says is if he elects to go to the United Kingdom, with the Member's consent, for a course of training, then he is not entitled to the provisions of this particular section, but it does not follow that if a man was employed by Government, we would necessarily not keep his job open, although we are not legally obliged to do so. No case has yet arisen, as far as I know, where a Government employee has elected to go to the United Kingdom with a view to taking up a temporary commission.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—
Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE
(Mr. W. K. Horac in the Chair)

*The Reinstatement in Civil Employment
Bill*

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, I beg to move that the Committee reports consideration of the Bill.

Council resumed.

(Mr. Speaker in the Chair)

REPORTS

THE SPEAKER: I have to report that a Committee of the whole Council has considered the Bill and passed the same without amendment.

BILL

THIRD READING

*The Reinstatement in Civil Employment
Bill*

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that the Reinstatement in Civil Employment Bill be now read a Third Time.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time accordingly.

BILL

SECOND READING

*The Pensions (Increase) (Amendment)
Bill*

THE ASSISTANT FINANCIAL SECRETARY: Mr. Speaker, I beg to move that the Pensions (Increase) (Amendment) Bill, 1952 be now read a Second Time.

Sir, the history of pensions increase legislation in this Council has been rather long and tortuous one as many hon. Members are aware, and, in particular, my hon. friend the Member for the Coast, who has so ably and so persistently championed the cause of pensioners in this Council over a period of years. I think even he would agree, Sir, that the situation has changed since he was able to declare in this Council that the annual increase in his pension was the equivalent of half a case of whisky. Unfortunately, the price of half a case of whisky has also changed, but even so, I think he would

agree that the lot of the pensioner has been improved substantially during the past few years. Now the principles are clearer, most of the grievances have been rectified and all that remains is to rectify some remaining anomalies—oversights. I see the hon. Member is shaking his head—perhaps he will agree that many of the grievances have been rectified.

The first amendment in this Bill, under section 2 refers to the special case of a Governor. Section 2 (a) is designed to allow this Governor who, merely by reason of becoming Governor did not become eligible until after the 1st day of January, 1946, for the grant of a pension to get the benefit of the 7½ per cent increase given to officers whose pensions were based on the pre-revision salaries.

This amendment has been made necessary by the fact that Governors are in a special class. For the period of their governorship, they get a special pension paid for by the Imperial Government, but there is no reason to deny this officer the 7½ per cent increase on his Colonial service pension merely because, if we are to read the Memorandum of Objects and Reasons, he became a Governor "through circumstances beyond his control".

The second amendment refers to the ceiling of pension increases which were laid down under section 3 of the principal Ordinance. In the original Ordinance, the Governor-in-Council was given power, by order made with the approval of the Legislative Council, to make increases in the rates of pension, but owing to an oversight no provision was made for revision of the ceiling. This amendment is revision of this anomaly. If passed, there will be a Resolution made in Council to allow of revised ceilings being permitted. I would like to say that no officer has been allowed to suffer because of this oversight because by administrative practice on the recommendations of the Standing Finance Committee payments have in fact been made to pensioners to the limit of the ceilings, which are half of the ceilings imposed on serving officers.

The next amendment refers to section 4 of the principal Ordinance. It was the policy of the Government under the Pensions (Increase) Ordinance, 1951, to ensure that no officer should be worse off than he was prior to the passing of the Ordinance. The amending section—

[The Assistant Financial Secretary] section 3 of the new Bill—is merely to allow of an officer who is granted a pension under the Special Pensions Ordinance, 1950, getting the benefit of the special personal allowances some officers were entitled to, if he could qualify for it.

On the other hand, section 5 of the principal Ordinance, was meant to apply to the case of a widow, the widow of an officer who had died after the 1st January, 1946, having paid full contributions and was thus registered for a full pension; it has been decided that as framed it might also be taken to apply in the case of an officer who resigned, or left the service after the 31st December, 1945, without having paid the full contributions. This was not intended in the original Ordinance and the effect of this amendment is merely to reflect what was intended to be put into the original Ordinance.

Now section 5 of this Bill refers to section 6 of the principal Ordinance which concerns the age at which officers can benefit from the pensions increases. The main effect of the principal Ordinance was to preclude an officer who retired voluntarily under the 1945 rule from obtaining the benefit until he had reached the age of 55 years. Government has reconsidered this matter and sees no reason for differentiation between an officer who retires voluntarily and an officer who is retired compulsorily by Government. This repeal of section 6 of the principal Ordinance will effect this.

Finally, Sir, let us turn to section 6 which refers to section 8 of the principal Ordinance. Section 8 says in effect that where pensions are funded—there are two funds in question—any increase in pension should be charged to the funds. From examination of the funds it has been found that they cannot stand the increase in their present state, and so in practice the payments have been made from the funds but they have been reimbursed from revenue. The intention of the amendment is to make such payments a direct charge on the general revenues.

The amendment under section 7 is merely to rectify an anomaly.

I hope that the provisions of this Bill are now clearer to hon. Members than they were to me when I first read the Bill.

I beg to move.

THE MEMBER FOR FINANCE seconded.

Question proposed.

MR. COOKE: Mr. Speaker, I am sorry I was not here the other day when the hon. gentleman made his maiden speech, because remembering his courtesy and efficiency when he was Clerk to the Council, I should have liked then to have paid my tribute. I am impressed to see him among the distinguished gentlemen on the other side of the Council, indeed among the galaxy of talent, if I may say so, which reminds me of the old axiom that the private soldier carries a Field Marshal's baton in his haversack. I hope the hon. gentleman will infer that?

In welcoming this Bill I do so with certain reservations, because it does not really go the whole hog as far as pensions are concerned. There still exists several anomalies but I will not go into them now, but I do hope that Government will give those anomalies their earnest consideration.

With regard to clause 6, Sir, those who did not derive any cost of living allowance because they had retired before the age of 55 years, those persons will now be entitled to it and I hope Government will make an effort to make those back payments before Christmas as a polite gesture at this season of the year.

It is a fortunate coincidence that this afternoon, through the courtesy of the hon. Member for Finance, the Pensioners' Association with which I am closely in contact are having a meeting and we hope to put in front of him those anomalies to which I have just alluded.

Sir, I beg to support the Second Reading.

THE ASSISTANT FINANCIAL SECRETARY: Mr. Speaker, I have only one point to make. I think as the hon. Member said the pensioners are going to meet the hon. Member for Finance this afternoon, so we need not speak about any outstanding points. But I will give an assurance that I will contact the Accountant General at the earliest possible date, and I will do my best to see that the pensioners get their Christmas box.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read, Mr. Speaker left the Chair.

IN THE COMMITTEE

(Mr. W. K. Home in the Chair)

The Pensions (Increase) (Amendment) Bill

THE ASSISTANT FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Committee do report consideration of the Pensions (Increase) (Amendment) Bill.

Question proposed.

The question was put and carried. Council resumed.

(Mr. Speaker in the Chair)

REPORT

THE SPEAKER: I beg to report the Committee have gone through the Bill and have directed me to report the same without amendment.

BILL

THIRD READING

The Pensions (Increase) (Amendment) Bill

THE ASSISTANT FINANCIAL SECRETARY: Mr. Speaker, I beg to move that the Pensions (Increase) (Amendment) Bill, 1952, be now read a Third Time.

THE SOLICITOR GENERAL seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time and passed accordingly.

The Education Bill—(Consideration of Select Committee Report)

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move under paragraph 108 of the Standing Rules and Orders, that the Education Bill as amended by the Select Committee be considered.

Sir, owing to shortage of time, I regret it has not been possible to have the Bill reprinted with the amendments proposed by the Select Committee contained in it, but we have been able to table this morning the Report of the Select Committee containing the list of amendments set out

in detail. The Committee's Report is unanimous, the amendments which are proposed do not affect the principles of the Bill, and I think therefore it is unnecessary for me to go through them explaining the details.

I beg to move, Sir, that the Report be considered.

THE SOLICITOR GENERAL seconded.

Question proposed.

The question was put and carried.

BILL

THIRD READING

The Education Bill

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to move that the Education Bill be now read a Third Time.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time and passed accordingly.

BILL

SECOND READING

The Traffic (Amendment No. 2) Bill

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Traffic (Amendment No. 2) Bill be read a Second Time.

Sir, this is the last of the Bills which follow the Ways and Means Resolution. The details and implications of the policy of increasing vehicles' licences was explained by myself in the debate on the Ways and Means Resolution of the Council, which agreed to that Resolution.

I beg to move.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read, Mr. Speaker left the Chair.

IN THE COMMITTEE

(Mr. W. K. Hofme in the Chair)

The Traffic (Amendment No. 2) Bill

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to move that the Committee reports consideration of the Bill without amendment.

Question proposed.

The question was put and carried.

Council resumed.

(Mr. Speaker in the Chair)

REPORT

THE SPEAKER: I beg to report that the Committee of the whole Council has gone through the Bill and instructed me to report the same without amendment.

BILL

THIRD READING

The Traffic (Amendment No. 2) Bill

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Traffic (Amendment No. 2) Bill be now read a Third Time.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time and passed accordingly.

ADJOURNMENT

THE SPEAKER: Business will now be suspended until 4.30 p.m. this afternoon.

Council adjourned at thirty-five minutes past Twelve o'clock p.m. and resumed at thirty minutes past Four o'clock p.m.

Thursday, 4th December, 1952

(Evening Sitting)

MOTION

MR. MACONOCHE-WELWOOD: Mr. Speaker, I beg to move the following Motion:

"That the Kenya Veterinary Laboratories shall continue as at present the preparation and sale of biologicals."

In moving this Motion, I am quite certain that I have the sympathy of every stockowner in this country. They had very great pride in the manufacture of biologicals, which is done by the Kenya Veterinary Service at Kabete. Some two years ago, this service was taken over by the High Commission and the result proved a complete disaster. Indeed the failure of K.A.G. cost all the stockowners of this Colony, European and African, something in the neighbourhood of £250,000 in terms of stock and I think, with your permission, I may quote a few paragraphs from a report of a Commission of Inquiry into that failure of K.A.G. in order to prove the negligence, and incompetence displayed at the time by the East African Veterinary Research Organization in the manufacture of biologicals.

It says in paragraph 13 that "at the Home Farm, and particularly in the Boma, every opportunity existed for the spread of wild virus. Positive rinderpest diagnostic inoculations were carried out, a notable example being with material from an alleged breakdown of immunity in Uganda, on animals housed in stables with no isolation facilities, in close proximity to one another and without the application of any recognized principles of hygiene, segregation, quarantine or disinfection. Ablution and disinfection facilities for their common attendants were, and still are, non-existent. Dead animals, whatever the cause of death, are frequently removed to the post-mortem hall by the simple expedient of dragging them along the ground. All effluent from the stables and post-mortem hall are discharged into open drains, admittedly reasonably clean, running between the buildings to be discharged into open pits some 200 yards distant. The meat from cattle destroyed at the height of the reaction to virulent rinderpest is issued as rations to Africans. Facilities for the

(Mr. Maconochie-Welwood)
removal of offal and carcasses for destruction are inefficient and the quite inadequate and dilapidated field incubator constitutes a dump to be raided by dogs, wild carnivores, birds and beggars.

These comments, necessarily brief, indicate the possibilities for the spread of infection. The superficial precautions taken may have sufficed to confine a comparatively avirulent non-invasive strain of virus, but for anything else are totally inadequate. Spread of infection did take place to some calves of the dairy herd and to the Top Farm; other animals such as the bulls in the artificial insemination centre, the redwater and gall-dickness reservoirs and the dairy cows were protected by vaccination. Within the laboratory the precaution was taken of processing goat vaccine spleens (attenuated virus) and cattle spleens (virulent virus for formalized vaccines) in different parts of the building, but the processing might well be carried out on the same day, if not simultaneously, by a common staff. The refrigeration storage facilities are woefully inadequate. One small household refrigerator is used for storing both virulent and avirulent rinderpest virus material as well as any other infective material as necessity demands.

Again I would stress the importance of tying up the field organization, that is the veterinary officers who administer vaccine, with the manufacture and, I believe, that will be very largely lost if we changed over to the East African Veterinary Research Organization to manufacture vaccines. An example of that, again if I may be permitted to quote, is given in this report that "outbreak infection could have invaded Kabete farms in three ways:—

(1) By the introduction of virulent material for diagnostic or experimental purposes.

The introduction of an extremely virulent rinderpest virus from Uganda which, for reasons covered in other parts of our report, spread through the farms, is an instance of this and need not be referred to again here.

(2) By the introduction of animals for experimental or research purposes, as well as for the production of vaccines.

In regard to this we are of the opinion that insufficient care was taken in the purchase of animals from outside, nor were these animals quarantined and temperatured for a period after arrival. Furthermore, they should have been immunized immediately on arrival for black-quarter, anthrax and rinderpest in so far as such immunization would not have interfered with the purpose for which the animals were bought. This was not done.

Another possible source of infection was the movement of these animals on foot from the railway station to the Top Farm. Though the distance is short, there is a network of roads and tracks in this area and numbers of native-owned cattle were seen by us grazing in the vicinity.

(3) By trespass on the Kabete farms from the adjacent native reserves or by contact of Kabete animals moving through the farms, legitimately or otherwise, along the many public roads which intersect the area.

Kabete is an instance of this, and need not be referred to again here.

Now, Sir, it seems quite obvious that an organization which is capable of such pronounced inefficiency as this is not a suitable one to take over again after such a short time the manufacture of these biologicals. Furthermore, this Council at least twice in the last two years, has made it very clear to Government that they did not wish the manufacture of biologicals to be returned to the East African Veterinary Research Organization. The Government appears in this matter to be proceeding with a most convinced obstinacy as evidenced it will be in reply to my question this morning. The hon. Member for Agriculture and Natural Resources announced their intention of handing over at an early date the East African vaccine again to the East African Veterinary Research Organization.

