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KENYA GOVERNMENT ARCHIVES
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SECTION 7

CONTINUED FROM
REEL No.

19

Thursday, 19th May, 1955

Council met at thirty minutes past
Two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTIONS

AMENDMENTS TO THE TRADES UNION
ORDINANCE

GROUP CAPTAIN BRIGGS: Mr. Deputy
Speaker, Sir, I beg to give notice of
the following Motion:—

"This Council requests Government
to introduce amendments to the
Trades Union Ordinance with the
following objects:—

1. To ensure that the objects and
activities of trades unions and allied
organizations are exclusively related
to the wages and other conditions of
employment in the trade concerned.

2. To ensure that all trades union
officials have had practical experience
of the trades and occupations they
represent."

INACCURATE STATEMENTS MADE BY B.B.C.

GROUP CAPTAIN BRIGGS: Mr. Deputy
Speaker, Sir, I beg to give notice of a
further Motion:—

"This Council deplores the inaccur-
ate statements made by two B.B.C.
commentators speaking in a feature
entitled 'Journey in Kenya', who had
been granted every facility to tour the
affected areas.

Council therefore requests Govern-
ment to represent to Her Majesty's
Government in the United Kingdom
the undesirability of the B.B.C. being
used for broadcasting biased and in-
accurate accounts of contemporary
conditions in Kenya." (Applause.)

ORAL ANSWERS TO QUESTIONS

QUESTION NO. 56

MR. USHER asked the European
Minister without Portfolio to state:—

- (a) What are the numbers of live-
stock killed or stolen by *Mau Mau*
action for the years 1952, 1953,
1954 and 1955 in the European
and African areas respectively?

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(a) What are the numbers of live-
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1954 and 1955 in the European
and African areas respectively?

[Mr. Usher]

(b) How many have recovered?

(c) What compensation has been awarded?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: I regret the delay in replying to this question occasioned by attempts to extract from the records the precise information asked for.

It has not proved possible to make a clear-cut division between *Mau Mau* and other action in relation to cattle for the whole period or to distinguish between African and European areas, but I think the following figures may meet the wishes of the hon. Member for Meru.

(a) and (b). Cattle thefts and recoveries in the Nairobi area, Rift Valley Province, Nyeri district and Southern Province in 1952, 1953 and 1954 were as follows:—

	Thefts—Recovered	
1952	3,035	1,490
1953	5,655	972
1954	4,428	1,777

From 1st January to 23rd April, 1955, losses attributable to *Mau Mau* were 5,255; recoveries were 1,472.

(c) Compensation awarded to Europeans was as follows:—

In 1952, £6,808 in respect of 373 cattle.

In 1953, £24,571 in respect of 1,232 cattle.

In 1954, £83,344 in respect of 5,387 cattle.

To 9th February, 1955, £13,833 in respect of 723 cattle.

Compensation awarded to Africans was as follows:—

In 1952, nil.

In 1953, £11,144 in respect of 4,273 cattle.

In 1954, £1,929 in respect of 1,562 cattle.

To 10th February, 1955, £938 in respect of 264 cattle.

MR. USHER: Arising from that answer, may I take it that the amount paid in compensation does not really correspond in any way to the total losses?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, I would not say that was so. I would say that the amount paid in compensation corresponds reasonably to the degree of loss.

MR. COOKE: Would it be true to say that it did not correspond to the indirect loss arising from the loss of cattle—milk cattle and so on?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, the hon. Member did not ask that question. If it is consequential loss, no. The figures I have quoted, of course, do not apply to consequential loss.

MR. SIDDE: Mr. Deputy Speaker, do I rightly understand from these figures, that the rate of loss of cattle per month in 1955 has been higher than at any other stage during the Emergency?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Well, Mr. Deputy Speaker, without making a calculation from the figures here, I would not say that the answer to the hon. Member was "Yes".

In general, however, the question of cattle losses is one that is bothering us very much indeed. We have had assistance from hon. Members opposite in their respective functions on the Provincial Emergency Committees and District Emergency Committees, and yet, despite this assistance, cattle losses are a serious matter. There has been, I would like to say to hon. Members, an indication that over the last three weeks, there has been a reduction in loss due to different methods which we have adopted, but, nevertheless, it is a difficult problem to which we are giving our best attention.

MR. COOKE: Is not the increase due to the driving of the *Mau Mau* from the forests instead of dealing with them on the spot?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, not the increase is really due to the increasing pressure on the *Mau Mau*, and the greater difficulty they are having in getting food from elsewhere, and, as that increases, whether they are in the forests, or whether they are not, we must expect increasing attempts to achieve cattle thefts.

QUESTION NO. 80

MR. COOKE asked the Chief Secretary with regard to the answer to

[Mr. Cooke]

Question No. 113/53 would Government arrange that the officer concerned should make an interim report on the antecedents of the *Mau Mau* concerned.

THE CHIEF SECRETARY: As a result of the development of the Emergency since Question No. 113/53 was answered, the prison and detention camp population has substantially increased, and an analysis of the kind promised by the Government has become so large a task that it would be beyond the capacity of one officer, however competent he might be. The collection of factual matter concerning *Mau Mau* prisoners and detainees is therefore being undertaken on a departmental basis.

The facts emerging from these inquiries, and from such further inquiries as may subsequently prove necessary in order to complete the picture, will be collated and analysed and a full report prepared. It is not proposed to produce an interim report.

MR. COOKE: Arising out of that, would it be possible for Members to have access to those documents?

THE CHIEF SECRETARY: Which documents are these?

MR. COOKE: The compilations going on now departmentally.

THE CHIEF SECRETARY: No, Sir. These documents are being prepared and they are in use every day, and as the days go on, further information is added to them from prison sources and from detention camp sources. Hon. Members cannot have access to them as they are working papers.

MR. COOKE: I do not think the hon. gentleman understood my original question asked two years ago, and that is, these documents—these statistics—should be compiled to help us in the Emergency—as to what class of African was engaged in *Mau Mau* activities, which is a very important matter, and I had from the hon. gentleman's predecessor a definite promise that it would be done.

THE CHIEF SECRETARY: Sir, I fully understood the question, both this year, and two years ago. The purpose of the investigation was to ascertain if there

were any common factors which have contributed to the creation of this Emergency. At that time, there were, I think, 1,500 detainees; there are now 50,000. We should be most ill-advised to attempt a comprehensive report on such very insufficient data.

With regard to the further point raised by the hon. Member, on the 19th of May, 1954, I spoke to the hon. Member and explained that the problem had now become so enormous, that it would entail not only inquiries into the background for a few thousand prisoners, but a comprehensive analysis of a prison population of some 50,000 people accompanied by a major social survey in the Kikuyu districts.

The task would have been beyond our powers at that time, and, at present, we would be unwilling to remove officers from other and more important work to start upon it.

MR. COOKE: I shall raise this matter on another occasion.

QUESTION NO. 90

MR. SIDDE asked the European Minister without Portfolio to state:—

In view of the statement by His Excellency the Governor on the 18th January, 1955, when offering new terms of surrender, that such offer would not remain open indefinitely, how and when the duration of that offer is to be defined?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: On the 18th January, 1955, when the Government announced the terms of the present surrender offer to the terrorists it was made clear that the offer would not remain open indefinitely but, as the Council was told on 17th February, the offer was to remain open for three months at least from the date on which the offer was made. The minimum period of three months has now expired but owing to the rate at which surrenders continue to be made and the quality of the persons surrendering Government intends to keep the offer open for the present.

The duration of the offer will be defined when it is apparent that this no

[The European Minister without Portfolio] longer applies or that operational considerations require its withdrawal. The method would be that of a public announcement of the date of termination.

MR. SLADE: Then, Sir, I understand that meanwhile the offer remains open indefinitely.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Subject to the remarks which I have made, Sir, the hon. Member's understanding is correct.

MR. SLADE: Mr. Deputy Speaker, is Government aware of the discredit into which this offer has brought them, and the greater discredit likely to arise from continuing to keep open indefinitely an offer which was declared not to be indefinite? (Hear, hear.)

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: No, Mr. Deputy Speaker, Government is not aware of any such thing. Government is aware, however, that in its attempts to end the Emergency, it is doing something for the benefit of all the people of this country, and those who are attempting to prevent Government doing that are the ones who are earning the discredit. (Applause.)

MR. COOKE: Does that mean that Government is not aware of the public opinion in this country of all races?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: I would not say that my answer was contrary to the public opinion of all races, nor would I say, Mr. Deputy Speaker, that the hon. Member fully reflected the public opinion of all races. (Laughter.)

MR. COOKE: I made no such claim. LT.-COL. GHURKIES: Mr. Deputy Speaker, Sir, in the absence of the hon. Member for Nyeru, may I have permission to ask Question No. 92?

THE DEPUTY SPEAKER: We will leave that question until the end after all the questions have been asked.

QUESTION NO. 95

GROUP CAPTAIN BRIGGS asked the Minister for Education, Labour and Lands to state:—

Why the vacancy for an Industrial Relations Officer was not advertised in Kenya?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: The vacancy for an Industrial Relations Officer was not advertised in Kenya in view of the unlikelihood of a candidate being obtained locally with the trade union experience which is necessary for this post.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, arising out of the reply will the hon. Minister state whether the appointment has yet been made?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: No appointment has yet been made, Sir.

GROUP CAPTAIN BRIGGS: Arising out of that reply, would my hon. friend say whether he will reconsider his decision and to advertise a vacancy in Kenya from the point of view that it would probably be easier to find someone with a knowledge of Africa, which is probably an essential, than it would be to find someone in Kenya who could be trained in trade unionism, far more easily than it would be to find someone in England with a knowledge of trade unionism and with a knowledge of Africa. I am sorry if the question is a bit involved.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: No, Sir, I am afraid I could not agree to that. The matter was very carefully considered when the original decision was made and I am convinced that it is the right one.

MR. COOKE: Would it not be better now to make the assurance doubly sure and re-advertise, and ascertain if there is somebody in Kenya, Uganda or Tanganyika?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: I do not think so, Sir.

QUESTION NO. 92

MRS. SHAW asked the Minister for African Affairs to state:—

What is the total number of terrorists to date who have had their land forfeited under the Emergency Regulations, and what is the total acreage of land involved?

THE MINISTER FOR AFRICAN AFFAIRS: Up to the present 25 terrorists have had their land forfeited under the Emergency Regulations and the area of land involved is 290 acres.

BILLS SECOND READING

Resident Labourers (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Deputy Speaker, Sir, I beg to move that the Resident Labourers (Amendment) Bill be read a Second Time.

This Bill is necessitated, Sir, by the fact that experience has shown that certain amendments to this Ordinance are necessary. Section 2 of the Bill seeks to amend the definition of local authority for the reason that at the time the original Ordinance was drafted and passed, county councils did not exist. I shall not devote any further time to that section now, because at the Committee Stage of the Bill I shall seek to replace the section which appears in the Bill by a new section.

Section 3 of the Bill seeks to amend section 16 of the principal Ordinance. Sections 15 and 16 of the Ordinance deal with stock on farms. At the present time, section 16 of the Ordinance does not give a labour officer power to remove and impound cattle belonging to a resident labourer if he considers that the stock is illegally on the farm. It is frequently necessary for a labour officer to do that, under the existing section 16 (1) (d), he might require the resident labourer to remove the stock and in the event of the labourer failing to do that, the labour officer has no power to do it himself. The new section will give him that power.

Section 4 of the Bill seeks to amend section 22 of the principal Ordinance, which defines the powers of local authorities to make orders.