If I may say a word on another objection to handing it over, it is this, that in the East African Veterinary Research Organization there is no ministerial responsibility, inasmuch as the scientists engaged in the work are responsible to no one other than the possible to no one other than the Administrator of the High Commission, and to certain technical committees from the various territories whose advice is

[Mr. Maconochie-Welwood] frequently, indeed generally, ignored, whereas while it is manufactured at Kabete there is the ministerial responsibility of the Member for Agriculture and Natural Resources who can always be taken to task in this Council, and who can keep a close watch on the organization. The Administrator of the High Commission is already overloaded, and it is quite impossible for him to take personal responsibility for every service. Furthermore, the Central Assembly itself is not a body sufficiently representative and close to the people who are breeding stock, to exercise that control and criticism of the Administrator on one of his many activities.

Scientists are notoriously difficult people to look after. They have a tendency to run hares of their own, and very often to disagree among themselves to the detriment of what they are doing, and it is of vital importance, therefore, that there should be some person responsible for their activities. This tendency that goes on to-day of handing more and more to the various East African research organizations is very much, in my view, to be deplored. In most cases it costs this country a good deal of money, and money which we can ill afford to pay.

In replying to this Motion, I hope the hon. Member for Agriculture will tell us whether the buildings, plant and equipment necessary for the manufacture of biologicals is in existence now and ready at Mbuga. Furthermore, I would ask him to tell us whether he considers that at this time there is any reason for the transfer from Kabete other than the desire of the High Commission, to get the revenue from the sale of biologicals. In my view, and I think it would be the view of many veterinary officers, it is far better for long-term research on diseases, particularly diseases such as rinderpest, to be conducted under an entirely separate establishment from the manufacture of biologicals, so that we can avoid any possibility of infection through experiments going on which have nothing to do with the manufacture of vaccines.

I do not want to make a long speech of this, because I think everybody here knows exactly what I am getting at. We do feel that the research organizations of the High Commission are unproved and

are still an object of suspicion to most of the people in this country, and in things like vaccines it is of the highest importance that they should have the confidence of the people, and again I will quote from the report on the breakdown, these words, because they are very pertinent to the issue:—

"All these considerations have led both to lack of morale within the organization and to loss of confidence without. The loss of confidence extends not only to cattle-owners, both European and African, but to the professional officers who have to rely upon Kabete for their biological products. We are glad to be able to say that, so far as the Masai in Kenya are concerned, they seem to have realized that the breakdown was an occurrence which is not likely to recur and their confidence in K.A.G. virus gained over many years has not been seriously shaken."

Well, I submit, if it is handed over not only confidence of the Masai, but the confidence of every stockowner will be shaken in the biologicals they use, if it is handed back to this organization. If Government wishes to force through this matter it should be made quite clear to them that they are doing so against the expressed wishes in this Council emphasized twice before, and again now, and also of every stockowner in the Colony, and that if they do it they will have lost the confidence of those people, and this country, particularly the stockowners, will not be likely to forgive them for another failure which they have brought upon themselves.

Furthermore, it was made clear in a reply to my question this morning by the hon. Member for Agriculture and Natural Resources that this transfer would entail a rise in price to the consumers of vaccine, and that again puts it quite out of the question that at this time the manufacture should be handed over to the East African Veterinary Research Organization. For all these reasons, I propose this Motion.

Mr. Speaker, I beg to move.

MR. BLUNDELL: I beg to second, reserving my right to speak.

Question proposed.

DR. HASSAN: Mr. Speaker, Sir, I rise to support the Motion moved by the hon. Member for Usain Gishu. Sir, the Member for Veterinary Research Laboratory, after years of hard work, perfected the manufacture of sera and vaccines for the stockowners of this country and the carrying on of their work to the satisfaction of all, until it was decided that East African Veterinary Research Organization should take over the manufacture of sera and vaccines. Soon after it was handed over, we had accidents which caused serious losses to the stockowners, and the Government immediately handed that service back to the Veterinary Research Laboratory.

To make that scheme absolutely perfect, the Veterinary Research Laboratory spent almost £70,000 in plants and buildings, and in a very short time they have brought the things to normal. They have now nine research officers looking after the production of the sera and vaccines. All that money which it cost the Kenya Government to bring this establishment to a state of perfection, will be a loss to Kenya if this service is again interfered with and given over to the East African Veterinary Research Organization.

The East African Veterinary Research Organization are employing about 18 research officers to do this work. Sir, the Veterinary Department, besides capital expenditure on buildings and plant, were charging nominal prices for these sera and vaccines to the stockowners in this country. They never made any profit on that, and if this work is handed over to the East African Veterinary Research Organization, no doubt the prices may be doubled or more.

Sir, in Kenya the stockowners, after years of hard work and spending millions of pounds in this industry, have brought into existence the highest quality stock, second to none in the world to-day, but they were always handicapped by not getting suitable returns for the lack of marketing, and it is only during the last few years that they feel they are standing on their own feet, although I know they have not made millions because most of the profit of the stock industry is consumed by the expensive establishments of creameries, the Kenya Farmers' Association, and that worthy Meat Commission. I do not think the stockowners have made

any money and set aside large amounts to meet any further accidents to their stock, and neither do I feel they are in a position to pay higher prices for the sera and vaccines.

Kenya has produced very high grade and very highly susceptible cattle, which is not the case in the neighbouring territories. They are mostly concerned with African stock which is not very susceptible to the diseases. Their requirements are not so important as the requirements of the Kenya stockowner.

The veterinary officers in the field are working jointly with the research officers. They have access to each other, day and night, they can obtain sera and vaccines from the laboratory at any time of the day and night and a research officer will find it a great pleasure to visit them in the field. This sort of co-operation and assistance with each other is of eminent value to the stockowner of this country, and I am sure, if the manufacture of sera and vaccines is transferred to the East African Veterinary Research Organization, there will be practically no co-operation between the research and the stockowners and field staff.

The East African Veterinary Research Organization, whenever they would like to dispatch the sera and vaccines they shall have to send it through the Veterinary Department, because they will not be able to contact directly the settlers themselves. It will create double handling, and neither will they be able to send a research officer out in the field, because the Director of Veterinary Service, who has the authority over the field staff, will have no executive authority over those research officers.

Therefore, this transfer of sera and vaccines to the East African Veterinary Research Organization will create complications of a nature which will be absolutely impossible to surmount.

There is plenty of work for the East African Veterinary Research Organization, other than the production of these vaccines which Kenya needs. There are research duties, for instance, East Coast of the sick, investigation of East Coast Fever and its remedy, investigation of the millions of worms which are prevalent in Kenya, and which nobody knows anything about. Their job will be to keep in contact with the research people all over

[Dr. Hassan] the world. They have plenty of work to do in this country, instead of trying to interfere in the production of sera and vaccines which is done with perfection and to the satisfaction of all stockowners, and I again, Sir, support the Motion moved by the hon. Member for Uasin Gishu.

Mr. ENYE: Mr. Speaker, I should like to express my personal support of the Motion. I do not intend to recapitulate various points made by the hon. Mover, but there is one point I would like to bring to the attention of the hon. Member for Agriculture and Natural Resources. That is, that there is a Select Committee which has been appointed by this Council to inquire into the services of the East Africa High Commission, and they are, at present, investigating the very service which is under discussion.

Now, I think, Sir, it is reasonable to infer that this Council is not wholly satisfied with the services it is receiving from the High Commission in the fact that it has appointed that Select Committee to inquire into it.

That being so, Sir, I would like to ask the hon. Member for Agriculture and Natural Resources as to whether he would agree not to transfer to the East Africa High Commission any of the manufacture of biologicals until that committee has reported, and that report is available to the Council.

If, Sir, he feels that the report of that committee is not worth waiting for, then I would suggest the committee be abolished, as I, for one, would be very, very pleased not to have to continue to attempt to digest the enormous amount of paper and statistics which are being showered upon us in an attempt to convince us of the efficiency of that organization. (Laughter.)

I cannot help feeling, to borrow a quotation of my hon. friend, Sir Charles Mortimer, that those statistics are being used in the manner in which a drunken man uses a lamp post, more for support than for illumination. (Laughter.)

MR. BLUNDELL: Mr. Speaker, I rise to support the Motion. In moving this Motion, Sir, I do not believe that the hon. Mover intended, in any way, to object to the High Commission as a set-

up. I would like to make that clear, this is not one of those High Commission phobias that is dislocating our minds. It is this, Sir, we have, in our own production of biologicals, a well-established firm which has a large goodwill and I think we would be extremely unwise to jettison that.

Secondly, I think the hon. Member opposite must give us some outline of what is going to happen to the capital moneys which we put into the buildings in which the biologicals are being produced. My recollection is that the biologicals produced in the High Commission set-up will not be in that building. Therefore, we shall have put forward capital moneys which may now largely be unnecessary.

Again, I think we would like to know from him how, if a certain number of the biologicals are continuing to be produced under the Kenya set-up, whether that is not indeed, as I suggested in a question this morning, a double administration expense and a double set of overheads.

Now, Sir, it is also true, as the hon. Member for Uasin Gishu said, that there will be friction between the High Commission set-up and the Kenya Veterinary Department.

I would only say this at this time. If the hon. Member wishes to examine the files in the Veterinary Department, he will find one which is headed "The ownership of ticks in Kenya". Now, that the possession of ticks in Kenya by the Kenya Veterinary Department, an attack launched by the High Commission. It also deals with the defence put up by our own Veterinary Department to own our own ticks. (Laughter.) That, in effect, Sir, shows the ramifications that may arise out of this change. We may well be giving up something that is rather vital to us. (Cries of "Ticks".)

Lastly, Sir, I just want to say this, if the suggestion is made that by transferring to the High Commission, we may be able to keep officers longer—officers of merit longer—because the salary scales are more attractive—Sir, if the hon. the recent Director of Establishments was his head any more it will fall off—if the suggestion is that by transferring to the High Commission we might keep officers

[Mr. Blundell] longer on more attractive scales, then I would submit we ought to make the scales in such an important matter attractive enough for them to work under the old-established firm, the Kenya Veterinary Department. (Applause.)

MR. TAMENO: Mr. Speaker, Sir, whilst supporting this Motion, I feel that there are a few points which should be mentioned. The hon. Member for Uasin Gishu referred to this Veterinary Research Organization, at the time there was a breakdown, as having had some negligence on their part. I would like to ask the hon. Member for Agriculture and Natural Resources whether the breakdown, which he also had at Fort Hall, was due to the fact being that the vaccine was being produced by the East African Veterinary Research Organization.

Without in any way, Sir, trying to refer to scientists in the Veterinary Research Organization as being negligent, I feel that the main approach to this is not because of their being negligent, but because they have not had the experience which has been very necessary right from the beginning to bring the production of vaccines in Kenya to the standard which it has reached now. I feel that the Fort Hall occurrence was due entirely to the negligence of the staff on the spot, and it happens also to have been like that when the East African Veterinary Research Organization was there, but we cannot assume that, because it happened here, it is going to happen every now and then. What I feel, Sir, is that, in the meantime, the Kenya Veterinary Department is the best equipped to carry on with biological products, but, in the long run, I feel it will be much better to have it under the East African Veterinary Research Organization.

In saying that, I feel that that is the organization that would be on an East African basis, and would be in a position to be able to get really good standards or would be better equipped to run the production of vaccines. In the meantime, I feel that it should be made a policy so that the production of these vaccines should rather slowly be introduced into the East African Veterinary Research Organization. I do not think it would be very wise to do it very suddenly, to change it very suddenly, because I feel

that when there was a breakdown, which affected a lot of Masai cattle and some other cattle—I do not think very many European stockowners were as affected as the Africans, because they do not use K.A.G.—I feel that the breakdown was due to a very sudden change-over from the Kenya Veterinary Department to the East African Veterinary Research Organization, and if it is to revert to the East African Veterinary Research Organization, it should never be done at once, but should be done over a very long time.

Sir, in the meantime, I beg to support the Motion.

MR. COWIE: Mr. Speaker, in my short time in this Council I have learnt already there is nothing worse than Members rising to speak on a subject of which they know nothing. I am now in that category. I merely want to raise a point of procedure. It was understood by us who occupy these benches that on any contentious matter we would at least have the opportunity of consultation and consideration beforehand. This Motion has been tabled and, I understand, not suddenly, and we have not had the opportunity of knowing the views of the Member responsible or of any other Members of Government concerning this Motion. It is, therefore, extremely difficult for us on this side to accept a whip which has been imposed and vote not according to our conscience. In my case I have already found from views which have been expressed on the other side of the Council, that their case is very strong, and my sympathies are, undoubtedly, with the Mover of the Motion. I wish to place it on record that we on this side have not had the opportunity of consultation beforehand. (Applause.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, the Motion which is under discussion is somewhat vague in that it says that the Kenya Veterinary Laboratories shall continue as at present, preparations and sale of biologicals. It does not say for how long and I do not quite know whether the hon. Mover means for all time or, so to speak, for the time being. I would be rather grateful if I could have that elucidated, because it will make quite a difference to my attitude on the Motion as it stands.

MR. MACONOCHE-WELWOOD: Sir, the purport of the Motion is that the manufacture and sale of these biologicals shall be continued by the Kabete laboratories until this Council is persuaded that they can be efficiently handed over, and until full notice was given to this Council, of the intention of Government to do so.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: That does make some difference to the attitude that Government will take, but I must, however, say that the Motion as framed, cannot be accepted by this side of the Council, because we consider that this Government is committed to a policy which I think was understood by all Members of Council when it was first inaugurated. Sir, the history of the setting-up of inter-territorial research has been alluded to on many occasions, and I am glad to hear the hon. Member for Rift Valley say that in this Motion, hon. Members did not wish to attack the principle of having long-term research carried out to some extent, inter-territorially. It was after the war, Sir, that a number of eminent persons came out to Kenya and to the other territories; Sir Frank Bagdewad, Professor Munroe and Professor Timpany, or Sir Harold Timpany as I think he was, were among these and they considered the whole question of setting up an inter-territorial research institution. It was from those deliberations that what is now known as the East African Agricultural Research Organization and the East African Veterinary Research Organization originated—and even as far back as then, it was considered advisable, more especially I think by some of our neighbouring territories, that the manufacture of biologicals, that is to say the biologicals that were applicable to East Africa as a whole, should be manufactured by the East African institution, and that, Sir, was agreed, I think, at that time by all three territories. Sir, the idea, at that time, was that this East African institution could be established and maintained at Kabete and, indeed, certain buildings were put up and certain preparations made with that end in view but it soon became evident that Kabete would not be either large enough or, possibly, in the best possible situation to accommodate an inter-territorial institution of that kind. Therefore, the site at Muguga

was selected and building began there. It was while that was going on that it was decided that the East African Veterinary Research Organization might take over the manufacture of certain biologicals at Kabete, pending their removal to Muguga. That is the time when there was a breakdown which has been alluded to by several speakers.

Now, Sir, when that breakdown occurred, there was an immediate taking back of this activity by the Kenya Government Department and an inquiry was instituted and several extracts from the report of the Committee which was appointed to make the inquiry, have been quoted in this debate, but I have not yet heard any quotation of the long-term recommendations which were made by that self-same Committee and their long-term recommendations were to the effect that despite the breakdown, in due course when the buildings were constructed at Muguga, that the manufacture of biologicals, more especially biologicals of fairly universal application, throughout the three territories, should be removed to the inter-territorial institution.

That recommendation was accepted by the High Commission, that is to say, by the three Governors, and was also accepted or approved of by the Research Council at the end of, I think it was, 1949. The Research Council had a number of Kenya representatives on it; of whom I was one. The Research Council accepted this recommendation in view of the fact that certainly the other two territories were in whole-hearted support and the caveat which I think I made at the time and possibly others made who were representing Kenya was that the change-over should be carried out until we were satisfied that the buildings and the staff and everything else was adequate to take over the job.

Now, Sir, several speakers have suggested that we should go slowly if it is to be done at all, and they seem to be under the impression that all biologicals are to go over to the inter-territorial institution. In point of fact, the programme which has so far been suggested, is that only rinderpest and contagious bovine pleuro-pneumonia should go over in the first instance, and that the manufacture of pleuro-pneumonia biologicals and of K.A.G. and rinderpest vaccines should be

[The Member for Agriculture and Natural Resources] undertaken there and that probably it would be some years before any further biologicals were manufactured at the Muguga institution. If hon. Members would care to turn to page 9 of the last Report of the Kenya Veterinary Department, they would see that the Kenya Veterinary Department issued in that year, no less than thirty-two biological products, some of them in very large quantities. If therefore only the pleuro-pneumonia vaccines and the various rinderpest vaccines go over in the first instance, there would be, as far as the buildings are concerned, no waste of public money because already, at Kabete, we are comparatively short of room and the moving over of the manufacture of those two products, would give us more room to carry out other work which badly needs doing.

Now, Sir, having said that, I will admit that there is some substance to many of the points which have been brought forward in this debate and I would like, perhaps, to touch on some of them because I would like to satisfy Members that Government is not being purely obstinate or purely stupid in adhering to an arrangement which was made some years ago and which, more or less, was a condition under which this inter-territorial institute was created.

First of all, I think what alarms hon. Members as much as anything, is the possibility of lack of adequate control of an institution which is no longer strictly under this Government's aegis. I would say that that objection has substance. It has substance when applicable to the manufacture of biologicals in which, if the slightest thing goes wrong, it is possible for untold damage to be done unless remedial measures are immediately put into force. It also has some force in that I do think that if the manufacture of biologicals is carried out by an institution which is not strictly under our control whereas the field officers who are using those products and who have to deal with any emergency that might arise, are under our control and the users of the product will not be as closely connected with the manufacturing institution as they are with their own Department. Those are, I think, valid objections to which one has to make some reply.

I do not think it is any secret, that it is possible in this matter of research, inter-territorial research, we have not got—and probably that opinion is shared by other territories—that we have not got as much local control as we should have. In the East African Research Organization there is perhaps too much tendency—I may be maligning the officers concerned—there may be too much tendency to look upon themselves as part of a very big organization, largely created with money which emanated from England; with a number of senior officers recruited from England and, therefore, looking for direction from England far more than from here. That possibility, I can assure hon. Members, has been taken into account and, in due course, it is hoped that we are going to create a local Board of Governors—at the moment it is the Research Services Advisory Committee, of which I am a Member, which will direct the activities, the research activities of this institution.

Another thing that has been mentioned here is that there has been, possibly some but not sufficient, attention paid to the opinions or the advice of the local technical committees that sit, and which give advice on these research matters. They generally consist of research officers or Heads of Departments from all three territories.

There again, I think that it is going to—I say "I think" because I am dealing with an organization which is not under my control—but I am pretty sure that you will find that that is also going to be tied up and that measures are being taken so that the Chair at these meetings will be taken by a senior officer of the High Commission, and that steps will be taken to see that proper attention is paid to the recommendations of the East African technical committees. And I willingly give this undertaking that, as far as this Government is concerned, they will object to the handing over of the manufacture of biologicals until they are satisfied that more adequate control in East Africa can be exercised over the activities of the inter-territorial institution.

It has been suggested that when these vaccines are to be handed over, the cost of them will be increased to the users. Sir, I answered a question on that subject this morning. I admit that it is possible that the cost will be increased.

[The Member for Agriculture and Natural Resources]

On pages 55 and 56, I think it is—on page 56 of the last Veterinary Department Report, it will be seen under Departmental Revenue for 1950, the amount received in that year for serum vaccines and laboratory products—the amount which appears against that item is £56,900. When you come to the Departmental expenditure on laboratory services, personal emoluments are £38,000 and other charges are about £44,000. Of course, I cannot tell you how the High Commission is going to allocate overhead costs against the manufacture of biologicals at the Mugga Institution. All I can tell you, as I told you this morning is that it has been agreed by all three Governments that the question of selling at less than cost has been discussed, and all three Governments have agreed that the sale of biological products must be done at cost. If an individual Government wishes to subsidize the issue of these products, it will have to do as an individual Government.

The question of how and what costs are allocated against the manufacture of vaccines is a matter, I suggest, which would come up, naturally, before the Finance Committee of the Central Assembly, and our representatives there can make their representations on that subject.

It has also been suggested that there will be a duplication of overheads and duplication, perhaps, of buildings and equipment if we move the manufacture of certain biologicals across to Mugga, whereas for some years to come, others, more especially those which are applicable as Dr. Hassan said, to more susceptible cattle—that is our high grade and pure grade cattle, will remain with us.

Well, I have answered that I hope, that if and when the biologicals do go across—that is to say, the rinderpest and pleuropneumonia ones—and we are left with the others, we have to be able to find room for extra work. We need more room than we have for our own diagnostic services, and all the rest of the biologicals that we shall still make. We shall be left with all tick-borne diseases, anything to do with East Coast fever, rod water and anaplasmosis, and I have a list of about

another thirty manufactured products, some of which we import.

Another point has been made which is that the East African Research Laboratory will probably be unable to issue products direct to farmers, that they will only be able to send products in bulk to our own department and our own department will have to do the issuing. I think I am right in saying that that has not been completely decided yet but I do see considerable difficulty at the moment to the East African organization issuing very small quantities of biologicals to individual farmers. That, I think, is being gone into. I am not in a position to make any statement on that at the moment.

The line taken by the hon. Mr. Tameno was not quite clear—I gather that he supported the Motion but he also supported that biologicals should be made by an East African institution. But he did say one thing, he suggested that if and when these things are manufactured by an East African institution, it might be of advantage in that they would be in a position to engage, perhaps, better scientists than an individual Government. Well, I cannot quite let that go, because as I have said before in this Council, I personally, am satisfied that during the past few years we have been particularly lucky in this country in the scientists we have had serving Kenya Colony—(Applause)—and the work that has been done by the Department in checking diseases, and in dealing with that unfortunate outbreak two and a half or three years ago, is beyond praise.

The hon. Member also mentioned Fort Hall. Well, of course, when things went wrong at Fort Hall, which was quite recently, the biologicals were being made by the Department. I am afraid I did not come prepared to discuss that particular outbreak beyond to stress that I used the word "outbreak" and he used the word "breakdown". I think it was more an "outbreak" of disease than a "breakdown" in the manufacture of biologicals used.

Sir, I think before anybody, any hon. Member, decides which way they are going to vote on this Motion—

MR. TAMENO: Would the hon. Member tell us whether that was a result of the inoculation of the cattle or was the death

[Mr. Tameno]
of the cattle before inoculation at Fort Hall?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It is very difficult to give a snap answer to that because I would like to again go into the evidence we had at the time, as it is possible often to quibble over facts and attribute an outbreak of disease to inoculations when, in fact, further investigation will show it was nothing of the kind. If the hon. Member is interested I shall be only too happy to give him a short resume of the conclusions we came to after that outbreak. I would prefer that to giving a snap answer now which might not be strictly accurate.

Sir, I was saying that when hon. Members decide to vote one way or another for this Resolution, I think they should bear in mind that we are not dealing merely with the handling over of one or two biologicals, we are dealing with the future long-term research in East Africa, and we also have to take into consideration the opinions of our neighbouring territories. I think they will find that the neighbouring territories would, on the whole, be happier, in due course, if they felt that the manufacture of biologicals on a big scale was conducted under inter-territorial control.

I think there are shortcomings at the moment in the set-up, to use an almost slang phrase, which I hope will be overcome, and are being overcome, but when they have been overcome, I think there may be quite a lot to be said for the manufacture of certain biologicals centrally. Whether we are going rather too fast—that is another question—and I will admit that I myself have some qualms in visualizing that the actual manufacture of such very highly dangerous and inflammable material as biological products can be taken over at this year—in a building which, at the moment—I have not been out there lately—I believe is only a few feet high.

I can give this assurance that I shall do all I can, at any rate, to persuade the High Commission—and I think that this Government will maintain the view, as they have done—that unless they are satisfied that the East African institution is ready to carry out the work and is

capable of doing so, they will not hand over the manufacture of those two sets of vaccines.

I was also asked whether we would do nothing until the report of the Select Committee had been received. I find myself in some difficulty of giving a definite answer to that, because I do not know how long it is going to be before the Select Committee does report, but I will give this assurance, that if the Select Committee reports within the next few months, we shall be quite safe because we shall not have handed them over. It will be a gross discourtesy, I submit, to this Council, not to pay due attention to the findings of that committee and I am sure that we do not wish to do so.

Well, Sir, I have endeavoured to answer those questions to the best of my ability. In conclusion, I would say I have here a Report of 1951 of the East African Veterinary Research Organization. It does not strictly deal with the subject which we are discussing, but it will show you what that Organization is attempting to do, what its plans in the future are, and, although I have not quite enough copies to lay, that is to say, to distribute to every Member of the Council, if any Member would care to have a copy they are with the Clerk here who will provide Members with that Report. (Applause.)

MR. MACDONALD-WELWOOD: Mr. Speaker, there are only very few points to which I wish to reply. The hon. Mr. Tameno, the African representative, made the point as to whether the breakdown was due to negligence or to other reasons. What I would like to say here is that I was trying to point out that the negligence which occurred was due to lack of ministerial responsibility in the Organization. Whether it was negligence or whether it was something else, I think it was lack of ministerial responsibility which, in my submission, caused the breakdown of K.A.G. and other vaccines.

The hon. Member for Agriculture and Natural Resources suggested that we were committed to the manufacture of biologicals by the East African Veterinary Research Organization, and here I would suggest that he is confusing research with the manufacture of

[Mr. Maconochie-Welwood] biologicals. That this territory was committed to the handing over of research to the East African Veterinary Research Organization, I entirely agree, but I do not agree that this territory was tied to the idea of handing over the preparation of vaccines because, as far as I know, it never was committed to that.

He also said that the report of the inquiry into the breakdown was accepted in its entirety as to its final recommendations of handing over eventually to the East African Veterinary Research Organization. I suggest that it was accepted by the High Commission, as he said it was and also accepted no doubt by a committee, but at the same time, it was not accepted by this Legislature, and I am putting the case from the point of view of this side of the Council who represent the stockowners and taxpayers of this country, and I suggest they did not agree it should be eventually handed over. That it could be handed over later on is still an open question and one I personally would be prepared to consider, but not for a very long time to come, because this Research Organization has not yet proved itself.

It has also been said that a board of governors would be a satisfactory way of controlling the Research Organization. It might be, but I do not personally believe that any board of governors would have the control that you have with ministerial responsibilities. Ministerial responsibility has been found satisfactory in other countries and I see no reason to depart from it in favour of a board of governors.

On the question of costs being increased, there is a point there that I agree with the hon. Member, that possibly the cost will have to be increased, whether Kabets went on with it or not, but there is this difference. If our own Organization goes on with it we would control the cost of production and therefore, to that extent, we would have a greater control over the cost of the end product to the consumer. I am perfectly convinced that whatever set-up you have, we shall never have the control of the cost of this East African Organization, in the preparation of vaccines, that we have at Kabets.

The hon. Member was kind enough to give me a very strong point on my side

in his speech. He said, as far as I remember, we cannot expect that these vaccines will be doled out direct to the users. In other words, what it means is this, that our own Veterinary Organization will act as a sort of middleman between the manufacturers of the vaccine and the farmer, and I can imagine nothing more unsatisfactory than that.

There was one point made by the hon. Mr. Tannemo which I forgot to reply to. I think he said that the Africans suffered less, I think he said: (Cries of "more!") In that case, I am sorry. If, in fact, they suffered more, they have even greater interest in it than we have—they did suffer more because K.A.G. was a more serious breakdown than any other breakdown that took place. (Hear, hear.)

Sir, I do not think, there is anything else raised in the debate to which I would wish to reply. It seems to me that in this matter, our case is much stronger than that of Government, and Government must now realize, whether the vote goes against us or with us, that I speak at any rate for the whole of the users of these vaccines in this country. Again, I reiterate, it is their responsibility if they make another mistake, and we shall certainly not let them off. (Applause.)

The question was put and on a division carried by 25 votes to 21 votes. (Applause.)

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer, C.B.E., in the Chair]

SUPPLEMENTARY ESTIMATES OF EXPENDITURE, 1952

(No. 7 of 1952)

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to notify, under Standing Order No. 128—I think it is, Sir—that the recommendation and consent of His Excellency the Governor to the introduction of these Financial Resolutions has been obtained.