The object is to enable district councils to make orders in respect of the whole of the forest areas lying within their boundaries. Under the present section 22 (7), the local authorities are restricted in their powers for such portions of a forest area as abuts on, or is in the immediate vicinity of, a farm; over a period of years a convention has been established that this means a strip of forest within a mile of the adjoining farms.

This is not satisfactory for practical reasons; because it is necessary for a

local authority to be able to make orders in respect of the whole of the forest area within the jurisdiction of the authority. But it is also, of course necessary to make sure that before such an order is made, the Conservator of Forests is consulted. Section 4 (a) of the Bill therefore seeks to insert a new sub-section (3) (a) into section 22, which will ensure that the Conservator of Forests is consulted before such an order is made.

Section 5 of the Bill seeks to amend section 23 of the principal Ordinance. Its object is to simplify the present rather long-winded procedure which is necessary in securing approval of orders made by a local authority under this section. However, although the procedure is being simplified, the estimated safeguards are being preserved. Those safeguards are, firstly, that the order must be published in draft for a period of 30 days, to enable people who wish to make an objection to do so; secondly, there is still provision for objections to be made; and, thirdly, the new section will provide, as the present section does, that if any objections are made, then the approval of the Governor in Council of Ministers will be required before the order can be approved.

Section 6 of the Bill seeks to amend section 27 (2) of the principal Ordinance. Its object is to remove the provision contained in the last four lines of the existing section—27 (2) (b), which gives power to impose a simple sentence of imprisonment in the case of a simple breach of contract. That, Government considers, is wrong in principle and it is also contrary to the penal sanctions of the Penal Sanctions (Indigenous Workers) Convention, to which this Government subscribed many years ago. The object, therefore, is to remove from the Courts that power to impose a punishment of a criminal kind for a simple breach of contract.

Finally, the last section 7 of the Bill seeks to insert a new section into the Ordinance providing that an officer shall not be personally liable for an act done by him legally, in good faith, and without negligence in pursuance of the duties placed upon him by the Ordinance. I do not think any further explanation is necessary, Sir. I beg to move that the Bill be read a Second Time.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

MR. SLADE: Mr. Deputy Speaker, Sir, there is one point which occurs to me on this Bill and that is, with reference to clause 6 which the hon. Minister has just explained. That clause is, apparently, in the general policy of Government and the International Convention—that penal sanctions, in relation to simple contracts of employment, will gradually be abolished.

What I would like assurance on, Sir, is, that, if we are asked to support the removal of penal sanctions on employers, it is also the policy of Government to remove gradually existing penal sanctions against employers likewise. Or is this policy purely one-sided?

THE DEPUTY SPEAKER: Could I ask hon. Members to speak as Joud as possible because I understand the recording apparatus has broken down.

MR. CROSSKILL: Mr. Deputy Speaker, I rise to support and welcome the Bill. There are two points on which I would seek information. First of all, in clause 4—section 22 of the principal Ordinance—in which, after sub-section (3) there is the addition of sub-section (4) which reads: "In making orders for the control of any forest area the legal authority shall have regard to the views and advice of the Chief Conservator of Forests." May I assume, Sir, that "having regard" means taking into consideration, not necessarily accepting?

The second point is that which my hon. friend has just referred to—in regard to penal sanctions. In brackets it refers to punishment under criminal law. I presume, however, that other sanctions, such as imposing fines and the removal of privileges, such as residence on a particular farm, will still apply? I would like confirmation of that, Sir.

THE MINISTER FOR FORESTS, DEVELOPMENT, GAME AND FISHERIES: Mr. Deputy Speaker, Sir, I should like to elucidate the particular point asked for by the hon. Member under sub-clause (3) (a)—clause 4 of the Bill. The position is this, that it is necessary that consultation should take place at an early stage between district councils and the Chief Conservator of

Forests when making orders in order that those orders are not such which are unacceptable or cannot be accepted by the Forest Department. As the law stands now, an order could be made by a local governing body which would be so impossible for the Forest Department to accept, that the only possible action would be for it to be turned down when it came to the Council of Ministers for ratification. In my belief, that would be a very undesirable position to reach. It is, therefore, much better that consultation should take place and agreement reached at a very early stage in the proceedings between the Conservator of Forests and the local governing body concerned.

Experience has shown in the past that when consultations take place the local governing bodies are almost invariably prepared to make those reasonable concessions to the Forests for its particular circumstances which are absolutely essential to the continuation of their policy in future.

MR. GIKONYO: Mr. Deputy Speaker, Sir, there is only one point that I want information on and that is whether there are African representatives of the resident labourers on district councils or county councils. If not, I would request the Minister to give consideration to this because these district councils and county councils are going to make orders which will affect the labourers, and I feel that it is only fair that there should be representatives of labourers in these councils.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I would like to remind the hon. Member who has just spoken, that there are representatives of Africans on all county councils.

THE DEPUTY SPEAKER: If no other hon. Member wishes to speak, I will ask the hon. Member to reply.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Deputy Speaker, Sir, I think there are very few points which require replies. Firstly, with regard to the point raised by the hon. Member for Aberdare, I confirm that it is the policy to progressively remove penal sanction in respect of simple breaches of contract from both sides. Very shortly, I hope to bring to Council a Bill to amend

[The Minister for Education, Labour and Lands]

the Employment Ordinance in which he will see that we are removing certain penal sanctions from both the employers and employees. But I think I should make it clear that that applies only to simple breaches of contract. Penal sanctions are retained in respect of breaches of contract which contain what might be called a criminal element.

With regard to the point raised by the Member for Mau, of course it does not necessarily follow that the advice of the Conservator of Forests must be followed in every case.

The point raised by the hon. African Member, Mr. Gikonyo, has already been answered in part by my hon. friend, the Minister for Local Government, Health and Housing. I should like to add this: Mr. Letcher does not mean it is the duty both of the labour officer in the area, and of the Labour Commissioner, to scrutinize these orders while they are in draft, in order to make sure that they are fair from the resident labourers' point of view. I can assure the hon. Member that it will be done.

I think that is all that I need to say, Sir.

I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

EXCHEQUER AND AUDIT BILL.

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Exchequer and Audit Bill be now read a Second Time.

I was early taught, Sir, that it is wrong to open a speech by apologizing, but I would like, in this particular case, to make some apology to the Council for the fact that I shall have to recount the history which has led up to this particular financial measure.

The history goes back, Sir, to 1945 when two major changes began in the constitutional system of our country. The introduction of the membership sys-

tem in 1945 which culminated in the ministerial system being introduced in 1954, whereby individual Ministers of the Government became directly responsible to the Governor for the portfolios assigned to them; and later, as a result of that measure, in 1945 the devolution of financial responsibility by the Secretary of State to the Legislative Council.

Now, Sir, financial devolution meant that the Secretary of State delegated his powers over financial matters to the Legislative Council of Kenya, retaining only such powers as advising Her Majesty on the Appropriation and Supplementary Appropriation Ordinance and other legislation of a financial character, for instance, a Loan Ordinance.

It was, I think, raised from the other side of the Council at the time of the introduction in 1945 of the membership system, that this would mean a change in our finance and accounting procedure over the years. On receipt of the Secretary of State's telegram telling us that we had that financial responsibility devolved upon us, it was immediately appreciated in the Council that the whole position of financial responsibility and budgetary control would have to be reviewed in the light of that despatch and the constitutional changes which it envisaged. It followed, Sir, that two steps had to be taken. One, the strengthening of control over expenditure by the Legislative Council, both as regards the method of approving expenditure and the maintenance of control after approval through the establishment of the Public Accounts Committee; and it was, of course, also obvious that in this change the duties of the Director of Audit and his responsibilities must be clearly defined and put into the law of the country. The second matter that arose was obviously the reorganization of the system of accounts with a view to ensuring that it was possible, on behalf of the Legislative Council, to exercise such control.

Therefore, Sir, a few weeks after the receipt of this despatch, the Legislative Council agreed that Mr. Troughton, the then Financial Secretary, and myself, should go to Southern Rhodesia and study the question of budgetary procedure and make recommendations to the Legislative Council in accordance with the results of that study.

[The Minister for Finance and Development]

The first result of that study, Sir, was of course, the institution and establishment of a Public Accounts Committee in November, 1948. I think, Sir, it would be a good thing to remind this Council that Kenya, as a Colony, led the way in being the first of the colonial territories to institute a Public Accounts Committee.

The next step, Sir, was the need to deal with the accounts of the Colony which up to then had been certified by the Director General of Colonial Audit. It became obvious, on the introduction of devolution of financial responsibility to the Legislative Council, that that position must be altered and our own Director of Audit must be placed in a different position because the responsibility for the certification of the accounts of the Colony devolved at that time on the Director of Colonial Audit. I said, Sir, it was considered necessary that the duties and responsibilities, therefore, of the Director of Audit should be clearly defined by law and, with this object in view, on 28th February, 1952, a Bill was introduced into this Council which was passed and became the Audit Ordinance of 1952—an Ordinance which makes it perfectly clear that the Director of Audit does not carry out his functions on behalf of Government, he carries out his functions on behalf of this Legislative Council. Again, Sir, as the Colony was the first to have a Public Accounts Committee, so the Colony became the first of the colonies to have an Audit Ordinance.

That brought us, Sir, to the next aspect of the problem which was that of ensuring that the Legislative Council should be in a position to exercise control over expenditure within the framework of the constitution, and that continued to call for the attention of the Government over the next few months. The first thing which we did, Sir, was to do away with what I would call the hidden consideration—the easy way of the Standing Finance Committee—and take, from the point of view of the Government, the hard way, but, from the point of view of the Legislative Council, the right way of bringing all expenditure to account, either by estimate, or by supplementary estimate, on which the full light of public criticism inside this Council could be

brought to bear upon the Government expenditure. That showed the gradual disappearance of the Standing Finance Committee, which ceased to function in August, 1952, and brought about this system which we now have of all expenditure being approved by supplementary estimate or by estimate by this Council before it is undertaken.

There was, of course, a difficulty which I explained to this Council that there were times when action must be taken in advance of the estimates being submitted to the Council. It was for that purpose that we set up a Civil Contingencies Fund which the Council agreed should start with the sum of £50,000 which, in December, 1952, it increased to the sum of £250,000. That was the next step in giving the Legislative Council—the Parliament of the country—control over the expenditure.

Then, as the next link, Sir, we set up, and I made comment when presenting the Draft Estimates for 1953—that was in October, 1952—on the suggestion of the appointment of a Select Committee of Estimates on the same lines as that of the House of Commons in Great Britain, whose terms of reference might be on the following lines: "To examine such of the estimates presented to this Council as may seem fit to the committee and to report what, if any, economies consistent with the policy implied in those estimates may be affected therein."

This Select Committee, Sir, was set up in January, 1953, but the Emergency, with its calls upon the time of hon. Members, both on this side of the Council and on the other side of the Council, has meant that that committee has been delayed in reporting to Council. I hope, however, Sir, with the end of this particular sitting to bring that committee into operation again and refer certain of the present estimates to it for consideration.

Thus we have the Public Accounts Committee which examines the audited accounts of the Colony, and investigates the method by which Government proposes to carry out its approved policy. It does not consider the estimates, or the proposed estimates, in advance. The reports of the Public Accounts Committee are obviously much more in the nature of recommendations and, of course, it does not initiate expenditure.

[The Minister for Finance and Development]

Well, we had arrived at a position in the evolution of financial control, but we had still not arrived at a position where the fullest control could be exercised by the Legislative Council until we had completed the investigation into the accounting system.