THE CHAIRMAN: I would call out the numbers of the various items in the

[The Chairman] Supplementary Estimates. If any Member has any comments to make upon any one of them, I would ask that he rise quickly, or it will be too late.

There have been no comments up to 43. I will put the question that Items Nos. 41, 42 and 43 be approved.

The question was put and carried.

Head 4—3. (50)—New—Central Poll Tax Registry—Temporary Increase in Mechanical Equipment and Staff

MR. HAVELOCK: Hon. Members may remember that I raised the question of the number of all taxpayers as compared with the actual people resident in districts. Will this particular machinery enable Government to find out exactly who are liable to pay poll tax, and may we expect to have a larger proportion than we have had before?

THE MEMBER FOR FINANCE: I should like to reply on this point. The position is that at the present moment the Central Poll Tax Registry will not be able to produce lists of defaulters until 1954. If we let them have the extra £2,500 we asked for, of which £200 is only a token, they will be able to produce in 1954 fairly complete lists of defaulters for the years 1951, 1952 and 1953.

For that purpose it is desired to hire machinery on a temporary basis for one year, and provide for one European and four African operators for the extra machines. If they do not get this additional help, then it is very unlikely that we shall be able to produce lists of defaulters for 1951 and 1952 at all. To that extent revenue will be lost and also records that would be extremely valuable to revenue in the future.

At the moment over 200,000 counterfoils relating to tax collection in the settled and urban areas are being traced. I think, Sir, that the Committee will see that this is indeed a wise provision, and that eventually it will more than pay itself in the additional revenue that will be paid.

The question that Item No. 44 be approved was put and carried.

The question that Items Nos. 45 to 50 be approved was put and carried.

Head 6—5—Item 5—Compulsory Military Training

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Chairman, on Item No. 51 I would like to give some brief explanation. The greater part of this sum is necessitated by the fact that the actual cost of the stores and equipment required for the Compulsory Military Training Scheme, which was originally estimated when the 1952 Estimates were prepared in the year 1951, was considerably higher than we thought it would be at that time. That accounts for the greater part of the increase.

But, Sir, it is proposed that three people from Kenya—Mr. Blundell, Mr. Dunstan-Adams and Colonel Campbell, the Commanding Officer of the Regiment—should go down to Southern Rhodesia for the passing out parade of the trainees who are now in Southern Rhodesia, in the middle of December. It is proposed, Sir, to meet the cost of their air passages from this item. I think, Sir, that all Members would agree that it is very desirable that those gentlemen shall go down for the passing out, parade in Salisbury.

MR. HAVELOCK: Mr. Chairman, whilst it is very desirable that these gentlemen should go down, I would like to say that I know that Mr. Blundell has now changed his mind. He is not going down, so presumably this Supplementary Estimate may be reduced.

THE MEMBER FOR FINANCE: Might I say that the Treasury will take note of that particular fact.

The question that Item No. 51 be approved was put and carried.

Head 8—2. (50)—New—Central African Rhodes Centenary Exhibition

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I want to take this opportunity of referring to the Central African Rhodes Centenary Exhibition. This sum of £100 k, of course, a token estimate. I will be coming forward to the Committee of this Council with proposals to spend up to from £30,000 to £35,000 during the course of the coming year.

[The Member for Commerce and Industry]

I believe—and I believe that most hon. Members will agree with me—that at the present juncture it is absolutely vital that we put on the best possible exhibition we can in Southern Rhodesia next summer. It will be a great occasion in the history of East and Central Africa, and I hope that hon. Members will take every opportunity to publicize the fact that Kenya is going to have an exhibition that she can indeed be proud of down there, and I believe that when the time comes to ask for provision that hon. Members will be pleased and, I believe, proud, to grant the money.

MR. COWIE: Mr. Chairman, I would like to support the hon. Member for Commerce and Industry in drawing attention to the importance of this exhibition in Bulawayo. I had the fortune to call in there recently, and I got some idea of the magnitude of this exhibition. It is quite obviously the largest thing of its kind that has ever been held in Africa. Commemorating the life of Cecil John Rhodes and covering a hundred years, it naturally brings in a good deal of the history of South Africa and of the Rhodesias, and we in these northern territories have been invited to take quite an active part, and therefore it is a wonderful opportunity for these countries in the north to join hands with the countries in the south—and of exchanging information on agriculture and every other form of industry, and also promoting our tourist traffic—our mutual benefits will be very great. I do urge that we give it the strongest possible support.

THE CHAIRMAN: I think a sub-committee might be held at some other time, and then we can hear what hon. Members are saying in the Committee as a whole.

MRS. SHAW: Mr. Chairman, I would merely like to get up on behalf of the majority of my colleagues to support very strongly the plea made by the hon. Member for Commerce and Industry as regards the Centenary Exhibition. I do feel that—particularly at such a time as this, when it is necessary to restore confidence in the future of this Colony of ours—the fact that Kenya is going to have a first-class exhibit is very essential.

We had General Irwin come to us the other day and show us the form this exhibition is going to take. I think we are all agreed it is most excellently conceived and well planned, and I do and would like to take this occasion of wishing that exhibit every success, and I hope that every branch in Kenya in commerce and agriculture will support that exhibit, and make it as good a one as we can, because I am sure that it will do much to restore the confidence in the future of this Colony, and will show the outside world that we believe we have a great future here in Kenya for both agriculture, commerce and all types of enterprise. (Applause.)

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I would like to thank hon. Members for what has been said. I am sure my hon. friend and I will be strengthened in the confidence we have general support in making the money available as it becomes necessary through the special warrant procedure. It is hoped, of course, that—(Laughter)—I can only remark, as my hon. friend said the other day, that a loud laugh betokens an empty mind—it is hoped, of course, that a good deal of money will be recovered through charges for the exhibition, and through, eventually, the sale of certain items.

I would at this stage like to endorse what the hon. lady, the Member for Nyanza, has said, and pay a tribute to the very great effort that Lieutenant-General Irwin is making on behalf of this exhibit. He is working most enthusiastically, and so are the committee as a whole. (Hear, hear.)

The question that Serial No. 52 be approved was put and carried.

The question that Serial No. 53 be approved was put and carried.

Head 5—3—Agricultural Department—
Item No. 1 (6)—One Assistant Director
(Research) upgrading to £1,535

MR. HAVELock: I would like a little more information on Serial No. 54, and I presume that the same remarks will apply to the following items. Sir, as to why these particular officers have to be upgraded. It is merely—as far as I can see in the notes at the back—it is merely said that they have to be. Nothing more

[Mr. Havelock]

is stated—no reason why. I would like to have a little more information.

MR. MATHU: May I ask whether the hon. Member, in replying, would indicate whether it is absolutely necessary to upgrade these gentlemen now, while only the other day the Government announced they were going to revise the salaries of all civil servants? Can it not wait until then?

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, I think I should begin by referring to the statement His Excellency made when he opened the present session of Legislative Council, when he said that we were in danger of losing a considerable number of experienced research officers, and he hoped that the position would be rectified by acceptance of the new Colonial Research Service terms. In actual fact, we have been working out the details of the proposed Colonial Research Service terms. In respect of new officers or officers joining the Service from the beginning, the Colonial Research Service terms and conditions are probably all right, but in respect of experienced officers who have considerable service behind them, transferred to the Colonial Research Service is going to be anything but attractive—in fact, the reverse of being attractive.

I would also like to say, Sir, that as long as the importance of research—and of research in agriculture—is recognized now by most intelligent people in this country, we are spending something like a quarter of a million pounds on capital development to provide the research services this country so badly needs, and, the officers in question—we are at least in danger of losing some of them—are outstanding in their own particular lines. They have been staying for a number of years—some of them a very considerable number of years—on the maximum of their scale, and these specialist officers have no promotion to look forward to at all, unless they give up their own profession and change to the much less productive administrative side. Their career finishes at the top of the scale. They can get nowhere unless they change over to the administration I am sure everyone will agree it would be a pity to waste all their

training and experience by forcing them to change over to administration. (Applause.)

MRS. SHAW: On a point of information, I would like to ask the hon. Director of Agriculture if this upgrading will mean the continued service of the Senior Plant Breeder.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I am astonished in some ways that there should be any argument or question about the upgrading of these particular officers. Because I think that certainly a number of hon. Members who are not present here to-day have come to me on more than one occasion, and asked that ways and means be found to see whether we could either obtain or retain the services of existing officers who are graded in specialized jobs, or provide some attraction whereby we could get suitable people to act as number-two so that when he goes on leave he could have somebody to do the work.

The case of this nature was the case mentioned by the hon. Member for Nyanza. This case is the one to which more publicity than any other has been given. Now his job is Plant Breeder. One of the main jobs he is trying to do is to try and breed a rust-resistant type of wheat. That is one of his main objectives. That man can do more bread rust-resistant types of wheat on his own without the assistance of the Plant Pathologist than I could. The Plant Pathologist is the only person in East Africa with all these qualifications. He does an immense amount of work, much of which has been on £1,320, and what we would do without him I really do not know. I could not possibly dream of making recommendations to put up the Plant Breeder's salary without doing the same for his colleague, who is senior to him, and without his knowledge and experience the Plant Breeder could do nothing. Here the same sort of thing applies to the other two officers who appear on this list. Now, as regards the first one, the Assistant Director of Research was one of the two officers who came to this country from neighbouring territories. He came from Nyanza and on the sort of understanding that they should get similar salaries to those which

[The Member for Agriculture and Natural Resources]

they were offering in the country which they had left, and our two neighbouring territories. For some unknown reason, we expected to get officers for less money than in similar posts in neighbouring territories, a country where they have three times the amount of responsibility, in some cases ten times the number of people under them. Strange to relate, they get offered positions elsewhere and they go, but the particular officer I am referring to here, the Assistant Director of Research, if I may say so, is the most outstanding man, and I am afraid we have lost him. As far as I know he has accepted a job elsewhere. That being the case, whatever happens, I know we shall not get a suitable man to take his place at less than this salary. At the moment I may say, apart from the Assistant Director whom we may have to replace, the other salaries, the other four, are *ad personam*; so you are not making a precedent at the moment because this difficulty to which my hon. friend, the Director of Agriculture has referred has only recently come to light. I have no doubt it will be put right, that where an officer of some years' experience elects to go on Colonial Service terms, they must make them sufficiently attractive to make people want to go on them. At the moment, owing to some miscalculation, or misunderstanding, the officers actually lose by going on to these terms. I would press, therefore, very hard indeed, that hon. Members would agree to these salaries. I can assure you I have had representations of the Kenya National Farmers' Union, from individuals, from farmers' associations, and from almost everybody, including quite a number of hon. Members opposite who actually, at the moment, are not here.

Mr. HAVELOCK: Firstly, I would like to say I have a very high regard indeed for the officers and the work they are doing. I think they are accomplishing very good work.

Secondly, I would like to say the hon. Member must give credit where credit is due. We are afraid of the repercussions. The hon. Member has already said that because the Plant Breeder's salary was raised then someone else's had also to

be raised. We are afraid such repercussions might go throughout the service and not necessarily be confined to these particular posts.

... Is the hon. Member completely satisfied that this might not happen. That is why we are afraid there might be many repercussions.

I would also like to take up a point the hon. Member has made. A number of hon. Members on this side of the Council have approached him on this matter. I also know discussions have ensued between a group of hon. Members on this side of the Council when this suggestion was not agreed to.

Mr. CROSSKILL: No one on this side of the Council wishes to deprive the country of the services of research officers who are required. We must have a high quality of research, but there seems to be some confused thought in the Council to-day, Sir.

I think the first Motion was to the effect that while the manufacture should remain in the hands of the country, research on a high level should be carried out by the High Commission. Now we seem to be taking the reverse attitude. We are suggesting that high level research should be done by the country as opposed to the High Commission. I think that we feel on this side that there may be a degree of overlapping in research, and therefore excessive expenditure on research. One is aware that higher salaries are payable at High Commission level than territorial level. I do think it requires careful investigation as to whether research work on plant breeding, wheat and maize, should be carried out at High Commission level. The information which is derived from that research is required both in Uganda and Tanganyika, and I think we must be extremely careful that there is no overlapping.

In West Africa, I understand, there is a co-ordinated research service which provides information to the Gold Coast and Nigeria and officers who are taken on by that co-ordinated service may have higher salaries than those which are payable by either of the individual territories. I think that we must look ahead and plan our research work on those lines, but I think it is far from the desire

[Mr. Crosskill] of anyone on this side that the country shall be deprived of the services of research workers, but that it should be co-ordinated and perhaps this should be in the future, on the High Commission level.

Mr. HAVELOCK: Mr. Chairman, I do not wish to argue with my hon. colleague, but I would like to say here and now, what I know is the opinion of the majority of Unofficial European Members anyway, that practical research and field work should be carried out by the Kenya Government (Hear, hear.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I was just going to explain that to begin with the High Commission Research Services are largely confined to deal with the problems of all three territories, I say, "largely confined". They are also largely engaged in what they call fundamental research and not extension services, or *ad hoc* research, or I believe, what Dr. Keene likes calling technological investigation: Be that as it may, in the case, for instance, of growing wheat and getting types of wheat that are suitable for this country, I do not think they will find that the Uganda or Tanganyika Governments would particularly support any very large measure of investigation in the province of developing suitable types of wheat, whereas, we, of course, have very close connexions indeed with similar work that is going on in other parts of Africa such as the Union and Southern Rhodesia on that particular subject.

As regards the Assistant Director, we have and must have a vast amount of extension services, no matter to what extent the High Commission services are developed. Extension services, I would develop, the cost must be on a territorial basis. The Assistant Director of Research we refer to here is the officer to whom we look to organize the extensions of work done in this country, both African areas and European areas, and he was badly needed and he has done an extremely good job. I think he has saved the country a great deal of money...