Now, the old colonial accounting system, Sir, as we saw it, had one major defect in itself and particularly when it came to be applied to the new type of situation. That was the separation of the policy of finance as directed by the Financial Secretary, or the Minister for Finance, from the machinery of finance—that is the accounts for which the Accountant General was responsible. Therefore, we began the next step. We found that another weakness in the accounting system was that the accounts were centralized under the Accountant General who prepared and signed the financial statements of the Colony. That meant that the Accountant General was technically responsible to the Legislative Council for the accounts, but he was not, in fact, in a position to control the expenditure which originated elsewhere; neither was he in a position to be answerable to the Public Accounts Committee for the matters concerning departments other than his own. It was at this stage where we found that, in many cases, it was not possible for the Accountant General, who depended on information supplied from elsewhere, to ensure that his accounts were posted within a reasonable time. How far that weakness went is shown in the lack of control of expenditure by this Legislative Council was probably well expressed when, in 1948, the accounts were certified only 12 months after the close of the financial year, but expenditure totalling some £1,694,000 had not been fully authorized. So that it became, indeed, possible to incur expenditure under this system of accounts which was in excess of that voted by the Legislative Council, and it was equally impossible to bring the expenditure to account for authorization for many months after the accounts of the Colony had been closed.

Now, Sir, we also had, of course, in those days a system of a general revenue balance and the general revenue balance account was presented to the Colony year

by year. It became increasingly obvious with the investigation of the financial position that a great deal of that general revenue balance was, in fact, not available to the finances of the Colony because it was already appropriated for certain purposes. Thus, I can say—and I say this with the authority of the Director of Audit—that the general revenue balance in recent years has never reflected the actual cash balance available for appropriation because in many cases money were being advanced, for various purposes, without being appropriated by the Legislative Council.

Now, all these defects became obvious when we went into the investigation of our financial position and our financial system of control. The next step, Sir, was, therefore, to bring the accounting Treasury so that both the financial policy and the accounting system became co-ordinated under one department known as the Treasury. That was the next step in the system of the evolution of financial control.

Now, Sir, I would like to put on record something which is not always appreciated in this Council and, indeed, in this country. I am now quoting from papers and from the United Kingdom Treasury Minutes: "It is an accepted principle in the United Kingdom that the Treasury has a clear responsibility at the stage of formulation and submission of proposals for schemes, more especially those which may involve the Government in heavy commitments over a period of years. When examining such schemes, the Treasury considers whether the scheme is one which the country can afford, taking into account the total requirements of public expenditure and whether the scale of expenditure involved, when measured against that background, is reasonable and appropriate to the object." I feel, and I am sure hon. Members will agree, that that is the right and proper that the Legislative Council of Kenya should feel, at does the House of Commons, that it can rely on the Treasury to examine not only all proposed expenditure before it is submitted to the Legislative Council, but also at the earliest possible stage all schemes which may ultimately involve the Colony in expenditure. I doubt whether this is

[The Minister for Finance and Development] in July, 1952. The Cusack/Padley Investigation and their Report and its acceptance in spirit by this Council in 1952. The creation of the Treasury in the latter half of 1952. The establishment of the Estimates Committee in 1953. The partial introduction of the Exchequer System in July, 1954, and the full introduction in January, 1955. Finally, Sir, the Bill which we now present to the Legislative Council, the Exchequer and Audit Bill to place the system on a statutory basis system in May, 1955. I think, Sir, that the Government of the Colony may fairly lay claim to the fact that it has endeavoured to grant to this Council full Parliamentary responsibility and control over expenditure as much as lies within the power of a Government.

I would like, Sir, to conclude by paying a tribute to, not only the Treasury staff of the past few years, to my friend, Mr. Petrie, who has left us and to Mr. Padley who is the Financial Secretary of Uganda, but also, particularly to my friend the Director of Audit, Mr. Cusack, who has done so much to assist in the placing of this system on a proper and sound basis and to blaze what I believe we can say with pride is a trail in the development of Colonial Territories, Colonial Parliaments and financial control.

Sir, I beg to move. (Applause.)

Question proposed.

THE DEPUTY SPEAKER: I am advised that the recording apparatus is now in order and Members need no longer strain themselves.

LT.-COL. GIERNIS: Mr. Deputy Speaker, Sir, I welcome this Bill, for various reasons, the majority of which have been covered by the hon. Minister during the course of his speech. In the first place it should have the effect of exercising a greater measure of control over expenditure and more specifically defining the responsibilities and the duties of the Treasury and the Auditor General. It should also, Sir, simplify the proceedings, I hope, of the Public Accounts Committee. That is in connexion with their examination of Accounting Officers in regard to the Auditor's Report on the Colony's

accounts. In the past, Sir, there has been a good deal of waste of time examining Treasury representatives who one could perhaps put in the category, in some instances, of merely recorders of accounts as they were not responsible for initiating certain expenditure and, therefore, they were not in a position to answer many of the queries which were raised both in the Report and by the Public Accounts Committee.

Again, Sir, by the creation of these two banking accounts, namely, the Exchequer Account and the Paymaster's Account in the place of what were actually hundreds of accounts which existed under the old system, it should simplify matters very considerably and as the Minister has pointed out, there is no reason now why the Colony's accounts should not be kept completely up to date.

There is one other point I would like to mention, Sir, and that is this. This Bill, I think, will result in a great deal of extra work devolving upon the Auditor General's Department and in that connexion, Sir, it is most essential that we see that the staff of that Department is maintained at its correct strength. This is most important, Sir, and that more particularly when one realizes that that Department is not only responsible for the Audit of this Colony's accounts, they are also responsible for the audit of the High Commission accounts, East African Railways and Harbours, and the Post and Telegraph Administration accounts.

Now there are a number of matters of detail I propose to raise Sir, at the Committee Stage. I do not propose to deal with them now, so in the meantime, Sir, with those few words, I support the Bill.

MR. HARRIS: Mr. Deputy Speaker, Sir, I would like in supporting this Bill, to congratulate the Minister on coming to what might be the end of the long road of financial evolution. We do not know what may happen in the future, but as far as we can see it at present, Sir, this is just as far as he can get. As the hon. Member for Nairobi North has said, there are one or two Committee points that we would like to raise, but with your permission, Sir, at this stage I would like to draw his attention to clause

[Mr. Harris] 5 (2) which does not seem to carry out the principle which he has enunciated of this Council being the final arbiter in appropriation and expenditure. It does seem to me, Sir, that he might possibly consider a small addition which would make it mandatory for any limitation or suspension of payments to be reported to this Council at the earliest opportunity. I say that at this stage, Sir, because he might like to move the amendment rather than we move it from this side.

I beg to support.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will ask the hon. Mover to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, there is not much to say. I would like to thank my hon. friend, the Member for Nairobi South, and my hon. friend, the Member for Nairobi North, for their support of the Bill and their drawing attention to the fact of the need for the Auditor's Department to be kept at a good strength. In so far as the question of 5 (2) is concerned, we can, I think, deal with this in the Committee Stage. If my hon. friend, the Member for Nairobi South, will have a general chat with me on this matter I have no doubt, Sir, we can find some way of meeting any point of doubt which he may have.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

SPECIFIC LOAN BILL

Order for Second Reading read.

MR. MACKENZIE: Mr. Deputy Speaker, Sir, I beg to move the Specific Loan Bill be read a Second Time.

This is a very short Bill, Sir, the substance of which is entirely contained in the second clause which would empower the Minister for Finance at any time between now and the 30th June, 1956, to raise either here or in the United Kingdom, or partly in one and partly in the other, up to £5,000,000 in such a manner and on such terms and conditions as he may consider expedient, and subject to

repayment not later than 30th June, 1956. In other words, Sir, it would enable him to raise up to £5,000,000 in short-term money during the coming financial year. It is important, Sir, to distinguish between any loan raised under the powers which will be conferred by this Bill and the sort of loan provided for in the Development Loans Ordinances which have been passed from time to time or the General Local Loans Bill with which my hon. friend will be dealing at a later stage. These loans are not for development, or, in spite of the title, specifically for any other particular purposes of the Government other than the provision of short-term cash. In this way they will be comparable to the Treasury Bills which have been raised in the United Kingdom and elsewhere to cover the Government's short-term cash requirements and, incidentally, to provide a home for money which is seeking short-term investment.

Now, Sir, any money which is raised by virtue of the powers contained in this Bill would fall within the definition of revenue contained in clause 2 of the Exchequer and Audit Bill, which, as hon. Members will have noticed, are interpreted to mean, not only tolls, taxes and that kind of thing but also all receipts of the Government from the whatever source, deriving over which the Legislative Council has power of appropriation including the proceeds of all the loans raised. In accordance with the provisions of clause 15 of the same Bill, the proceeds of any such loans must be paid to the credit of the Exchequer Account and will be part of the Colony's consolidated fund. They will, therefore, only be expendable in accordance with the provisions of the Exchequer and Audit Bill, that is, on purposes to which revenue is, or has been, appropriated by this Council and for no other purpose. It will also be noted that provision is made both in clause 2 of this Specific Loan Bill and in clause 19 of the Exchequer and Audit Bill for the powers of borrowing, with which we are concerned at the moment, to be exercised by means of an overdraft on the Bank. Provision of interest is included under sub-head (E) of Vote 13 of the 1955/56 Estimates.

As I have already said, Sir, the reason for introducing this Bill is to make provision for raising cash with which to

(Mr. Mackenzie) fulfil the general purposes of the Government as expressed in the Estimates approved by this Council and in the Appropriation Ordinances. Until recently, powers of this kind were unnecessary because we had large surplus balances which could be used at any time, the ordinary revenue raised during the year fell short of requirements. As the Estimates, which are now before the Council, show only too clearly, those days are gone, and one can probably say without being unduly pessimistic, that it is unlikely that they will return for a long time, if at all. Indeed, Sir, it is probably undesirable that they ever should return since, in a developing country of this kind, it is essential that all the money we have available should be used to foster that development which we all realize is needed or else it should be left in the pockets of the taxpayer. In these circumstances, it is highly probable that we may require, from time to time, to raise short-term loans in order to anticipate the collection of tax or other revenue which, as hon. Members may be aware, does not always come in evenly throughout the year and which may, at times, lag behind expenditure whilst jumping ahead at others. Alternatively, the loans may be needed to anticipate completion of a long-term loan or to finance various short-term requirements which the Government has to meet, such for instance, as the financing of crops; although, of course, as this Council is aware, it is hoped that this last part will eventually be covered under other powers.

As I have already mentioned, Sir, these provisions will be provided for borrowing both in the Colony and in the United Kingdom and will also be of advantage to the public in providing openings for the short-term investment of local funds. They will, therefore, I hope, encourage individuals and institutions, who might otherwise transfer such funds abroad, to retain them in the Colony. They will also, I hope, encourage the development of the local money market of which my hon. friend has stressed the importance on several occasions in the past.

I hope, Sir, that we shall not find it necessary to exercise the powers which this Bill would confer too freely, and that we shall continue to be able to

finance the bulk of our needs from other sources. It will, however, remain essential to have these powers both now and in the future, if we are not to run the risks and the embarrassment of being found short of cash. In future years, therefore, it is proposed to include provision of this kind as part of the Annual Appropriation Bill, as is the practice in other countries. This time, however, we feel that as a new principle is being invoked it is desirable to have separate legislation so that this Council may be fully aware of what we are doing and may endorse our proposals.

Before closing, Sir, there is one final point that I would like to make. The introduction of legislation of this kind is not a sign of bankruptcy. It is rather, Sir—and I say this in spite of any impressions, which any people may have obtained to the contrary, when they opened their newspaper this morning and read the somewhat jejune, I think it possibly was, Sir, remarks that were made about the Estimates in one of our local commercial and financial organizations the other day—in spite of that, Sir, the Colony is growing up. When the Colony was younger it was our practice to retain large sums tucked away in the banks and with the Crown Agents and in various long-term investments for a rainy day and we did this, Sir, in very much the same way as a small boy keeps his spare pennies in a money-box or, perhaps, a better example would be as the slothful servant buried his talent in the ground. Circumstances have forced us to spend what was in our money-boxes, to dig up the buried talent and use it and it may not be going too far to say that had we done that earlier we might not have had all the trouble that we have had since. In any case it is, as I have said, unlikely that we shall be able to accumulate these surpluses again and as a general practice we would not wish to do so, since the covering of short-term needs in that way, involves either unnecessary taxation or the equally unnecessary long-term borrowing, both of which can only be regarded as thoroughly undesirable expedients.

Sir, I beg to move. (Applause.)

THE MINISTER FOR COMMUNITY DEVELOPMENT seconded.

Question proposed.

Mr. TYSON: Mr. Deputy Speaker, Sir, I do not know whether I misunderstood the hon. Member, the Secretary to the Treasury, but he rather indicated, I thought, that he hoped it would not be necessary to use to the full the powers which are proposed in this Bill. Surely, the intention is that this shall be a permanent part of our monetary system—(Hear, hear.)—based, as I understand it, on the Treasury Bill system which operates in Great Britain.

The one point that I am uneasy about and I would like the Minister for Finance when he replies to give us some indication as to his plans and that is, the machinery which he proposes to use in connection with the rates of interest for this short-term borrowing. In The London money market, as he well knows, there is the mechanism of the Bank of England and the Treasury by which these rates are kept within reasonable limits, but we have no such machinery here and I was wondering what steps he proposed to take to protect this Government from what one might call "sniping" or the "offering of rates of interest" on short-term loans by outside sources which might have the effect of nullifying the special efforts which are proposed under this Bill. I hope when he replies he will be able to give us some information as to what protection he proposes to invoke along that line.

I support the Bill. (Applause.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call upon the hon. Mover to reply.

Mr. MACKENZIE: Mr. Deputy Speaker, Sir, I would like to say that on the first of the points raised by my hon. friend who has just spoken, it is true that in moving this Motion, I said that I hoped that it would not be necessary to use this authority but I qualified that statement by saying that I hoped it would not be necessary to use it too freely. In other words, Sir, we do envisage that we shall make a great deal of use of this power, but we hope at the same time that revenue is going to be coming in and we certainly do not intend to get ourselves into a position where we are completely dependent on short-term finance for our requirements. We shall approach this

matter empirically and we shall learn to go further with experience, but I can assure the Council, Sir, that we do intend to use this machinery as much as may be necessary and certainly we hope to encourage the growth of a local money market.

The latter will, I hope, also be one other means of dealing with the second of the problems which my hon. friend raised. At the moment it would probably not be possible to do so and the growth of the market will take time, but in raising these loans, I can assure my hon. friend and the Council that we shall take the prevailing rate of interest into account and we shall have consultations with the main lenders and we hope that in this way we may be able to reach a reasonable rate.

As regards the final point which my hon. friend made, that of the possibility of people from outside using this device to plant large sums of money here for short periods, I would say that we have noted the problem and that we have it under consideration.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

THE DEPUTY SPEAKER: I do not know whether the hon. Minister might wish to continue with this Bill as it is only four minutes before the interruption of business, or if you wish to continue later.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I think, Sir, it would be possible, at any rate, for me to make my opening speech and if there is no argument from the other side, Sir, it may even go through before then.

THE GENERAL LOCAL LOANS BILL
Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to move that the General Local Loans Bill be now read a Second Time.

The Council, Sir, is well aware that Government has instituted the policy of utilizing local capital to finance a Government expenditure and that only last year we successfully launched a loan of nearly £3,000,000 under the authority of

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the Local Loans and Conversion Ordinance, 1954. In view of the success, Sir, which was achieved by that loan, it has been decided to place before this Council a request to empower the Minister for Finance to raise loans locally by the issue of either bonds or stocks within the Colony up to £5,000,000 in any one year. The reason for putting in a general measure of this kind is that it is obviously undesirable to give as it were notice of the raising of a local loan by having to come before the Council with an Ordinance each time we wish to raise money and, therefore, we have taken the usual and general device of an overall request for authority. It is hoped, Sir, by this raising of loans locally that a considerable portion of the capital required for our future development plans will be raised from East African sources since we are well aware that the amount of capital which we can raise on the London market is limited. Indeed, it is already clear that the whole amount of loan money required for a 31-year development plan will not be available on the London market and we shall have to rely on some local money. In addition, Sir, I know hon. Members opposite will agree that the periodic floating of local loans of this kind will assist in the development of the local money market and with the marketability of local loans which will, I hope, be ensured by the principle of the support fund which was brought into operation for the 1954 local fund being spread over all local loans.

In addition we now, of course, have the knowledge that it has been agreed that a proportion of our currency funds should be available for investment in our local loans—also, it encourages us to go forward with the extension of this practice.

Sir, I beg to move. (Applause.)

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING SECONDED.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

MOTION

THAT MR. DEPUTY-SPEAKER DO NOW LEAVE THE CHAIR

HEAD XXV—POLICE VOTE

Debate resumed.

THE DEPUTY-SPEAKER: When Council adjourned last night we were debating the Motion "That Mr. Deputy Speaker do now leave the Chair," debate will now be resumed.

No other hon. Member rising to speak, I will call upon the hon. Member to reply.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Mr. Deputy Speaker, Sir, I should like to deal with some of the points made by hon. Members opposite yesterday which have not already been covered by my hon. friend, the Civil Secretary to the Police.

I am grateful for the pleasant things said about the police by the hon. Member for Aberdare and also for his appreciation of some of their difficulties. I am, however, disappointed at the perhaps uncontrollable reappearance of his King Charles's head. It wears, of course, the features of Inspector Hughes. Inspector Hughes's case was considered in this Council a few months ago, and the hon. Member cannot expect me to reopen discussion on it now, nor should he, I think, continue stubbornly and wrongly to police officers from it a disaffection amongst police officers which does not exist.

Mr. Deputy Speaker, Sir, I am told that the fish and chip shops of England sell their wares wrapped in newspaper and the popular newspaper for this purpose is the *News of the World*. The hon. Member for Aberdare has offered me red herrings wrapped in pamphlets, or possibly they are pamphlets wrapped in red herrings. I am not sure, anyway I decline the package, it is too fishy. Let me say only that when the hon. Member said that the Criminal Investigation Department should turn out their enemies to our enemies rather than their pamphleteers, it is, indeed, such reckless and foolish pamphleteers who are amongst the enemies of us all.

The hon. Member for the Coast mentioned discipline in the police and commended quality rather than quantity. It is, of course, both quality and quantity which we are now instilling into a force

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expanded to a extent which, to some extent, dilutes both these essential qualities. The hon. Member should, however, remember that there is a distinction between police and military discipline. Policemen are trained to be individually responsible and soldiers are trained to take action as members of units, whether platoons, companies or battalions. The requirement is different and that is the point which was omitted from the letter which he read to the Council yesterday.

The hon. Member for Mount Kenya asked about responsibility for and within the police and about the chain of command. I am very glad that he did because I think these things are misunderstood by very many members of the public. The constitution of the police is set out in its Ordinance and, with your permission, Sir, I will quote the relevant paragraphs very briefly. The first one is: "The Force shall be employed in the Colony for the maintenance of law and order, the preservation of peace, the prevention and detection of crime and the apprehension of offenders, and, for the performance of such duties, police officers may carry arms." The next relevant one is, "The Commissioner shall, subject to the orders and directions of the Minister, have the command, superintendence and direction of the Force." And the next one, "The Commissioner may, subject to any order and directions of the Minister, from time to time, make orders for the good government of police officers in relation to their establishments, ranks . . ." and it goes on with a number of other things. That is the foundation of it. Now within this constitution the police have a dual function and because the distinction is an important one, I will again, Sir, with your permission, read it. "The police have a dual function: first, the detection of crime and the bringing of offenders to justice, and secondly, the maintenance of law and order and the prevention of crime. In the discharge of their first function, the detection of crime and the bringing of offenders to justice, the police are responsible to the Law and are under the sole authority of the Attorney General; they are completely independent of any other authority and are not subject to interference or direction from any other

branch of the Government." That is an aspect which I think is not widely appreciated and which I would like to emphasize. "In the discharge of their second function, the maintenance of law and order and the prevention of crime, the police are responsible to the Government and subject to its general direction." The third essential is: "The police is a disciplined service with a direct chain of command to the Commissioner; there should be, therefore, no interference with the day to day workings of the police or its domestic affairs."

Now within that general question the hon. Member asked what the actual chain of command was in the Criminal Investigation Department. It is this, and again with your permission as this is, in fact, a force instruction, I think I might be well advised to read it: "The Assistant Commissioner in Charge of the Criminal Investigation Department acts on behalf of and on the instructions of the Commissioner of Police. He is responsible to the Commissioner."

Police officers in charge of provinces and areas are—"I should perhaps explain that an area is one of those police commands which is of provincial status but of which the boundaries do not coincide with an Administrative province—Nyeri is an area, and so is Nairobi, because they do not coincide with the Central Province which is an Administrative entity. Rift Valley Province is both a police province and an Administrative province. "Police officers in charge of provinces or areas are responsible for the prevention and detection of crime within their boundaries. To assist them in detecting serious crime Criminal Investigation Department officers are posted at provincial/area and divisional headquarters levels." Criminal Investigation Department personnel are directly responsible to the provincial or area or to the divisional commanders for the efficient investigation of serious crimes. The senior Criminal Investigation Department officer at provincial or area headquarters is responsible to his provincial or area commander for the efficient functioning of Criminal Investigation Department personnel, and may direct them in their duties. Technical supervision and direction of the Criminal Investigation Department at provincial/

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area or divisional level is exercised by the Assistant Commissioner of Police in charge of the Criminal Investigation Department and Criminal Investigation Department personnel have the right of direct access to him for technical advice and assistance. The Assistant Commissioner of Police in charge of the Criminal Investigation Department may direct the Criminal Investigation Department in a province or area to take over the investigation of any offence should he consider it necessary to do so; in such cases he must inform the provincial or area or divisional commanders concerned and give his reasons."

That, Mr. Deputy Speaker, I think, answers the questions which were asked yesterday, with the exception of those, including the question which the hon. and gracious Member for Nyanza asked, and which have already been dealt with by my hon. friend the Chief Secretary.

Mr. Deputy Speaker, Sir, I beg to move the Motion standing in my name. (Applause.)

The question was put and carried.

COMMITTEE OF SUPPLY

Committee of the whole Council—Order for Committee read, Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

VOTE XXV—POLICE

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £2,997,498 be granted to the Governor to defray the charge which shall come in course of payment for the year ending 30th June, 1956, for Vote XXV—Police.

Question proposed.

Head 1

Mr. COOKE: Mr. Chairman, No. 10 and No. 12. Is it a fact that a Chief Inspector on promotion to Assistant Superintendent sometimes gets about £100 less pay? Does the Assistant Superintendent receive £100 less pay than he would if he had remained a Chief Inspector and, if so, why?