THE MEMBER FOR FINANCE: Mr. Chairman, the hon. Member for Kiambu has asked about the question of reper-

ussion. That, Sir, is one of the 'nightmares' the Treasury faces whenever it accedes to a request of this particular kind, and I cannot, of course, give the hon. Member an assurance that repercussions will not ensue. I can merely assure him that the Treasury will continue to fight as hard as possible to keep those repercussions down to the lowest possible level, if I might put it like that. However, Sir, the fact remains that in Government service, the same as in every other service, there do arise outstanding cases. There do arise cases where merit or the need of the man, or pressing public opinion, compels the Treasury, however unwillingly, to give away on the expenditure of public money. I cannot say that there will not be other repercussions and I am sure that other people will probably feel that they are not being paid sufficiently when this type of thing begins. I think that is something, Sir, in which I can ask for the support of my colleagues in saying that of course we shall resist it as far as possible and see that these concessions are only made when the public interest and the merit of the case justify the steps being taken.

Now, Sir, the hon. Mr. Mathu made a point as to whether this could not wait until the report of the salaries revision. Well, Sir, again the Treasury has time and time again, and the Standing Finance Committee has considered these requests in many cases and have had to agree to them on the merit of the case; have had to take *ad hoc* decisions to increase the salaries of certain valuable officers in order to keep them, and I feel perfectly certain that certainly one or two of the gentlemen named in these items would not have felt at all enthralled or inclined to stay on at the promise that in a year's time a salaries commission might give them a little more, and for that reason it was felt that the increase asked for in these items must be acceded.

Mr. CROSSKILL: Mr. Chairman, in saying that I felt some of the agricultural research work might be better carried out by the High Commission, I was referring to long-term research and the breeding of hybrid maize that was being carried out under the Kenya Government, and that work was lost at the beginning of the war. That was a matter of 20 years' work and had that perhaps been done at a higher level that work

[Mr. Crosskill] would not have been lost to Kenya. Many hundreds of thousands of pounds would have accrued to this country.

THE MEMBER FOR COMMERCE AND INDUSTRY: Would the hon. Member explain whether he thinks that the High Commission is worked at a higher level? Those were the words he used.

The question that serial numbers 54 to 58 be approved was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, before we move to Part II, in order to establish a point of principle, I would like to suggest, Sir, that a Resolution on the first Part be taken. The reason for that, Sir, is that Part II is the first operation of the Civil Contingencies Fund. I think it would be desirable for the future that we should keep separate the Supplementary Estimates from the Civil Contingencies Fund for which the Member for Finance has taken full responsibility.

THE CHAIRMAN: I accept the advice of the hon. Member for Finance. I will propose the Resolution.

"BE IT RESOLVED that a sum not exceeding £197,396 be granted to the Governor to defray the charge which will come in course of payment for Supplementary Estimates No. 7 of 1952, Part 1."

The question was put and carried.

Part II—Head 4—4 (50)—New

MR. HARRIS: Mr. Chairman, as the hon. Member for Finance has just said, this is the first time that we have debated replenishments under the Civil Contingencies principle. I think all Members on this side of the Committee have accepted that principle and want to see it work with the greatest efficiency. I would not like to be thought critical of the principle, but I think, as this is the first debate, we should get those principles clear in our minds.

Serial No. 4—and if I may just mention No. 5, the same principle arises—you will note from the note, Sir, on page 4, the advance is made from the fund provided for necessary expenditure on known developments, and on developments which would arise in the near future. This is on the Nyeri Electricity Undertaking.

Now, Sir, it would have seemed to me, if these matters are ones of development, they should be taken in advance. In fact the note rather suggested they were, in which case they could be the subject of a Supplementary Vote. On the other hand, Sir, if they are not known, and they are developments for which money is required in a great hurry, it would seem to me that this is another example of the usual inefficiency of State enterprise, that even does not know how it is going to develop, or when it is going to develop or when, and has to run to the Treasury for money all in a hurry. I am not criticizing the Member for Finance here, I am criticizing the Postmaster General who, I imagine, in my ignorance, acts as agent for the Kenya Government in this undertaking. I believe that this should have been, possibly, a matter for supplementary procedure rather than Civil Contingencies.

The same principle applies in Serial No. 5 where people apparently have suddenly found the necessity for buying heavier machinery to the extent of £14,250 and also, Sir, the replacement of diesel vehicles and trailers at a cost of £8,500. Those diesel vehicles and trailers did not suddenly deteriorate unless they were involved in an accident, in which case I withdraw what I said.

MR. SLADE: Speaking on Item No. 4, I would like to support the hon. Member for Nairobi South and point out that these particular developments, for which this sum of £15,000 is required, are not merely developments that ought to have been foreseen but, according to the note, are developments actually required by the licence, so they must have been foreseen. But there is a further and more serious point than that. I would like to ask whether the accounts which this undertaking is required by the licence, and by the law, to furnish have yet been furnished, because I know they were, for a very long time, overdue and if they have not yet been furnished, I should be most averse to releasing any more money to be spent for that undertaking meanwhile.

MR. MATHU: My remarks are directed to No. 5, but the same principle supporting my hon. friend the Member for Nairobi South has just been said.

THE CHAIRMAN: We will keep to No. 4 at the moment. Speak to No. 5 later.

THE MEMBER FOR FINANCE: Mr. Chairman, I was very glad indeed that my hon. friend the Member for Nairobi South has raised the issue that he has raised, because I think these are typical examples of what may happen. It would be correct to say that a certain amount of the capital development for the Nyeri Electricity Undertaking should indeed have been done some time ago in order to meet the statutory commitments, to supply power, that are laid down for the undertaking. The position about the accounts was that—I will be perfectly frank with the hon. Member—if I went into this position, I found that the accounts were in a very bad state. We therefore got permission from the Standing Finance Committee to employ a local firm of accountants to bring the accounts up to date, but we have not yet had the final figures. That is the position, and I have pressed very hard for the accounts to be brought to me as soon as possible, but whether or not this expenditure should have been accepted some time ago or not, the fact remains that I was placed in the position of knowing this was a commitment, in as far as Government was concerned, in order to carry out the supply of power, and I knew that it would be some three or four weeks before we could get on to Supplementary Estimates in this Committee because we were facing the Budget debate.

On those grounds, I accepted to the extent that money should be made available for the capital development required. I had also to take into account the fact that whatever the future of the undertaking, the development must go on, and, as it is stated in the last sentence, no decision has yet been made as to the future ownership of the undertaking. But even if it were to be transferred to private enterprise, we must still have proceeded with the necessary development.

Now, on the question of the principle of No. 5, if you would like me to deal with the principle—

THE CHAIRMAN: If that is convenient to you?

THE MEMBER FOR FINANCE: I am quite prepared to deal with No. 5, but although the same principles apply, the actual case

was different, so I will deal with them separately.

MR. MATHU: Mr. Chairman, I would like to inquire from the hon. Member for Finance whether it is not a fact that if some effort had been made to prepare the accounts some time ago that there was every possibility of coming to some settlement with the Power and Lighting Company to take over the undertaking? If that had been done, a large amount of money could have been saved to the taxpayers. I think it was almost two years ago that it was found that the accounts of the Nyeri Council were in such a terrible mess that we could not even tell the Power and Lighting Company what we were prepared to accept for that particular undertaking. I think it is a matter of great regret that at the end of two years we are still saying, "We have not got the accounts ready".

THE MEMBER FOR FINANCE: I agree with the hon. Member, it is a matter of great regret. Unfortunately, the pace at which the accountants we have put in can work is limited. Until they complete their work, we can do nothing further about it.

I could not agree that the taxpayer could have been saved a lot of money by selling this to the East African Power and Lighting Company. The hon. Member must understand I am not at liberty to disclose the details of the negotiations, but I can say the offer which was made by that particular Company was so low that it would have involved the taxpayers in a somewhat heavy loss, and, in my opinion, we shall do better to develop it at this stage until such time as it shows a return, which may induce the Company to give us a better offer.

MR. HARRIS: Mr. Chairman, I have accepted the explanation, it seems that I am right and he is right and the people to blame are, in fact, the managers of the Nyeri Electricity Undertaking. I think we might take that up at another time.

The question that Item 4 be approved was put and carried.

Head 6—6 (50)

MR. MATHU: I am making this point, Sir, on the assumption that the Kenya-Boundary Commission has been in existence for some time and the expenditures of £22,000 could definitely have been foreseen because I do not

[Mr. Mathu] these fellows—have been working there for a long time, could not discover there is lava rock immediately, when they have been walking along that boundary for years. (Laughter.) It is important I should know exactly why they could not have been dealt with by the Supplementary Estimates. That is the first one.

The second point was whether the hon. Member for Finance could tell us about what time this Kenya-Ethiopia Boundary Commission is going to come to its conclusions on boundaries, and have a permanent decision then, because then he would not resort to the Civil Contingencies Fund to buy machinery at a very colossal price of £22,000.

Mr. HAVELOCK: Mr. Chairman, as the hon. Member for Finance knows, this particular expenditure or Head has been a "big bear of mine for some time." I raised it only a few months ago and asked at that time when we could have any idea what the total expenditure is going to be. Has the hon. Member an estimate of what the total expenditure is going to be? Does he know how long it is going to take, what we are going to be faced with?

THE MEMBER FOR FINANCE: Dealing with the last point first, do I know what the final expenditure is going to be? The hon. Member for Kiambu will remember it is just a few days since he raised this point with me personally. Since then, I have called for an estimate of the final expenditure. How long this thing will take, Sir, that I cannot say.

On the point raised by my hon. friend, Mr. Mathu, as to why this is dealt with by Supplementary Estimates, one can only, Sir, accept the statements and opinions of the experts on the spot. They came down to us a very short time ago—I think I am right in saying about three weeks ago—and said they had just discovered that they needed this machinery to deal with a particular stretch of bad country that they had met. I did try, Sir, to keep this over to Supplementary Estimates, but I was met with the fact that if this money and this machinery was not made available immediately, then, by the time I had got the Supplementary Estimates through, say, to-day, that would have been the

wrong time for them to carry on their work; and it might have meant six months' further delay in the Commission's work. Under those circumstances, I had to balance the urgency of taking responsibility of spending this money against waiting for Supplementary Estimates in three weeks' time, and the decision that I took—I trust the Council will understand I took it reluctantly, but I must take the responsibility for having taken it—was that, under the circumstances, I must agree to the spending of this money. That is the only explanation I can give and I can assure the hon. Mr. Mathu that one of the main deciding factors of my agreeing to this expenditure was the statement that if they did not have it, there would be six months' further delay and that six months' further delay would cost us quite a considerable amount of money.

Mrs. SHAW: I did support the Civil Contingencies Fund the other day and the fact that it should be raised. I do rather think this is a slight misuse of the Civil Contingencies Fund, if I may say so, with all due respect to the hon. Member for Finance. It seems to me this is not urgent emergency and also I do feel that every year we are asked—on every session we are asked—for more money for this Boundary Commission. We have no information as to whether our liability is limited or unlimited in this matter, a pistol is more or less held at our head and we are asked to hold another substantial sum for this Boundary Commission. We have no idea what they are doing, when their work is likely to finish, how it is progressing. I would like to put it on record. I do think we ought, at least, to be told what our liability is in this matter and if it is an unlimited liability or not.

THE MEMBER FOR FINANCE: Mr. Chairman, I am afraid I cannot agree with the hon. lady who has just spoken. I cannot agree it is a misuse of the Fund. This is the very type of thing that the Fund has to meet. I thought I had explained already that if I had not agreed to the expenditure of this money, which was wanted urgently and immediately, that we would have been involved in far more expenditure. Now, Sir, the atmosphere in which the Budget has gone through so swiftly and so cleanly could

[The Member for Finance] not, Sir, have been anticipated by myself as some three weeks ago, and it was unlikely that I would have any chance of bringing in the Supplementary Estimates until towards the end of December which would have meant, indeed, that the people operating the Boundary Commission, would not have spent that money until late in December or early in the new year. That is an occasion, Sir, on which I must say time and again, given the same position and given the same information, I should take the same decision. Nobody is holding a pistol to hon. Members' heads. I did point out to them at the time of the establishment of the Civil Contingencies Fund, I would take full responsibility and their criticism, and I must accept those criticisms; but I think the hon. lady is getting a little confused when she talks about the financial account and the cost of the Commission. That has nothing to do with the Contingencies-Fund at all. That is a matter for a completely separate argument and discussion.

Mr. HARRIS: Mr. Chairman, I must agree with the hon. Member for Finance, that I think having heard his explanation on both of these items, it is a proper use for the Contingencies Fund. On the other hand, I am sure the hon. Member will agree that it is most unfortunate that there should be two skeletons brought out of the cupboard the first time we have reference to the Contingencies Fund. I think that is why we have things a little bit jumbled.

The question that Serial No. 5, £22,750 be approved was put and carried.

THE CHAIRMAN: That completes Part II. I will put the formal Resolution.

"BE IT RESOLVED that a sum of £39,019 be granted to the Governor on account, for or towards defraying the charges for such Supplementary Estimates of Expenditure, 1952 (No. 7 of 1952), Part II."

Question proposed.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to report that the Committee reports progress on the Supplementary Estimates of Expenditure, 1952 (No. 7 of 1952), Part II.

Question proposed.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

REPORTS

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to report that the Committee of Supply has considered the Supplementary Estimates of Expenditure, 1952 (No. 7 of 1952), in its two parts, No. I and No. II, and has passed Resolutions granting to the Governor for expenditure under those two parts, £197,396 under Part I and £39,019 under Part II.

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that this Council doth agree with the Committee in the said Resolution.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

ADJOURNMENT

THE SPEAKER: That concludes the business on the Order Paper. Council will stand adjourned until ten o'clock a.m. tomorrow.

Council rose at forty minutes past six o'clock p.m.

Friday, 5th December, 1952

The Council met at Ten o'clock.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following paper was laid on the Table:—

Report of the Select Committee on the British Standard Portland Cement Company, Limited (Bamburi Factory) (Amendment) Bill, 1952.

(THE SOLICITOR GENERAL)

ORAL NOTICE OF MOTION

MR. HAVELOCK: On behalf of the hon. Member for Rift Valley, I beg leave to give notice of the following Motion:—

"THAT this Council considers a committee should immediately be appointed to deal with the problems of the Somali settlements at Gilgii and Naivasha with special reference to their land and stock requirements and to educational facilities for their children."

ORAL ANSWERS TO QUESTIONS

QUESTION No. 49

DR. HASSAN:

In view of the subsidy granted by the Government to the Nyalii Bridge Company will the Government cause inquiries to be made as to the method adopted by the said company in granting monthly concessions to the regular and frequent users of the Nyalii Bridge such as transporters and property holders and residents in the Kitauini and Mombasa areas, particularly as to why the company in exercising its discretionary powers to allow such concession, confines it to the members of a particular community.

THE MEMBER FOR DEVELOPMENT: The Nyalii Bridge Company are entitled to use their discretion to grant bridge toll concessions, and I am informed that a limited number of concessions has been given for several years. These concessions have not been confined to the members of any particular community.

The details are:—

Motor Cars—

Nine Europeans.

Eight Asians and Arabs.

Motor Cycles—

Three Europeans.

Bicycles—

Fifty Asians, Arabs and Africans.

MR. COOKE: Arising out of that answer, Sir, can the hon. gentleman elucidate the position? There is great confusion in Mombasa on the matter, as to whether these concessions will be renewed or not, or whether they will be affected by this subsidy which is being provided for the bridge.

THE MEMBER FOR DEVELOPMENT: I regret I am unable to answer that question. It is entirely a matter for the company.

MR. COOKE: Following on that, Sir, the Coast Development Committee, which goes carefully into these matters, shares this anxiety about it, and would the hon. gentleman give me an assurance that he will take the matter up with the company?

THE MEMBER FOR DEVELOPMENT: I will certainly give that assurance, Sir.

QUESTION No. 65

MR. E. W. MATHU:

Will the Member for African Affairs state the number of Kikuyu people residing in the settled areas in the Rift Valley Province and the number of those who are to be returned to Kikuyu native land unit?

THE MEMBER FOR AFRICAN AFFAIRS: According to the latest statistics there are at present approximately 163,964 Kikuyu in the settled areas of the Rift Valley Province. This total includes men, women and children.

The number of these Kikuyu who may have to be returned to their native land unit cannot be foreseen and will depend upon their behaviour.

MR. MATHU: Arising out of that reply, Mr. Speaker, can the hon. Member tell us what he has done to receive the 501 families which were dumped in the Kikuyu area recently from the Thomson's Falls area?

THE MEMBER FOR AFRICAN AFFAIRS: The families were moved to Nyeri and, so far as I know, have all been absorbed in the Nyeri district.

MR. HAVELOCK: Arising out of the original reply, is it Government's policy to send back all these families to the Kikuyu reserve?

THE MEMBER FOR AFRICAN AFFAIRS: It is not Government's policy to send back 163,964 Kikuyus to the reserve.

MR. HAVELOCK: The question referred to the families at Thomson's Falls which were rounded up and which the hon. Mr. Mathu was referring to.

THE MEMBER FOR AFRICAN AFFAIRS: I apologize, Yes.

MR. BLUNDELL: Arising out of the original question, will the hon. Member say whether any steps have been taken to see that when these Kikuyu people are returned they are registered under the Registration of Persons Ordinance?

THE MEMBER FOR AFRICAN AFFAIRS: I have already taken it up with the Provincial Commissioner. I think the vast majority of them, being squatters, have already been registered.

MR. COOKE: Has Government considered—seriously considered—the effect these dissolute people, the subversive effect they may have on otherwise loyal people in the reserve?

THE MEMBER FOR AFRICAN AFFAIRS: Yes, they have.

The British Standard Portland Cement Company, Ltd. (Bamburi Factory) (Amendment) Bill—(Consideration of the Select Committee Report)

THE SOLICITOR GENERAL: Mr. Speaker, Sir, I beg to move that the British Standard Portland Cement Company Limited (Bamburi Factory) (Amendment) Bill Select-Committee Report be now considered.

The Report, Mr. Speaker, has been circulated to Members. It contains an amendment of one provision in the Bill which was contested by the opposers who presented a position. The Committee heard evidence adduced for the Company and the submissions by the company's counsel, and they heard coun-

sel for the Opposers; and, having considered the evidence and the submissions they decided to amend the provision in question in the manner shown in the report.

Mr. Speaker, Sir, I beg to move.

MR. USHER seconded.

BILL

THIRD READING

The British Standard Portland Cement Company Limited (Bamburi Factory) (Amendment) Bill

MR. USHER: Mr. Speaker, I beg to move that the British Standard Portland Cement Company Limited (Bamburi Factory) (Amendment) Bill (Bill No. 5) be now read a Third Time.

THE SOLICITOR GENERAL seconded.

Question proposed.

The question was put and carried and the Bill read a Third Time and passed accordingly.

COMMITTEE OF SUPPLY

Committee of the whole Council.—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Horne in the Chair]

MOTIONS

MR. CHAIRMAN: Mr. Speaker, I beg to notify that the recommendation and consent of the Governor has been obtained to the introduction of the Financial Resolutions—Nos. 7 and 8 on the Order Paper.

Mr. Chairman, I beg to move that the sum of £200,000 be granted to the Governor for the purpose of increasing the Civil Contingencies Fund to £250,000. In the Financial Statement, Sir, I gave a description at fair length of the reasons for this Fund, its desirability and the method by which it would operate. I think, Sir, for the purpose of record I would like once again to say that this is a Fund which is placed at the disposal of the Treasury by the Legislators from which advances are made in anticipation of grants by the Legislative Council when it is impossible to wait until the necessary grants are made.

[The Member for Finance]

The Fund is under the complete control of the Member for Finance and, if there is any misuse or abuse of the Fund, it is the Member for Finance who is called to account across the floor of the Council. No expenditure can remain as a charge against this 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 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 on the Table of the Council and before the Public Accounts Committee.

I have given an undertaking, Sir, in cases where there seemed any doubt that leaders of groups of hon. Members opposite will be consulted and their opinion obtained on any principle involved.

Now, Sir, during the main debate, almost every Member who spoke signified his or her agreement with the principle involved, and with the increase to the Fund to this amount. I do not therefore propose to keep the Committee any longer. I will, of course, answer any questions that are asked.

Question proposed.

MR. NATHOO: Mr. Chairman, there is only one assurance I would like from the hon. Member for Finance, and that is that whenever any expense is incurred from this Fund, it shall be reported at the very next meeting of the Legislative Council, and not left in abeyance for a long time so that we may be kept informed from time to time as to what is happening.

MR. BLUNDELL: Mr. Speaker, is this the Vote for £750,000? (Laughter.)

THE CHAIRMAN: No.

THE MEMBER FOR FINANCE: Mr. Chairman, I am of course delighted to give the assurance asked for by the hon. Member, Mr. Nathoo. I have already given it when the main debate and, in the first debate on the establishment of this Fund, I said the idea of course is that an advance can be made from the Fund to meet the needs for any particularly urgent service for which there is no provision—that a Supplementary Esti-

mate will be introduced at the next sitting of the Legislative Council. I repeat, the next sitting of Legislative Council, in order that the Fund should be replaced.

It will be obvious to hon. Members that this Fund can only operate if there is co-operation and understanding between both sides of the Council.

The question was put and carried.

THE MEMBER FOR FINANCE: Mr. Chairman, I beg to move that a sum of £750,000 be allocated to meet expenditure arising from the State of Emergency. In my reply to the main debate, Sir, I did warn hon. Members that before very long I should be introducing a Supplementary Estimate for the establishment of an Emergency Fund. The idea, of course, is, Sir, that as much as possible of the impact of the cost of the Emergency should fall upon the 1952 Budget, wherein it is estimated that we shall have a surplus to enable us to meet that cost. By this means, Sir, I hope, and intend, if possible, unless, as I said, the situation alters drastically, to avoid the introduction of an Interim Budget in 1953 and the imposition of additional taxation. If this Motion is passed, Sir, the intention is that the money should be placed into an Emergency Expenditure Fund, which will be operated under a requisition to incur expenditure. By this means the Treasury hopes to have some control over the expenditure that is taking place, because one of the dangers of an Emergency of this kind is that a great amount of expenditure can take place without any Treasury control at all.

However, arrangements have been made to see that full recognition is given to the fact that action must not be held up for the want of financial approval and the Treasury will make those arrangements inside the fund.

The result will be that accounts will be rendered for money taken from this fund. They will be laid before the Legislative Council at the earliest opportunity, and Legislative Council will be able to debate and criticize the expenditure. I must make it perfectly clear, however, that it would not be possible for it to disallow expenditure that had already been made, and that, of course, is the risk which must be taken in a fund of this kind.

MR. COOK: You cannot surcharge them, anyway!

THE MEMBER FOR FINANCE: No, there can be no question of surcharge, if I may tell the hon. Member for the Coast, Sir. But, of course, the mere fact that the expenditure will be called into account before this Committee will be one of the great factors in ensuring that waste does not take place.

I do not feel it is necessary to say any more on this. I would be delighted to answer any questions as to the operation of the fund that hon. Members might like to ask.

Question proposed.

MR. BLUNDELL: Mr. Chairman, in rising to support the Motion, I wish to reiterate some remarks I made on the original financial debate.

We are a poor country and we cannot, in my view, afford a State of Emergency for one moment longer than is necessary. Already we are taking this sum of £750,000 from what might be productive and constructive measures into completely destructive measures. It, therefore, is absolutely essential, Mr. Chairman, that the Government should take the necessary steps to release this drain upon our expenditure as soon as possible.

I want to record, on behalf of my colleagues on this side of the Committee, our dissatisfaction with the steps which are being taken to allow us to get on to the constructive use of our moneys, rather than the destructive use of them. (Hear, hear.)

I propose, Mr. Chairman, with your permission, to give to hon. Members opposite some of the things that I think are necessary if we are going to be able to release this drain on our financial resources as soon as possible.

First, Sir, it is necessary that more decision is available here, and allowed here on the spot. (Hear, hear.) Secondly, there is not enough co-ordination between hon. Members and their departments on the other side in dealing with this matter and steps must be taken to see that that co-ordination is provided. At the present time, it is my firm belief there is no adequate connexion in thought and action between the administration of

the departments of the Member for Law and Order, as reflected by the police, and the military.

Sir, in addition to that—it is all bearing on this sum of £750,000—there is a lack of decision in the administrative matters. Policies are announced, policies are started, but the administrative methods to carry them out have been lacking despite, in my view, ample warnings of the measures which are necessary to take to carry those policies forward.

I have already referred, Mr. Chairman, to lack of decision, but it is my firm belief that we shall not stop this drain upon our capital resources and our moneys until hon. Members opposite accept one fundamental point, and it is this: that, in dealing with the present Emergency in this Colony, the law must be moulded to the Emergency, and the Emergency cannot be moulded to the law. (Hear, hear.)

It seems to me, Sir, we are all anxious to get rid of this drain, as I have said, and we are also anxious to get on with certain long-term and constructive measures to which reference has been made in debates in this Committee, in dealing with this problem. I would like to say this, Mr. Chairman, unless hon. Members opposite have the firm intention and the latitude and freedom of action which is required to deal with the short-term position with which we are faced, effectively, decisively, then we cannot get going on the long-term measures which, in my view, are also fundamentally necessary. That is the greatest justification for hon. Members opposite to be effective and decisive and to look forward and not backwards.

I would like to call, Sir—in supporting this Motion I would like to call for a clear-cut statement from hon. Members opposite as to their intentions in this matter. Let us know what they are going to do; let us, at least, have confidence that they have worked out, for instance, even the smallest administrative details, before they announce a policy.

I am sure I am speaking for all my colleagues, that we have serious doubts about their ability still to deal with the matter effectively. (Prolonged applause.)

Mr. COOKE: Mr. Chairman, there is another point which I would like to make in addition to what has been said by the hon. Member for Rift Valley, with every word of which I, personally, agree. I do not want to fetter the hands in any way of the Member for Finance, but when he gives us remarks that the matter will be reported to Council at the earliest possible moment, that earliest possible moment may be some few months in the future and I would like him to give an assurance that Council will be called early in the new year so that we can have an account of his stewardship.

I do not take the view, which evidently, certainly, my hon. friend the Member for Development takes, that this crisis is necessarily going to be a long one. I think, Sir, that is the wrong view to take entirely, not only because it is going to eat up our financial resources, but also it is going to intensify any bad relationship which may exist between the races.

I think it should be the policy of Government, and some of us have said to at the very beginning, to make this a short and sharp contest. At the present moment, Sir, and I think I have a pretty good knowledge of most of this country, having been in it for nearly 40 years, I think the present situation shows signs of considerable improvement. But unless we go ahead now strongly enforcing measures, there will be a deterioration. I would like to say, I think a good deal of that improvement is due to the very courageous broadcast by my hon. friends Mr. Mathu and Mr. Harry Thuku—(Hear, hear)—(Applause)—and also to the formation of these local defence units in the Kikuyu country. (Applause.) I think those two things have done more to improve the situation than anything that has been done so far. But, apart from that, we must take the strongest possible measures to try to ensure that this crisis will be over at the earliest possible moment.

LT.-COL. GHERSIE: Mr. Chairman, the hon. Member for Finance stated that it was not his intention, at least he hoped it would not be necessary, to increase taxation during 1953 to meet the cost of the Emergency. I hope that does not deprive him from increasing taxation on

people or individuals who are responsible for this Emergency.

Mr. HARRIS: Mr. Chairman, I would like to endorse every word that has been said by the hon. Member for Rift Valley, and to repeat an expression I used in the main financial debate last week, when I said that I considered that the Government were apathetic and were academic in the manner in which they are tackling this Emergency.

Now, Sir, it does seem that at the present time there is a bogey of which the Government seems to have a considerable amount of fear, that they may not act, may not even use this money as quickly as many of us would like. It might help to dispel that bogey, Sir, if I quote from a letter I received this morning from an ex-Secretary of State for the Colonies, who is now on the opposition side of the House of Commons. He says:—

"Believe me, we have been, and are, deeply concerned about your terrible ordeal and are pledged to support essential and necessary steps to suppress *Mau Mau* and all it means and does."

Now, Sir, that is a pledge given by somebody whom I feel might be considered part of the bogey, and with that pledge, Sir, I feel that it is this Council and the Government of this Colony who will say what is necessary to fulfil that pledge, and I would urge Government, Sir, more than ever to get on with the job of clearing up this business as quickly as possible because some of us do not feel that they are doing it. (Applause.)