Mr. ASTLEY: Mr. Chairman, Sir, if an Inspector of Police is promoted to Chief Inspector, he receives a big jump in salary. If he is promoted to Assistant Superintendent, which is a higher grade, at the moment his salary would be less than that of his colleague, who was promoted to a lower rank of Chief Inspector. The man, however, who is promoted to the rank of Assistant Superintendent direct from the Inspector of Police grade receives the benefit of the officer grade and an additional seniority. The police headquarters, Sir, are at present negotiating with the Director of Establishments on this very matter in order to reduce to some extent the anomaly which at present exists and to which the hon. Member for the Coast referred.

Mr. HARRIS: I believe, Sir, the hon. and Irish Minister for Internal Security worked this one out with the hon. and Irish Member for the Coast. It sounds to me like an Irish problem. (Laughter.)

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Date, 17th March, Sir. Head 1 agreed to.

Heads 2, 3 and 4 agreed to.

50 Non-recurrent agreed to.

Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration and adoption of the Resolution without amendment and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

Mr. STOW: I beg to report that the Committee of Supply has considered the Resolution on the Order Paper and approved the same without amendment.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council do agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

THE DEPUTY SPEAKER: It is time to rise for the usual break. Council will adjourn for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

VOTE VII—INFORMATION

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair.

This young and vigorous department, whose origins were so ably described to you by my hon. friend, the Minister for Finance, last year, is now growing up. Two years ago it was mewling and puking in its nurse's arms, but now it is busy making a reputation. It can look back on the past year with pride in really solid achievement. In spite of the difficulties imposed by shortages of staff, obstacles to recruitment, and the continual, sudden Stop Press demands imposed by the Emergency, there has been substantial progress in every direction.

Sir, the activities of the department are very diverse, and I hope the Council will bear with me in dealing with them in detail in turn.

First—the Press Office. This office has the dual duty of disseminating Government information and news about the Emergency within the Colony. Working through the Press, and in the form of background supplied for broadcasts; and of issuing publicity about general development matters in Kenya to the neighbouring territories and to Europe and overseas. In the course of the past year the Press Office has prepared and issued something like 1,500 news stories and feature articles which dealt with topical events in Kenya—betterment schemes, development plans and projects of various sorts—and which were illustrated, as a rule, by photographs taken by officers of the department. All of these have been published in Kenya newspapers. They have not found their way into print as Government hand-outs, but by merit on account of their topical interest and general readability; and, of course, they have to withstand competition against commercial material:

As an indication of the extent to which the Press Office has secured a place in the local Press world, a recent Friday edition of the *East African Standard* carried 316 column inches of material which had been prepared by the department.

The Press Office, of course, is also responsible for preparing and issuing the daily communiqué on the progress of the Emergency.

In the overseas sphere the Press Office has been equally active. Firm contacts have been established with the overseas Press, and a steady flow of material—providing both factual information and what is known as "interpretative background"—has been regularly issued. The main channel for the issue of this material is the office of the Kenya Public Relations Officer in London, and we owe a great debt of gratitude to the Public Relations Officer for his great diligence in building up a London organization for the distribution of the information we send him. It is distributed not only in the United Kingdom, but also, through Her Majesty's Government channels, is circulated to other parts of the Commonwealth and to foreign countries. In addition, the Public Relations Officer has his own liaison with India, Pakistan, Ceylon, Canada and the United States of America. There can be no doubt that there is a better, growing understanding in the United Kingdom to-day than there was at the start of the Emergency of the problems which beset this Government—probably a better understanding now than at any previous time—and there is no doubt that the people at home are now aware of the steps Government is taking, both to fight the Emergency and to ensure that the ordinary development of the country goes on. For this achievement, too, we are indebted to the London Public Relations Officer.

There are a number of regular news items—material which is issued from the London office—such as the newsletter *Kenya Calling*, with which Members are no doubt acquainted, and another paper called *Kenya To-day*—a quarterly. *Kenya Calling* gives a useful background to those who have not a direct knowledge of Kenya, and contains a very sound interpretation of local events. This newsletter goes by air to 22 different countries, and the material is used by the London

[The Chief Secretary] office for a special issue in the United Kingdom. This has a circulation of 1,000 only, but it goes to 1,000 selected addresses, and is not distributed at random to those who would not be interested. *Kenya To-day* is that rather glossy, illustrated quarterly, which contains a series of photographs, "profiles" and articles of fairly easy digestion.

There are, in addition, a diversity of other articles which are issued by the Press Office and; in view of the criticisms which have been directed at the department for some time, I should like to mention one or two of them as an indication of what goes out—its diverse indication of what goes out—its diverse character, and where it goes to. There was, for instance, an article about a European family in the Mweiga area, "Farming amid the Mau-Mau" which was published in various papers in the United Kingdom and in South Africa, and also got into one of those fantastic American Sunday papers which are alleged to have a circulation of 9,000,000. I would warn hon. Members, in case they take too optimistic a view of this, that those papers appear to depend largely upon what are known as "The Funnies".

Another article was on the curing of river blindness, and I mention it merely to illustrate the extraordinary ramifications of Information Office work, which have even proved popular in Bolivia, and in no less a city than La Paz.

Next, Sir, I come to the products of the publications section of the Information Department. The most important of these are the African District News Sheets. The Publication Section produces 45 vernacular publications on a regular basis, appearing in a dozen different languages and covering a score of districts. They range from weekly two-page broadsheets, with a circulation of a thousand, to a monthly 16-page magazine, which is known to reach a minimum of 50,000 people. The total production of these broadsheets and articles amounted to 18,000,000 in the course of the last year.

The material for these news-sheets is collected in the districts by the District Information Officers, and in close liaison with the Provincial Administration. They

are, of course, helped by authorities such as the African District Councils, and, indeed, by all people in a district who are interested in the presentation of local affairs in their own local newspaper. The material is edited in the Head Office of the Information Department, and the printing is either done in Nairobi or, if circumstances permit, in some other centre, but seldom, I fear, in the actual hometown of the newspaper.

These news-sheets are extremely popular, and serve an extremely useful purpose. For some reason, which psychologists can no doubt explain, human beings like to see their names in print, and there is no doubt that the news-sheets do meet this demand. In addition, they foster local pride and local patriotism, and provide interesting and suitable reading for those who have learned to read and write, but as yet have no material on which to exercise their skill. Hon. Members who remember those scurrilous pamphlets which masqueraded as news-sheets before the Emergency will recognize how badly needed these papers are, and the great part they play in dispelling rumour and refuting false reports, and in spreading accurate information.

I now come, Sir, to the Cinema Section. In spite of the handicap of having only one cameraman, in the course of the last year the Department has made four 16-millimetre films and 7,000 feet of 35-millimetre film, suitable for use on commercial newsreels and on television. One of these 16-millimetre films was that nauseating, but instructive, epic on bilharzia. The 35-millimetre film has found a market in the United Kingdom and America, both on newsreels and on television, and I must emphasize that this market has been secured on topical interest and on technical skill, and in competition with commercial material. There were 30 newsreels which secured distribution, and of these a dozen appeared on the B.B.C.'s television programme. This does reflect very great credit on the single cameraman who worked for the department in that year.

I am pleased to say the recruiting difficulties are now overcome, and the cinema section is up to establishment. This year we shall have four mobile film units, two of which will be working on

[The Chief Secretary]

material suitable for newsreels, and the other two on the preparation of documentaries. The first documentary is planned to deal with the activities of African District Councils.

As most hon. Members know, the film section also runs a library of some thousand titles. The films in the library are available to all those who subscribe to the scheme and are, of course, extremely popular in big plantations, in works, and so on. Hon. Members will be relieved to hear that, in a world of increasing pomposity, that charming epic, *Sam the Cyclist*, still leads in popularity.

Finally, Sir, I come to African Broadcasting. This is a branch of the department's activities in which we take particular pride. Not only has there been great technical advance—we now broadcast from Nairobi for 45 hours a week, using seven languages, from Nyeri for 30 hours a week in English and Kikuyu, and on the Coast—but the department has established a reputation of which any similar organization in the world to-day could be extremely proud. They have made a name for themselves for news without propaganda, for thoughtful adult talks and discussions and for entertainment which has an immediate and universal appeal. Those of you who have seen that inimitable fellow, "Kipanga" will realise what a wonderful range of talent they have.

It is this accent on good programmes which has resulted in the emergence of such an enthusiastic African listening public. There are more than 8,000 African-owned sets, and African listeners have proved themselves to be critical and very intelligent audiences. The department has been anxious from the early days of the African Broadcasting Service to find out where African tastes lie, and, in order to achieve this kind of listener research programme, they set up a series of clubs known as the African Broadcasting Service Clubs. Men who are prominent among their fellows, and who are known to be listeners of good sense and discrimination, were selected by the department to be the heads of these clubs, and it is through them that the Broadcasting Services keep in touch with the listeners. As an indication of the interest shown in the African

Broadcasting Service, the Head Office here receives on an average 150 letters a day.

When one considers in how many homes—both here and in Europe—one sees a wireless set sitting in a corner, muttering to itself all day long like Wordsworth's idiot boy, one realizes how keen an interest is taken, and how alert are the audiences we cater for. There are 150 of these clubs, consisting on an average of about 20 members each. Each club is in regular contact with the Headquarters of the African Broadcasting Service, and the make-up of the programmes is, to a large degree, influenced by these local societies. It is reassuring to find that African listeners prefer a balance of news, straight talks, news commentaries, plays and entertainment, and have never expressed a partiality for the "laddy-tiddy-ching" of the usual dance band.

As an adjunct to the broadcasting service, there is a monthly magazine called *Habari za Radio*, which is a kind of combined *Listener* and *Radio Times*. It contains the programmes for a month ahead and repeats the most interesting talks that have been given. I particularly mention this paper because, apart from its readability and very pleasant layout, it represents a very successful handling of the public relations side of broadcasting. The African Broadcasting Services have avoided the usual pitfalls of a rather patronising questionnaire and of snooping around houses to learn what is being listened to, by setting up these clubs have enlisted African opinion and made Africans proud to contribute their advice as to the way programmes should be framed.

In case hon. Members—and especially the hon. Member for the Coast—should think I have been too optimistic in my description of the African Broadcasting Services, I must mention some of our most prominent difficulties. First of all the central offices and studios are small, stuffy and uncomfortable. Our facilities here are extended to the utmost, and we should find it hard to deal with any major expansion of African broadcasting. The broadcasting arrangements at Mombasa are hopelessly inadequate, both in range and in studio facilities. We are acutely conscious of these

[Mr. Harris] career of, and I believe if he did that he would get such confidence from the African population of the town that he would be doing a most wonderful job of work.

At present, or in the immediate past, officers have been put into Nairobi by the Information Service but they have only been able, through no fault of their own, to have half an eye on Nairobi and the other half on anywhere where somebody I don't know who, thought there should be sudden pressure. Just after the January surrender terms it was after the propaganda drive in the Kiambu area was more important than in Nairobi. At other times it may be Nyeri, but the point is, that nobody has been able to settle down and really measure up what is the job to be done in Nairobi. Talking of Nairobi, Sir, I would commend to the Minister the importance of trying to encourage radio diffusion not only in the Nairobi locations but other locations as well. This is a matter which has hung fire for five years to my certain knowledge. In 1950 there was a director of—I believe—it is Radio Diffusion Services, Ltd., who have put radio diffusion systems in Singapore, Hong Kong and on the West Coast of Africa, who were willing to do everything they could to help and we encouraged them but we got very little official encouragement at that time. The present Minister for Finance was also interested, when he was Minister or Member for Local Government. Now from all these attempts we have nothing but a small pilot scheme in the Nairobi locations. I do believe that it is essential if we are to have peace after the Emergency is over that we give people something to do and think about in their non-working hours and I believe radio diffusion is the cheapest and probably the most effective answer of all.