GROUP-CAPT. BAIGOS: Mr. Chairman, Sir, I would like to support very warmly what the hon. Member for Rift Valley has already said in regard to this. It does appear that the Government policy is still a policy of "too little and too late". I would like to refer to the situation in my own constituency. During the past week there have been a series of serious raids on farms, the pattern is much the same as that which occurred in the Thompson's Falls area; that was followed by a murder. It was only when that murder took place that any effective action was taken. The same situation appears to be building up in my own constituency and we are still waiting for effective action to be taken. How many people have to be murdered before that action will be taken?

Mr. MATHU: Mr. Chairman, I would just like to support what other previous speakers have said in this matter, and to say that I join with them in their anxiety they have that this Emergency should be brought to a satisfactory conclusion as soon as possible, and, in doing that, I would like to emphasize one aspect of the problem which, I think, the Government is still very slow in adopting, and it is this. It is the rallying of the loyal elements in the Kikuyu reserves on the side of the Government. (Hear, hear.) Why they are shy and slow in doing this—I think it is the only thing that will bring this matter to quick settlement—I cannot understand.

I should like to get from the Government a clear statement of what they are doing to rally the loyal forces among the Kikuyu community. But if they continue to suspect that all of the 1,250,000 Kikuyu are against the Government, then the sooner we pack up and say "this will never come to an end", the better. I would like, therefore, to know exactly what Government is going to do in this matter.

In my own area, just recently, on the invitation of my hon. friend, the Member for Law and Order, I placed before the police 70 names whom I consider all loyal, who want to become home guards in my own location. (Applause.) It is about three or four days now, and I have not heard from the police, and they are waiting—my people last night asked me "when are we going to be enrolled as special constables to patrol as small units in our areas to make sure that nothing goes except the decent things in our country".

Now, why are they slow in doing that? I am waiting to hear from them when these people are going to be enrolled.

That is a very important matter, and I want to know what is happening in other areas as well. It is a matter we must not dilly-dally about. It is very important. (Applause.)

Mrs. SHAW: Mr. Chairman, I would like to support very strongly what my hon. friend the Member for Rift Valley has said with regard to the Emergency. I would like to deal with one point, that is, the lack of co-ordination. We passed the Emergency measures in this Com-

mittee in September, which gave us the powers which, I believe, had those powers been put into practice and fully used, the Emergency, or the outlook of ending this Emergency would be much better than it is to-day, because I do not believe that those powers are being used throughout the districts where these events occur as fully as they might, and I am perfectly certain that this is due to lack of co-ordination in the various departments and services.

I go back to Nyanza which is, thank God, an area not much affected, and I find that certain incidents have taken place, such as I had brought to my notice to-day. The holding of a meeting of Kikuyu, when I understand Kikuyu meetings have been banned for the moment. Nothing is done, that meeting is allowed to take place, nobody knows what has been said at that meeting, although they hope it is not political. That is just one incident. People are picked up with evidence of belonging to the *Mau Mau* society, having held ceremonies, they are brought to the courts. For some reason the Emergency measures are not employed to the fullest extent, or over some technical evidence there is not sufficient evidence to hold these people or charge them. They are allowed to return to their farms. That lack of strong measures and that evidence of vacillating policies is what causes alarm and despondency throughout the settler community in the up-country areas, and I do believe amongst the Africans. It is that lack of co-ordination that has led to the failure of the second phase after the initial "Jock Scott" operation.

Mr. HAVELOCK: Mr. Chairman, there is only one point I wish to emphasize, which the hon. Member for Rift Valley has brought up. Decisions at this time must be taken in Kenya, and quickly. Now, Sir, this is not a matter of Colonial Office or something holding the balance between the races in this country. Every single race is behind what has been said to-day, that things must happen quickly and finally must be brought immediately. Every single race is suffering and every moment of the delay, I warn the Committee, means a greater risk of murder and torture of members of all races. We, Sir, on this side of the Committee have been meeting quite frequently, a number of times. We have come to many

[Mr. Havelock] unanimous decisions between all races. We are continuing to meet. I can assure the Committee there is no racial dissension on this matter—decisions and immediate action is what we, of all races, demand now.

MR. NATHOO: Mr. Chairman, I would like to add my support to what has been said by the hon. Member for Rift Valley and the other speakers on this side of the Committee. At the same time, I think the Members on this side of the Committee feel perturbed at what the hon. Member for African Interests has said. I think we are entitled to receive a definite, clear-cut reply from Government as to why these delays are taking place, and I think the incidents of the last day or two show us, if we wanted any further proof, that every dilly-dallying by the Government is resulting in the loss of life of people of all races in this country. (Applause.)

COL. GROGAN: I only want to say a word to reiterate what I said before, in telling the hon. Member to strike at the heart of the matter instead of dancing about round the perimeter. While lawyers, logic-chopping among themselves, are trying to make up their minds whether it is rebellion or is not rebellion... we have got to meet the terrible position to-day, where the activating rascals in this happening are being gradually converted into a kind of international hero, whereas their adolescent dupes are being shot down here, there and everywhere, because they are defying the forces of law and order with pangas against rifles.

If I may remind the Committee again, I am probably the only survivor present of a large-scale African rebellion—the Mashona rebellion. If we had had to sit down then and wait for four or five months while a gang of lawyers were deciding as to whether it was a rebellion or not, we should not have had a single white man, or loyal man left in the country. I think it is essential that a decisive attempt be made to get at the heart of the situation instead of this lamentable tinkering with the problem which is costing a lot of money and, in my opinion, leading nowhere.

MR. BLUNDELL: I was, if no hon. Member opposite was going to rise, going to administer a few castigations that would get them to their feet. However, as the hon. Member has got up, I will give way.

THE MEMBER FOR DEVELOPMENT: I am grateful to the hon. Member for Rift Valley.

I do not propose to make a long speech, Sir. The Government is as anxious as anyone else to bring to an end this State of Emergency. The problem is easy to appreciate in the whole, but the solution is not so simple. For many reasons we wish to bring this State of Emergency to an end, not only because of all the trouble it causes at the moment, but also, as has been said, so that we can get back on to constructive business.

In regard to the matter of rallying the loyal Kikuyu, I entirely agree that that is a matter of the greatest importance. I may say that in other places in Kikuyuland, home guards have enrolled themselves. There may be other factors regarding the hon. Mr. Mathu's neighbours as to enrolling them as special policemen. That will be looked into immediately. My hon. friend the Member for Law and Order is letting the hon. Mr. Mathu have an answer to-day.

I do not propose to answer at length the various points made by hon. Members. I entirely and fully appreciate their import, and they have been taken note of.

MR. BLUNDELL: Mr. Chairman, it is my belief that we shall never deal with this Emergency as long as the hon. Member opposite answers in the way he has.

What we would like to know is what are the hon. Members doing about the co-ordination of the various services? We want to know what they are doing. We would like to know what are their plans for administration and I warn hon. Members it will come to it, for what are they doing for the administration of the movement of large numbers of people that has Kikuyus. I would like to know what has happened to the favourable considerations that the hon. Solicitor General gave us on the matter of the death penalty for

[Mr. Blundell] oath administrators which was supported by all hon. Members on this side of the Council. We want to know these things. We are inevitably drawn to the conclusion that hon. Members opposite have to sit down where they are now because hon. Members cannot act without sending innumerable telegrams elsewhere—no Emergency will ever be cured by that. It is not good the Member for Education and Labour smiling. There are many things I would like to see him do rather than smile.

MR. CHAIRMAN, what we want from the hon. Members opposite, we want to see not dummies, but we want to see activating mechanisms. (Applause.)

MR. CROSSKILL: Mr. Chairman, in replying the hon. Member opposite spoke approval of the home guard. That is a matter of great satisfaction, but those are defensive measures. What we require, as the hon. Member for Rift Valley has said, now are more deterrent measures, more deterrent penalties and those must include the death penalty for the administration of an oath, which is an oath to commit murder. We must also have corporal punishment.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I have listened for some half an hour or more to a castigation of Government which I can quite understand, because, naturally, hon. Members opposite are under severe pressure from their constituents and also themselves feel very strongly. I agree with them that not enough publicity is given to such actions as Government is trying to take, and I say here and now, as coming from your side originally, that I entirely sympathize with the case you have brought forward. On the other hand, Sir, I can give an assurance, having just been myself into the reserve, and having myself been up to one of the constituencies which is represented on the opposite side, that a great deal is being done. It is not always easy, nor would it always be in the public interest to desire precisely what steps are being taken in the course of a public debate in a legislature.

I will leave it to other hon. Members to describe the extent to which I believe the loyal Kikuyus are now com-

ing out into the open. But when it comes to dealing with elements that are under suspicion, I say this, that steps are being taken to see that they are collected and that they do not get any further opportunity to contaminate others, and that they are going to be looked after.

When it comes to the forest areas—I am myself in the course of going through all the forest areas—I have been to two and I am going off tomorrow afternoon myself to others, I will give my personal assurance that so far as it is within my power, I will bring the people in the forests under control—I mean that. (Applause.)

I will, however, ask hon. Members opposite to see that those whom they represent also do all they can to help control the people on their farms. You may think that is an unnecessary request to make. I can assure you, from the experience I have had in the areas which I have visited since I returned from overseas recently, that it is not an unnecessary request to make. It is rather disappointing when an example is made of dealing with subversive elements by ruthlessly expelling from an area a large number of persons of the Kikuyu tribe —I repeat with the idea of making an example—and trying to bring in men from other tribes to replace this people and to help the farmers concerned, that when these members of other tribes arrive they find their prospective jobs occupied by re-engaging Kikuyu. I believe that to be true; there may be good reasons for re-engaging or borrowing Kikuyu but it is a pity that they do so without consultation amongst all concerned.

It is of necessity difficult, as I have said before, in public debate, to disclose all the actions that are being taken; One of the main criticisms that has been made during this morning has been the lack of co-ordination. I believe you will find that Government, on this side of the Council, to some extent, agree that there may be lack of co-ordination in dealing with this sort of situation. (Applause.) I can only again give an assurance that I know that Government is taking steps to try and put that matter right. (Cries to try "How long?" and "Quickly?") It is easy to say "How long?" All I can say is

[The Member for Agriculture and Natural Resources] that steps are being taken to overcome that in one way or another.

GROUP-CAPTAIN BRIGGS: Mr. Chairman, Sir, will Government definitely state whether, and in what circumstances, it is necessary to consult the Colonial Office on the measures which they may consider necessary to take?

MR. SLADE: Mr. Chairman, what we see now is an example of what is in my mind the whole time. (Hear, hear.) What we need more desperately than anything else is courage in high places. Courage to act in the belief of what is right, independent of fear of interference from elsewhere—courage to delegate to those whom you trust to act as they think right in the field. We have asked a straight question and they have not even the courage to answer, apparently.

Mr. Chairman, the vital issue now is time—we may have the initiative, as the hon. Member for Agriculture tells us we have, but if we do not follow it up quickly it will pass from us; the essence of quick action is, as my hon. and learned friend, the Member for Law and Order said, in a debate the other day, vigour and relentlessness. You cannot have either without courage and you must have courage yourselves and give it to the men in the field. The men on the spot must be told to act according to their conscience and not to look over their shoulders to see whether they are going to get into trouble for what they do, nor must the other members in higher places; nor must the other men in higher places be hampered by fear or repercussions. Let every officer, great or small, be given freedom of action according to what he thinks is right in each contingency.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Chairman, on the matter of home guards I would like to take up the remark of my friend, the hon. Member for Mau. He said that home guards were defensive. I entirely disagree with him. Home guards are offensive as well as defensive. Some home guards recently, with the police, collected some 130 people who had been in hiding for some time, in a thoroughly offensive action. There is absolutely no point, I think, in the argument that home guards are

defensive; they are offensive. It is hoped, as they grow in numbers, which they are doing, that they will become more and more offensive. I entirely agree with the hon. Member that the only way to stop these disorders is to take offensive action against thugs and the people who are behind the trouble, and the home guards. I am convinced, are an offensive weapon. They started as a defensive screen to chiefs and leading people, but they are rapidly becoming an offensive weapon. There are something like 1,000 in Meru and 700 in Embu and there are groups starting in two or three places round Nyeri and they are starting home guard units on farms in Laikipia.

My hon. friend, Mr. Mathu—I would suggest that most of these home guards are not registered, and not even members of the special police, they are home guards run by their own chiefs. I am sure in his area—I would like to congratulate him on such extremely quick work in getting 70—I am certain that all that is required is simply for him to get hold of a chief and say, "There you are, there are 70 men. Now let us get some more".

THE MEMBER FOR DEVELOPMENT: Mr. Chairman, I deny completely the allegation that there is no courage in high places and I deny the allegation which I understood to be made, that there was no courage in the field.

MR. SLADE: I made no such allegation, Sir.

THE MEMBER FOR DEVELOPMENT: Thank you. I am very glad to hear it. I misunderstood and I apologize.

As regards the question of referring matters to the Secretary of State for the Colonies, certain matters are laid down by law for reference and certain other things require reference to the Secretary of State for the Colonies in view of his responsibility to the House of Commons in the United Kingdom for matters which go on in the Colonial Empire.

MR. MATHU: Mr. Speaker, I want to place on record one point in regard to this home guard. My hon. friend, the Member for African Affairs, said that these men do not require registering or enrolling—they are for the chiefs. But that is exactly what I was advised to do. I was advised that these people should go to the police to be enrolled. If what he

[Mr. Mathu]

said was what should have been done, you would have had thousands of home guard in the Kiambu district.

THE MEMBER FOR AFRICAN AFFAIRS: In reply to the hon. Mr. Mathu, I would say that if there has been delay in this matter of getting these men signed on as special police I am sorry. As for there being thousands ready to do the job in the Kiambu district, many chiefs in the Kiambu district have been trying to get home guards. I saw, I suppose, the best chief in the Kiambu district about a fortnight ago, and he had managed to raise two. I am very glad to hear that the state of public opinion in Kiambu has altered since then.