I come back, Sir, finally, to something I said earlier, namely that I do hope that the Chief Secretary will be able to assure us that there is a real partnership between policy makers on the one side and the Information Service on the other and that every possible effort is made on both sides to see that the people get the news presented in the most truthful and palatable fashion.

Sir, I beg to support.

MR. AWORI: Mr. Deputy Speaker, Sir, in the past at every budget debate there was a particular interest in making criticisms towards the Information Services. Since then the Government has taken particular heed of some of the ideas that the Unofficial Members on this side of the Council have put forth but on that matter to-day I do not think I shall be able to raise many points. I was only disappointed that a pamphlet like this which has not happened to come into this Council I don't know—I got mine to-day and it would have been better if we had received it much earlier because it is dealing with the subject of Information Services. On the other hand after perusing it I find that what the hon. Chief Secretary has been explaining to us is exactly what is said here. I did not expect, Sir, that the hon. Chief Secretary could be capable of discussing this matter in such detail and in such a first-class way—I thought he knew more about the Administration than about Information.

Now, Sir, as we all know, the expansion of the Information Service, particularly towards Africans, has come about, due to the Emergency. It is just exactly as it was during the 1939-45 War. The Government during that time promised us that the service would be expanded and would continue and during that time there were broadcasts in so many languages—African languages. Since then the service was curtailed and more recently during the Emergency the Government has expanded it. We find that the Vote concerns £150,000—I wish we had more money that we could be able to give the Information Department more money for expanding these services. I would like to comment, Sir, on one point raised by the hon. Chief Secretary which deals with the Public Relations Officer in London. When he was here a few months ago the African Members raised the point with him if it would not be desirable to have an African to work with him—an African of merit and ability who would be able to assist him particularly on matters affecting Africans and he did say that that matter rested with the Kenya Government here. I hope that Government will be able to think over it and if it is desirable, have an African in the Public Relations Office in London.

[Mr. Awori]

The hon. Chief Secretary explained to us the shortage of staff, and I know there has been a shortage of staff. As far as I know only one African has gone to the B.B.C. and he is back and trained in the question of broadcasting. I hope the Government will think again and see if they could be able to provide some money for Africans to be sent to Britain from time to time to train in broadcasting and journalism.

There is one criticism I find, Sir, particularly in the studios of the A.B.S. They have not got enough machinery and since this is a service which is going to be permanent I feel that capital expenditure incurred on such a service is not money lost. I should like to say something about the question of radio sets. We find in this book and what the Chief Secretary has told us, that besides the 1,500 radios Africans have been able to purchase on their own, 8,000 saucepan radios. Now, in my experience with these broadcasts I find that more Africans every day are taking a great interest in the broadcasts not only in the local ones but in the overseas ones and they are just as keen to buy much better sets than these radios. In Central Africa they are able to import such radios of a better quality but within the pockets of Africans for the use by Africans in those areas. I hope that Government will be able to contact one of the radio importers in this country to get such sets which can be used by Africans instead of depending on saucepan radios alone.

Now, Sir, I won't speak much more or in greater detail about these subjects. The Chief Secretary told us how efficient these services were. Some time ago somebody complained about the Uganda radio system. Now, from what I can hear from Africans listening, they tell me that in Uganda broadcasting is improving to such a great extent that we might find more people prepared to listen to the broadcasts from Uganda. So I think we should not be a bit too happy that we have reached a stage when our African broadcasting is not what we would like it to be.

I would like also, Sir, to pay a tribute to the members of the Information Service for the excellent work they are doing and particularly also to those

people who take the trouble and time to come and give broadcasts from time to time. I know very well I used myself not to put on my radio for African broadcasts but it is now a daily feature that I do not like to miss.

With those words, Sir, I would like to support.

MR. COOKE: Mr. Deputy Speaker, Sir, during the past year I had occasion to draw attention to the rather political slant which the Information Office is inclined to impart in some of its articles and in some of its broadcasts. As I look at it an Information Office is not so much a propaganda machine as a realistic approach to the problems of this country. We have had one or two broadcasts which have favoured one party or another and I must say I take a great exception to any approach of that nature by the Director of Information. I think it would be wise to leave politics to the politicians. They may not be as clever as he is but at any rate it is their job to indulge in politics. I drew attention to the hon. Minister who spoke and drew attention to the Liaison Officer in England and of course he formally reminded me of a question about one of his activities which he boasted or attempted to boost the Minister without Portfolio. Now there is an old proverb "that good wine needs no bush" and I am sure that the Minister without Portfolio does not need any boosting but the point is this that in the opinion of a great many people it is wrong for the Liaison Officer with whom I had it out the other day when he visited here, to indulge in any propaganda of that nature. I was glad to hear the hon. Minister give the praise and indeed it is very well deserved to the broadcast system especially the African one, because I think those of us who have time to follow it agree with him that it is really excellent and I should like myself to pay a tribute to Mr. Peter Colmore, who at times, I think, is almost worth a battalion of soldiers to this country the way he has trained the African people like the name mentioned by my hon. friend, Mr. Kipane, to broadcast so skilfully and so amusingly.

Now, there is one point about Press handouts—I have got one here which I will quote from. They seem to me sometimes to be a little bit cheap

[Mr. Cooke]

in what they say. Now, here is one about General Erskine. "General Erskine thanks his African staff"—well no doubt to be homey and that sort of thing, but here is one sentence: "Houseboy, Njugu, described as working for the General as *mtuoni kuhisi*," and then for the benefit of us who don't know Swahili—"very good". I don't know whether he meant the General was a very good General or whether he had got a very good gratuity before his services were dispensed with or both but at any rate I think it is cheap to produce such a handout. But on the whole I would also join my hon. friend in congratulating the Information Services on what it has done. It has had a very difficult time during the past few years of the Emergency and on the whole I think it has done very well and if it will only keep out of politics I think it will do even better!

Well, Sir, I beg to support.

DR. HASSAN: Mr. Deputy Speaker, Sir, the hon. Chief Secretary gave a very comprehensive review of what the Information Services have done in this country. The Press Office and the film people gave general information and displayed about Kenya all over the world and this is one of my very great achievements which I feel the Information Services have done in this country. There is no doubt with such a small staff in such a short time they have done such extraordinary good work in giving out information for Africans, the Emergency and the general development of the country so systematically to overseas places is one of the most creditable things for which I feel they deserve tribute from us all for carrying on this work so satisfactorily. There is no doubt when the Information Services issued out the wireless sets and I happened to be in Mariakani at that time, and I did not know what use the Africans would be able to make of them, but the systematic arrangements of the broadcasts by Cable and Wireless and African broadcasting from Mombasa and other places is drawing crowds in thousands to their wireless sets and they are so keen to hear the broadcasting information about Kenya that sometimes they walk miles to reach those areas.

I am a regular reader of the Press Handout which is issued weekly and I

must say they usually keep out of politics. One member, my friend from Mombasa, said that they were indulging in politics. At times I do find certain information which merely does away with the distorted information which some irresponsible people give wrongly to the overseas public and for that sort of thing the Information Services are doing good to Kenya, to get the right information to the people.

There is one thing I have found, Sir, although in the Information Bulletins a great deal of mention of what our forces are doing in the field, particularly the Africans and the Europeans, but I find very little publicity is given to what little the Asian combat teams are doing. Now, I will draw the attention of the Minister to this fact. I do not like to say that they need any praise for what they are doing because it is the National Service they are doing, but when certain information is given about the others who are doing hard work it would be very, very encouraging for them to be mentioned in the Press.

I must congratulate the Minister that his Information Services have established a broadcasting station at the Coast and the staff of the Information Department for doing excellent work in giving Africans talks on matters affecting Kenya. I quite realize that a great deal of work for giving publicity to the real development work of Kenya cannot be undertaken by this department for the simple reason that a great deal of their time is being spent in dealing with publicity for the Emergency services and I think the time will come when the Emergency ends that these services will be able to give much more publicity for excellent welfare work which is being done by different communities in Kenya.

I beg to support.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, Sir, I felt I must intervene in this debate because I feel in a way that the hon. Member for the Coast on recollection will wish to withdraw his remarks about the Information Services in so far as they affect myself. I would not say, Sir, that I have ever been boosted by the Information Services. They have, of course, kept strictly to fact.

The second thing I would like to say, Sir, is again, I think, if the hon. Member will reflect a little bit he will agree that

[The European Minister without Portfolio]

when he sees photographs of myself in the Press the Information Services can in no way whatsoever be accused of boosting me.

MR. COOKE: I do not think you were here when I spoke. I mentioned one specific instance where the Liaison Officer had boosted my hon. friend. I would be the last to say that the Information Office out here has done the same thing. Some of the photographs are not a bit flattering!

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Now, the hon. Member has withdrawn. As far as, Sir, as the Liaison Officer is concerned I would like to refute what the hon. Member has said. If the hon. Member would see what the Liaison Officer said he would see that he confined himself strictly to fact. If the facts were not palatable to the hon. Member that is another matter.

Mrs. SHAW: Mr. Deputy Speaker, Sir, I rise to support the hon. Chief Secretary in his tribute to the work of the Press Officer. When I was in Great Britain recently I found evidence of the effect of the good work he has done there by the very friendly reception I got whenever I spoke on Kenya. Also the type of questions which were put to me after my meetings showed not only a certain knowledge of the subject but an appreciation and sympathy of our troubles. I am glad the hon. Chief Secretary takes particular pride in the broadcasting side of the service. There is no doubt of the tremendous power of broadcasting and the great strides made in the programmes given to-day in this side of our Information Services, especially of the African Broadcasting Services. I myself saw the wonderful new station at Nyeri fully equipped with the most modern broadcasting equipment but I would like to bring to the hon. Minister's notice that I was very disturbed when I paid a visit to that broadcasting centre to learn that although 40 hours a week, as he has just told us, are going out in Kikuyu from Nyeri there was no European in that broadcasting station who understood Kikuyu. On making this point to the gentleman in charge of the station, that under these circumstances undesirable propaganda might be slipped in without

his knowledge, I was told that if there was anything of the sort of course he should very soon be told about it from the missionaries who would report back to the station, but I contend, Sir, that is not at all satisfactory, for by the time this misinformation was corrected the damage has been done, for there is no truer saying than "You can't catch up with a lie".

The Chief Secretary also stated he was satisfied with the quality of the programmes. I think on the whole he was right and I am glad to hear this but perhaps I was unfortunate the other day—a short time ago—I turned on the radio in the early morning by mistake tuned into the African Broadcasting Service only to hear a song in the worst type of the American boogy-woogy with the edifying title of "Keep Dad off the Drink, Mama". (EUROPEAN MINISTER WITHOUT PORTFOLIO: Very good thing—very good thing.) It was given out that it came from the African Broadcasting Service.

To turn to the documentaries, may I suggest that an excellent and most informative documentary could be made on the work which has been done in that horrible American word again "villagization" and security measures which have come about lately in the Central Province of the Kikuyu Reserve. I believe that not only would a documentary of that type be very interesting to Africans in other tribes than the Kikuyu, outside the Central Province but also to many Europeans who have no idea what the Government have achieved in this last year in the improvement in Central Province and in the Kikuyu Reserve. I hope to hear, realizing the great benefit of broadcasting, I hope to hear from the hon. Chief Secretary that if every African home cannot possess a broadcasting set, at least every village will possess one in its social centre so that as well as having the benefit of the film unit, which comes round and which can then let them enjoy that edifying spectacle of *Sam the Cyclist*, I hope they will be able to enjoy really amusing and good broadcasts both of news and entertainment from the Nyeri station and Nairobi station the whole time.

I beg to support.

MR. CROSSKILL: Mr. Deputy Speaker, Sir, I should like to add a word of congratulation to the hon. Chief Secretary, and indeed to the whole staff of the Information Department, for what I believe is a tremendous advance and improvement in the service this year. There has been a vast expansion which is exemplified by the increase in staff from 46 in 1952 to 331 at the end of last year and an increase in efficiency at the same time as carrying out such a tremendous expansion is a great achievement indeed. Whilst by no means being yet perfect it is a very great step forward for which I think we are all grateful. I found it psychologically very interesting to hear that either the pamphlet which was described as "rather glossy and easily digestible" or the weekly which was described as "less digestible". I think, was welcomed in Bolivia. I can only presume that—

THE CHIEF SECRETARY: If the hon. Member would give way, what was welcomed in Bolivia was the article on onchocerciasis, or river blindness.

MR. CROSSKILL: I was going to say that my deduction of this is that since the capital of Bolivia is 10,000 feet high they look upon it presumably as an example of low-level sanity. I am sure the Information Department, however, will be able to inform the hon. Chief Secretary of the correct pronunciation of the capital of Bolivia.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Which is?

MR. CROSSKILL: I require notice of that. I believe it is La Paz. I said that although there had been a vast improvement it is not altogether completely satisfactory and I find it rather hard to understand why in a recent distortion on the B.B.C. of the contemporary situation by Lord and Lady Hanger that immediate protest was not made by the organization in London. I think a protest should immediately have been made and the proper information substituted for it.

One point on which I should like an assurance, Sir, is with regard to the transmitting station at Nyeri. When I was there a few months ago I inquired whether it was possible to get the mid-day news from Nairobi but they could

not receive it and I wondered then whether they were actually succeeding in transmitting anything and if they had sufficient power. I believe that station can be of very great importance and very great value to us and I should like an assurance that it is functioning satisfactorily. And furthermore that all the new villages have been issued with receiving sets so that they can receive the information which is disseminated. Also I do feel that that service could be used for transmitting programmes of great interest to the women who I think are the greatest problem at the present time in those villages.

THE DEPUTY SPEAKER: If no other Member wishes to speak, I will ask the hon. Member to reply.

THE CHIEF SECRETARY: May I thank hon. Members for their kind reception and the bouquet offered to the hard-worked staff of the Information Office.

May I first deal with the questions raised by the hon. Member for Nairobi South. He said that, generally speaking, information work was not a suitable task for civil servants. That is so, Sir. A civil servant is brought up to believe that if his name appears in the paper, he really is a deplorable fellow; it is an attitude one has to fight against and only an iron will will overcome it.

The next point he made concerned the hand-outs which appeared to have been written for the edification of the *Mau Mau*. I have not seen any hand-outs of that sort, but, if next time one appears, the hon. Member will give me a copy. I will go to great pains to make certain that the mistaken emphasis, if it exists, is remedied.

The third point he raised dealt with the partnership between policy makers and the Information Services. This, Sir, is as close as we can make it. Ministers are encouraged to maintain close contact with the Information Department, and the Information Department is encouraged to badger Ministers. Some Ministers are accustomed to this process. Some of the stodgiest civil servants, such as myself, are only just overcoming their reluctance in this matter.

As to the mechanics of policy decisions, decisions made by the War Council would be conveyed direct to the Director of Information. A decision with

[The Chief Secretary] which only one Minister is concerned would be conveyed by that Minister. The actual wording of the announcement depends of course on the kind of announcement. In any announcement which requires translation, you must, of course, keep an eye on the needs of the vernacular. I should say that important announcements are prepared by a triumvirate of the Minister concerned, the representative of the Director of Information and the expert on the particular language.

I agree entirely with what the hon. Member said about the need of a permanent Information officer in the city area. After experiencing great difficulty in getting additional staff, we have now decided to raise salary scales and we hope that we shall now be in a better position; one of the first posts to be filled will be that of Nairobi. I say one of the first because there is very strong demand in the Rift and we shall also have to consider their claims.

The last point raised, Sir, was that of radio diffusion. I fear this is a matter on which I am uninformed, but I will find out the position and let the hon. Member know.

The hon. African Representative Member, Mr. Awori, mentioned the annual report and compared it, I am delighted to say, with my speech. As I only saw the report this morning, I am extremely pleased to find that we have been working on approximately the same facts.

The second point was that the Public Relations Officer should be assisted by an African. That might be an admirable suggestion, and if we find an African with the experience, the qualifications and the character necessary, and if a vacancy arises, he will, of course, be considered.

As regards the African staff in the broadcasting service, one of the senior Africans has recently come back from a course in London and there is, at present, a second who is attached to the B.B.C. I think he is studying their technique of interviewing people.

His last point was for better quality sets. I agree that it would be an excellent thing if better quality sets were

bought. We should, of course, have to withdraw the concession of the Sh. 5 licence. I think if there were a demand for expensive sets, it would be illogical to maintain the licence of Sh. 5 for Africans when they could afford to buy expensive sets. It is, of course, a matter of supply and demand and if those who sell wireless sets, find that there is a demand for what they would probably call the medium price ranges, I feel certain that it will be satisfied.

The hon. Member for the Coast, Sir, referred to the political slant in articles and broadcasts and said that it had favoured one party or another. I must say that this has not come to my notice; but if next time it happens, if the hon. Member will draw my attention to it, I shall be delighted to look at it.

He also referred to Press hand-outs as adopting rather a cheap tone. I quite agree that the instance he mentioned left a lot to be desired, but we have to remember that we are marching into an age of universal cretinism—(Laughter.)—and that the time may soon come when if the hon. Member for Aberdare delights us with a quotation from Aeschylus he will be regarded as though he had spoken a dirty word. We shall all be looking not at print but pictures, as happens now in very many cases, with a few captions underneath or with bubbles issuing from the mouths of the characters. (Laughter.)

A point of interest made by the hon. Member for Eastern Area concerned the Asian combat team. I can assure him that the way can easily be made clear for an officer of the Information Department, and a photographer, to visit these teams and to make a record of their activities.

The hon. and gracious Member for Nyanza mentioned the broadcast at Nyeri. All these broadcasts are, of course, recorded as they are made and checked immediately. I am afraid that the number of Kikuyu speakers in the country are insufficient for the task she proposes and, indeed, if we had so many fluent linguists in that language, we should probably have a greater demand for them elsewhere.

I agree that the song "Keep Mummy Off the Boozie" was deplorable, but we must remember that there are certain

[The Chief Secretary] penalities attached to ruling the waves and that the more deplorable forms of popular art become widely spread.

Mrs. SHAW: Mr. Deputy Speaker, may I humbly submit that I think it is very important that these broadcasts should be understood by some European who can speak Kikuyu; they should be vetted as they are given because they cover hundreds of broadcasting listeners.

THE CHIEF SECRETARY: I feel it is desirable, but I think it is just not practicable. We know that in any broadcasting studio, a man can issue a message if he tries. He can only do it once, but he can make that one message and there is very little to stop him. I do not think we can spare a Kikuyu speaker to listen to this broadcast and check every word he says. After all, we have broadcasts in Nairobi on the same basis, and the men in the broadcasting service are chosen for their loyalty and their devotion.

If I may go back to the question of the influence of the western world on gramophone records and so on, I would like to say that the policy of the Information Department is, in the immortal words of the late Sir George Kibey, that broadcast amusement should be "funny but keen".

We will certainly bear in mind the suggestion that villages should form a subject of a documentary. I agree that it should be a very useful manner of telling people what is being done. Whether or not every village in the Central Province should have a wireless set, is another matter. I certainly do not think we could say that such a set should be issued from public funds. After all—quite apart from what my hon. friend the Minister for Finance might think about it—those in the undisturbed areas, as they are called now, might feel a certain sense of grievance if they found that those who have created these disturbances in the Colony were all getting free wireless sets.

I know there is another side of the argument, but the point is an important one.

The hon. Member for Mau Mau raised one point only. (Laughter.) Forgive me, Sir, it was not an intentional mistake.

I assure you. The hon. Member ought information about the transmitter at Nyeri. All I can usefully say is that it is a short-wave set of a strength of 250 watts. I cannot give a report on its present performance, but I have had no complaints.

I beg to move. (Applause.)

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE VII—INFORMATION

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, at the *diktat* of my hon. friend, the Member for Mau, I would like lightly to move that a sum not exceeding £152,343 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote VII—Information.

Sir, in moving it I look forward to my hon. friend, the Member for Mau, for some seven supply days of light-hearted humour while we vote the rest of the £40,000,000 at present requested. (Laughter.)

Question proposed.

Head 1 agreed to.

Heads 2 and 3 agreed to.

(4) African Section—

Mrs. SHAW: May I say again, Sir, that I would like to make a very strong protest to the hon. Minister about not having these broadcasts under a certified European in Kikuyu. They are there for a certain purpose and I think that purpose may be quickly lost if we do not keep an eye on this propaganda movement.

THE CHIEF SECRETARY: I will inquire into the matter and let the hon. and gracious Member know what it is.

Head 4 agreed to.

Heads 5, 6 and 50 agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that the Committee of Supply has considered the Resolution on the Order Paper and has approved the same without amendment.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XXI—AGRICULTURE

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, I beg to move that Mr. Deputy Speaker do now leave the Chair in order that Vote XXI—Agriculture, be considered and that the sum of £663,416 be approved in respect of the expenditure which appears under that head.

Mr. Deputy Speaker, Sir, I should like to give some comparison between the proposed expenditure (which is being asked for under this head this year and in previous years. In 1951, expenditure under this head amounted to about £358,000, and that has gradually gone up, in 1952 to £429,000; in 1953 it was £572,000; in 1954 it was £634,000, and this year it amounts to £682,000. As is explained in the Memorandum on page 123 (a) of the Draft Estimates; a certain amount of expenditure has been included in the Colony's Estimates with a corresponding appropriation under development funds.

Sir, the figure of £682,601 represents more correctly the actual departmental expenditure resulting in an increase of £84,000 or 7 per cent over the last year's

estimates. Of this sum of £48,000, nearly £47,000 falls on account of the Lidbury Report; it will thus be realized that the department has, I think I can say, kept other charges at much the same level.

I would here and now say that in addition to the sum of money that I have just quoted of £682,000, there is another £646,000 earmarked from the moneys allocated to the Swynnerton Plan, for expenditure this year. As regards the item of £197,000 for appropriations in aid, this is in respect of the amounts to be received from various statutory producer boards, for instance, coffee and pyrethrum, as a contribution towards the cost of research services. In previous budgets, this was shown as a revenue item, but under the Exchequer and Audit system, which we now adopt, the services are shown in the Estimates, but no funds are provided. It is for the Director of Agriculture to obtain the money direct from the boards concerned.

Now, Sir, from the preliminary figures which I have just given to hon. Members, it will be seen that expenditure has practically doubled itself since 1951, and that might be considered as rather an unjustifiable increase, especially in view of the stringency times in which we have to live at the present moment due to the Emergency. But I would like, Sir, to say that I do not think really that that is the case for the following reasons. First of all, agriculture, I think we can claim, is the main basis of the Colony's economy. And, quite apart from internal consumption, the export of Kenya's agriculture produce in 1954, amounted in value to about £18,000,000, out of a total of domestic exports of not so very much more, about £20,000,000-odd. The value of agricultural exports last year is below the peak for 1952, but still it is quite considerable.