GROUP-CAPT. BRIGGS: Mr. Chairman, Sir, I should like to ask Government if they will reply clearly as to what portion of the Emergency regulations, or what clauses or what parts have, in fact, to be referred to the Colonial Office before a decision can be taken.

LADY SHAW: Mr. Chairman, I only want to take up one point which was mentioned by the hon. Member for Agriculture when he said that we obviously, on this side of the Council, had to bring this matter up—I am not using precisely his words—because we were under pressure from our constituents. Now, Sir, naturally our constituents are extremely concerned—that is putting it very mildly—at the position at the moment, but I would like to say that sitting on this side of the Council, I myself feel that we are speaking for Kenya as a whole and we are expressing and voicing the feelings of all the people all over this country, whether they are in the bad areas or the safe areas, and we are also speaking for all races. We may be under pressure, but we are not speaking at this moment because we are under pressure from our constituents.

MR. CROSSKILL: I am very glad to hear from the Member for African Affairs that the activities of the home guard are not purely defensive and I withdraw those remarks of mine, Sir.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I should like again to explain—as I may have been misunderstood—what I meant when I alluded to hon. Members opposite

being under pressure from their constituents. It was not, of course, that they were doing it in any questionable manner at all. What I meant was—I thought I had explained myself—that they were trying to bring certain matters to the public notice which possibly could be more satisfactorily dealt with otherwise than in a public open session of the Legislative Council. That is all I meant. I hope you will take it that way.

As I am on my feet again, I should like again to reiterate this: I appreciate quite well the feelings of the country as a whole. I appreciate that these feelings and opinions are now receiving expression in this Council. But I would also like to say that the monopoly of anxiety to put things right does not lie on the opposition benches alone. If it did, I would not remain here on this side of the Council, I can assure you. We are just as anxious to stop it, and I believe that some of us are showing just as much courage as some hon. Members opposite in trying to stop it. I feel that some recognition should be given to that fact. It is very much easier to attack than defend under these particular circumstances. I can only say again that I am satisfied that Government is doing everything it possibly can and taking into full account all the various suggestions that are being made by the hon. Members on the other side. (Hear, hear.)

MR. BLUNDELL: Mr. Chairman, I think that probably we have grilled and basted the hon. Members opposite enough, and the hon. Member for Finance will be getting ready to reply. I should like to say this, Sir. We on this side of the Council fully understand the efforts which hon. Members opposite are making. What we feel very strongly, and I think I speak for everybody now on this side of the Council, is the system by which we believe that their earnest endeavours are shackled. We are firmly of that conviction. (Hear, hear.) I should like to record one thing—coming out of this Emergency is that we, hon. Members on this side of the Council, as the Member for Kiambu has said, have been working together constantly. We have not only been working on repressive measures but we have been meeting each week to talk on the long-term constructive problems. I believe that the fact that we are able to do that when

[Mr. Blundell] each of the three races is under pressure from one race, shows that we have an absolute right to ask hon. Members opposite to act on the spot and we have a further right to ask that the responsibilities, which are held in London, should be released. (Hear, hear—Applause.)

THE MEMBER FOR FINANCE: Mr. Chairman, it is to be expected that with the present state of feeling in the country, once again, that the debate has dealt in very little measure with the financial aspect and in a very large measure with, shall I say, the more serious aspect; because, of course, there is a time when money is the last thing that must be considered. However, Sir, I have to reply to the questions that have been raised on finance, but before I do so, I would like to say that, like the hon. Member for Agriculture, I came from the other side of the Council, and I am sure that every one of my colleagues on this side of the Council is doing everything he can to see that the maintenance of law and order and quick action necessary to end the Emergency is being taken.

Now, Sir, the hon. Member for Rift Valley spoke about the delay in constructive measures that must take place from the State of Emergency. Of course, Sir, the Government is not allowing the State of Emergency to delay the forward march of constructive measures, nor does the Government intend that it shall delay the progress of constructive measures. But of course, I must repeat the warning that I gave in my opening speech on the financial statement, that every pound taken for the Emergency is a pound taken from social services. (Hear, hear.)

With regard to the hon. Member for the Coast, Sir, he asked for an assurance that I would call the Council together early in the new year. Of course, the hon. Member for the Coast is well aware that constitutionally I am not able to call the Council together.

MR. COOKE: If I asked the hon. Member to call the Council together, I was certainly at fault. I thought I said "the Government".

THE MEMBER FOR FINANCE: But I will give him this assurance, Sir, that there

will have to be a meeting, I imagine, early in the new year of the Legislative Council, and I will have at that stage the fullest report possible of the expenditure under this fund and I hope that meets his point.

With regard to the hon. Member for Nairobi North, Sir, of course what I meant was what I said in the reply to the original debate, that there would be no increase in general taxation; if the hon. Member will understand the implication of that phrase, I trust that also will meet his point.

Sir, I beg to move.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

THE SPEAKER: The Resolutions are reported without amendment.

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

THE MEMBER FOR DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

MOTION

MOTION ON THE ADJOURNMENT

MR. HAVELock: Mr. Speaker, I beg to move that this Council do now adjourn—

In doing so, Mr. Speaker, I wish to raise the matter of the squatters and those who were rounded up in the Thomson's Falls area and what is to be done with them. I want to make it quite clear, Mr. Speaker, that I do not oppose the rounding up of them as a disciplinary measure, which, indeed, was a type of measure advocated by hon. Members on this side of Council, but I do believe that the great lack of planning—although there has been a very short time in which to do it, I admit—the great lack of planning has been apparent.

I feel, Sir, that it is an extremely dangerous policy to send the great majority, if not all, of these people back into the Kikuyu reserves. (Hear, hear.)

[Mr. Havelock] Sir, my view is, it is all very well to think that they can be absorbed and apparently a number of these people appear to have been absorbed. But it does seem to me that when a certain family, wanting to get out of the encampment at Thomson's Falls, goes to the officer in charge and says "My relatives will look after me in such and such an area", they will be sent off to that area by the district commissioner; then it appears to me that the district commissioner will have to accept the word of the people concerned and say: "All right, go ahead, go up to your family in such and such a location". When they get there, it seems incredible to me that they will be given land. They may have had some claim some years ago to small areas of land, but knowing the difficulty of the different land claimants, the different cases that go on in the Kikuyu reserve from year to year, from month to month, on this particular question, I think it is very unlikely that a great number of these people will actually be given any land from which a living can be made. It would seem to me, Sir, that—although that would not happen immediately—for some time they would be looked after by their relatives. They will be forced to become squatters. If that happens, you are just building within the Kikuyu reserve another dangerous element which will be exploited by those who have subversive tendencies.

Sir, it is no good these days merely going for negative and destructive criticism. I would, therefore, ask Government to consider if something else, if some other line of thought may not be considered as regards this particular problem. The hon. Member for Uasin Gishu said there was one thing we must always keep in mind. A great number of the present inhabitants of the reserves must, in the comparatively near future, turn from an economy based on what I might call a scratch as scratch can policy to a wage-earning policy. I would think in this particular instance we might have an opportunity to start such a turn of the wheel. It cannot be done immediately, I know, to divorce, or rather to persuade these people to give up their own types of work and their own types of economy. It is not something which is going to be achieved im-

mediately. I would have thought that this particular group of people is one which could start this new economy. I would, therefore, suggest that we should discuss, and we can go into absolute detail afterwards, in this Council that we should discuss the possibility of employing these people as a whole, or if you like, at any rate a certain amount for propaganda. For instance, on public works, I would suggest, Sir, that there may well be opportunities where villages could be set up, where people could be employed on public work and there may be an opportunity to give them small allotments on a temporary basis which they could occupy so that the women could produce a certain amount of food. Of course, the wage will have to take into consideration that most of the people are married men with families which may cost a considerable amount of money but at least it will produce some type of work for them and it will start, what I consider, an extremely important policy. When these people are in such villages, they at least can be got at, at least we can try to educate them whatever way you like. If you wish to use the term which hon. Members opposite use, psychological warfare, I have no objection. But at least we can try to show them, in every possible way, a better way of life than they are at the present moment following. I would suggest, in two or three years' time, after dealing with them in this particular manner, that it may well be, and in fact I think it is very possible, that they can be absorbed back into the normal economy, the normal activities of the Colony.

Sir, it has been stated before, and I should like to re-emphasize, that these people must not be given land; not at this period, anyway, because it immediately looks as if those who have been mischievous, if nothing else, are being rewarded. On the other hand, after a considerable time, say two or three years, their agricultural activities may well be the preparation of land which now cannot be inhabited owing to lack of water, tsetse-fly, lack of communications, etc. Their work may well be in that direction, and if some of them did show that they were worthy of help at a later date, then they might be allowed to take up some of that land or some

[Mr. Havelock] other land on, I suggest, a leasehold basis. But I do emphasize that it must not appear that they are being given land because they have been a mischievous element which had to be moved out of a certain part of the country.

All these suggestions, Sir, are, as I say, merely trains of thought and I would ask that hon. Members opposite, before they continue the policy of today of going on pushing the people back into the Kikuyu reserve—a thing which I suggest cannot be economically acceptable—there should be many more detailed discussions between hon. Members on this side of the Council and hon. Members opposite. Between us, I suggest we should be able to work out a plan, a very much better plan, to the advantage of all of us in this country, than the arbitrary ruling that seems to have been made to-day. (Applause.)

MR. MATHU: Mr. Speaker, I beg to second.

I was asked a question by my hon. friend, the Member for African Affairs, connected with the matter raised by my hon. friend, the Member for Kiambu. That answer was, as the supplementary questions indicated, very unsatisfactory. I would like first of all to say that I am not criticizing Government, who have taken the action of removing the Kikuyu from the Laikipia district. What I am suggesting, Sir, is that they should have been discriminatory in that move; that is, those fellows who were under suspicion should have moved them. But mass movement, Mr. Speaker, I suggest is not the answer. Now that is the first point.

The second part of the story is what my hon. friend, the Member for Kiambu, has been pointing out that there ought to have been preparations made at the receiving end as to what these people were going to do in the Laikipia. They were not just sitting down there, they were working. Now, is there going to be any employment for them when they go down to the Kikuyu reserves. That is the point which my hon. friend, the Member for Kiambu, has been suggesting, that there have been no arrangements by which these people could economically be employed, either to feed their own family or to contribute to the economic

advance of their country by some form of employment.

Now my hon. friend, the Member for African Affairs, in answer to my supplementary question, said that he hoped that the 501 or so families who were sent to Nyeri, have been absorbed. I should like to ask him what magic work could have been produced to absorb people who have been out of the district for years. Some of them have never been there. How can they be absorbed so quickly—like that? It is impossible. They have no *shamba* to cultivate. They could not have been absorbed, they have no homes to live in, because they have never had any; they have no cattle; their cattle have been taken away if they had any—or sheep, or anything of that kind. That quick absorption is an impossibility. I suggest, Sir, that the invitation that Government was given by my hon. friend, the Member for Kiambu, should be accepted, that at least they should have confidence in some of us, in that we know the Kikuyu and they are our own people, and we do not want them to suffer unduly and we do not want them to cause undue trouble. They should have consulted us in some of the plans before they took action. I should like to ask my hon. friend, the Member for African Affairs and the Members for Government who are directly concerned with this matter, to ask us to assist in any material proposals which have been indicated by my hon. friend, the Member for Kiambu, before any other mass movements are made from where they are.

Finally, Sir, I should like to give this Council a warning, that my hon. friend, the Labour Commissioner, has reported in the Press the efforts he is making in recruiting labour from Nyanza to come and replace the loss of labour as a result of the Kikuyu going back to the reserve. As my hon. friend, the Member for Agriculture mentioned in the course of a debate this morning, some farmers are already re-engaging the Kikuyu. The warning I want to give is this. Unless they become very careful, the farmers in those areas will have to come into the open and demand that their faithful Kikuyu servants are returned to them. That will not take long, because why have the other tribes, for all these years, failed to become

[Mr. Mathu] successful squatters? There has never been any embargo or prohibition on their becoming squatters. It is not in their mentality, their mentality is different. It is only the mentality of the Kikuyu to become squatters. The farmers are going to demand that their faithful Kikuyu servants be returned to them. I suggest that is a matter that supports my suggestion that we should discriminate in moving the Kikuyu from these areas and not have whole mass movements, because I think there is going to be greater trouble and will give opportunities to the trouble-makers to exploit the situation which we will create, without very careful thought.

Question proposed.

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, I will deal with one or two points that have been raised.

In so far as the movement of a large number of people from Laikipia is concerned, I know that was a movement we had to organize very quickly and we did as best we could with it and those people, with the exception so far of the people from Kiambu, who had been held back, have been absorbed. They have been met by relatives. They are people with relatives in the place and they have been welcomed by them, and so far as I know, to that extent anyway—it only happens a few days ago—have been absorbed. There has been none there who have nowhere to go, no relatives, and no knowledge of the place. I entirely agree

with my hon. friend, the Member for Kiambu, that we should consult—and we certainly will consult—with you in these matters which both sides of the Council are equally aware, are very difficult. The suggestions put up by my hon. friend for Kiambu to-day, and my hon. friend for Uasin Gishu a few days ago about public works will also certainly be borne in mind.

MR. BLUNDELL: Mr. Speaker, before Council adjourns *sine die*, I should like to record that we on this side of Council have very much shortened the usual Budget debate so that hon. Members will be free. Nevertheless I believe that I will speak for all hon. Members when I say that at a time like this it is vitally essential that Council should meet some time soon, possibly in January. I believe that in a State of Emergency such as this, it is important that the executive should not get clean away and should be subjected to the normal cut and thrust of debate in the Legislature. I would, therefore, just record that we on this side will expect Council to be called some time in January.

THE MEMBER FOR DEVELOPMENT: I am perfectly in agreement with that suggestion, Sir. (Applause.)

ADJOURNMENT

THE SPEAKER: Council will now stand adjourned *sine die*.

Council rose at twenty-five minutes past Eleven o'clock a.m.

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Second Session—First Sitting

Volume LI

28th October, 1952, to 5th December, 1952

Explanation of Abbreviations

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SC; Select Committee Report=SCR; Recommitted to
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