In the debate yesterday I alluded to the subsistence production of the African peoples of this country and we think that the value of African subsistence in 1953, as near as we can ascertain a rather nebulous figure of that kind, was probably about £34,200,000 as compared with a similar computation of £16,500,000 for 1948. During the same period, the value of African-marketed produce has risen from £2,800,000 to £4,500,000 and I have great hopes that

[The Minister for Agriculture, Animal Husbandry and Water Resources] we shall show that during 1954 there is a 50 per cent increase on that value of £4,500,000. Of course, in giving these figures I do realize that the value of the pound is not what it was even a short time ago, and in view of comments that have been made from time to time about our encouraging African cash crops, I thought it might be of interest to hon. Members to hear some of the values for 1954 of African marketed produce. Last year the coffee—African-grown coffee—was £291,900, about £292,000; maize just on £2,000,000; pulses about £125,000; pyrethrum £40,000—these are round figures; horticultural produce generally £204,000; wattle bark £700,000; millets and sorghum about £270,000; cotton £450,000, and hides and skins £1,500,000.

In European areas the increase has been equally impressive with the value of the net agricultural produce of £7,500,000 in 1948, risen to £16,500,000 in 1953, but, again, you must bear in mind one can only give you these calculations in monetary values and the value of money has, of course, changed.

Well, Sir, I have given these figures in justification of the increase in our expenditure, because I do not really believe that money has been wisely spent; it has provided a stimulus and the foundations upon which private enterprise can build up a stable agricultural industry and I do believe that we are doing what we can within the limited means at our disposal to carry out the plans that have been suggested in the Troup and Swynnerton Reports. Their emphasis respectively is on increase of research services which, I keep repeating, in my opinion are of vital importance to us and in our efforts, which the need arises, to restore fertility of the soil.

Sir, I would also like to say, in regard to this expenditure, that in spite of very considerable increase over the past five years, hon. Members will find that there has been, in fact, very little expansion of the headquarters of the administration of the department and that, I would suggest, is a matter on which I feel we have every right to congratulate the Director of Agriculture. In 1951, there was a Director, Deputy Director, Chief Research Officer, two

Assistant Directors—one for research and one for field—and an Administrative Secretary and the draft Estimates before you now provide for the same staff except that the Assistant Director, Research, has disappeared and has now become a senior research officer no longer at headquarters.

The expansion that we asked for has been centred almost exclusively on research services and in the field—field services; whereas in 1951, there were, for example, only four provincial Agricultural Officers, and 46 senior Agricultural Officers and two Assistant Officers engaged on the ordinary field services of the department, the draft Estimates before you now provide for three Assistant Directors—field—two Provincial Agricultural Officers, and 100 Agricultural Officers of varying grades. There are now 22 African Agricultural Officers in grade C 5—3, although these are not necessarily all shown under field services, some are employed in soil conservation services.

Well, Sir, that is the picture of what is asked for in general terms, but I would like to draw the attention of hon. Members to one or two other aspects of agriculture.

Now, Sir, one of the matters which has been criticized is that in the course of our work we have perhaps not done enough to encourage or do what we can to educate Africans to become instructors and agricultural officers. Well, Sir, I would, therefore, like to spend a minute or two in explaining to hon. Members what we are doing in that regard because it is quite obvious that our success in the Swynnerton Plan and our success in increasing production and so on in African areas must, to a great extent, depend on our being able to provide suitable African staff and we have not been unmindful of that.

First of all, Sir, taking the top strata, which is Makerere, I must admit that hitherto the results, as far as we have been concerned, of the agricultural education provided at Makerere—the agricultural faculty—have been disappointing. Taking the present position in 1955, the total number of students at Makerere is 448 and of those 168 come from this Colony and 149 come from Uganda—to give you the comparison. Of those 448

[The Minister for Agriculture, Animal Husbandry and Water Resources] students, 17 only are reading agriculture and 12 only are reading veterinary science. Of those 17 that are reading agricultural science at the moment, four only come from this Colony. Of the 12 that are reading veterinary science at the present time, only two come from this Colony.

During the next ten years, Makerere aims at an annual intake of 210 and a total student population of 800 by 1960. Admission is on the basis of performance in the Cambridge School Certificate Examination.

Now, Sir, against that background, it is obvious that insufficient response and possibly insufficient effort to stimulate the teaching of agriculture can be suggested. At the present moment, however, £250,000 is being spent on the development of the faculty of agriculture, including a 500-acre teaching farm. Kenya is paying its share of this and this will enable a degree course in agriculture to be started in 1958. This faculty of agriculture will have a capacity of 70 students.

In addition to that we have, I am very pleased to be able to say, an officer in charge of that faculty who I think is quite one of the most outstanding people I know in this particular line of country and who I have every faith will create out of a rather dismal picture in the past a quite, quite different picture from now on. He is an officer who at one time served in the Agricultural Department in this Colony.

Now, Sir, that only concerns degrees in agriculture. In addition to that, of course, we do a great deal to try to educate Africans not quite up to that standard. First I would refer to our expenditure on agricultural training centres between 1946 and 1958—I will tell you exactly what it is for this next year in a minute—we have agriculture training centres at Seriba, Mituga on the coast, in Nyanza, at Embu in Central Province, and the African Survey Training School. Since 1946 the Colony Estimates have provided, on an average, £7,000 a year for staff and upkeep of training schools, which amounts in total to about £70,000.

Under development plans expenditure has been provided for the development

of Seriba and Embu amounting to £31,500. The Coast Cotton Service Fund has provided for the development of Mituga, the coast centre, £12,000. This is the coast training centre as opposed to the coast experimental station. Our Survey Training School, for the training of survey assistants for African farm planning, has been allocated, under the Swynnerton Plan, £25,500. The total provided for agriculture training centres between 1946 and 1958—really over ten years, a ten-year plan—is £139,000.

Now, in addition, Sir, we have farm institutes where we train Africans who mostly later become farmers on their own. On Bikuru, in Northern Nyanza, the Land Development Board spent between 1949 and 1953, when it was taken over by the North Nyanza African District Council, £18,610. On the farm institutes at Seriba, Kapianga, Kisii and Oyani we have spent, from the Cotton Sales Fund, £15,300 and under the Swynnerton Plan, £32,700. The Nandi Farm Institute, under the Swynnerton Plan, will receive £22,870, which totals for institutes another £89,480.

We are also pressing forward with what may be regarded as a somewhat revolutionary idea, the training of women instructors, which, in some parts of the country, have been found an extremely good thing. A lot of the agricultural work is done by women and some of these women instructors are extremely efficient and do a very good job. We have a provision to increase that activity, under the Swynnerton Plan, of £22,500.

Then we have a lot of rural secondary schools which have agricultural educational facilities attached to them; some of them are financed by the Education Department, some by the Church of Scotland Mission and some via the Swynnerton Plan and, as far as Government is concerned, on these we provide about another £17,100.

I only mention these rather dreary figures because we are discussing the Estimates, which are a matter of figures (and people expect to be bored by Estimates), in the hope of bringing home to hon. Members that it is not really a fair allegation to suggest that Government have been unmindful of the necessity of

providing adequate facilities for the training of African instructors. The amounts [The Minister for Agriculture, Animal Husbandry and Water Resources] included in the 1955/56 Estimates before you is: Recurrent for the Co.Ord., £10,000; under the capital side of the Swynnerton Plan, £44,840; and recurrent as part of the Swynnerton Plan, £18,230. Thus we are spending £73,070 this year, if these Estimates go through, on this particular purpose.

Now, Sir, skipping from the training of instructors, I want to touch on the question of water, because although the general head of water does not come under the expenditure we are specifically discussing, the particular aspect of provision of water which I am going to specially refer to does come within the Estimates you are considering. I refer to the dam-making units. I would therefore like to take this opportunity in this general debate of again repeating that I am quite certain that one of our big failings in our planning generally—it may be my fault as much as anybody else's, but I have not been very successful in pressing my point of view—is that we are lagging far behind other developments in provision of rural water supplies in this country. (Hear, hear.) Unless we pay more attention to that I think we shall find some of our developmental work being impeded because the other necessary concomitant, so to speak, of providing water has not kept pace with progress made in other directions.

Now, Sir, under water, I will just give an idea of what we are trying to do. It would be improper for me to say more than this, about some of our water problems in this debate, but in so far as provision of water generally to the country is concerned township demands, especially of the small growing townships, have so outgrown our provision and some of the demands are so urgent for public health reasons that we shall be spending this year very much more than we anticipated, in fact, we shall have very little left for next year. No doubt this is a matter which will be dealt with by my friend, the hon. Minister for Finance and the Development Committee and so on next year. But that is the position as it stands to-day.

As regards rural water supplies, we are trying, of course, to deal with the situation by means of boreholes, by means of surface enclosures, dams, etc., and by means especially latterly of piping tapering streams, which in many ways is a very promising development and not nearly as expensive as one thinks in that it does enable one to bring water under pressure very often, to where it is required in a very cheap way.

Now, Sir, looking back since the Report of the Development Committee in 1947, there have been, I think I can say in regard to this some solid achievement. We built 153 dams in the African areas by means of Government construction units. One hundred and nine dams have been similarly built in the European areas at cost to the European farmers—they paid for them. Those are nearly all big dams and those of you who fly over this country will, no doubt, have seen a very remarkable change in the course of the last few years.

In addition to that, of course, we have provided a large number of other small dams and there are now a total of over 1,600 dams in the African areas, most of which have been built since 1947, mostly constructed locally by the people themselves but with the aid, of course, of Government grants and Government instructors and, in fact, through our help, planning and guidance.

It was hoped that the dam subsidy scheme which was introduced last year would be functioning as from the beginning of this year, but we have had great difficulties, great difficulties, of course, in being able to get the staff necessary to pass the plans before we could invest Government, or risk Government money in subsidizing that sort of scheme.

We have built 210 successful boreholes in African areas with the assistance of Government funds and a good many others, of course, have been built without. In the settled areas, the borehole subsidy has assisted with the sinking of something like 800 boreholes from 1947 to now, but that figure only covered subsidy scheme boreholes. The actual work is undertaken by the farmer himself through ordinary commercial channels. It is merely that this subsidy scheme has assisted in stimulating individual enterprise.

THE DEPUTY-SPEAKER: Order, order. The time is now 6.15 and I understand that the hon. Member for Aberdare wishes to move the Adjournment.

ADJOURNMENT MOTION

LEGISLATION IN UNITED KINGDOM AGAINST SEDITIOUS ACTIVITIES IN KENYA

MR. SLADE: (Applause.) Mr. Deputy Speaker, Sir, I beg to move the adjournment of this Council.

Sir, on the 20th October last I asked the following question of the Minister for Legal Affairs: "Will Government request Her Majesty's Secretary of State to consider the urgent need for legislation in the United Kingdom against anything done or said there which, if done or said in this Colony, would constitute the crime of sedition or any similar crime?"

Recently, Sir, I asked whether there had been any reply to that question and the hon. Minister for Legal Affairs gave us the reply of Her Majesty's Government two days ago. It is so recent that I do not think I need now quote that reply, since I hope it is still fresh in the minds of Members of the Council. In effect, it was that nothing can be done; and that nothing can be done mainly, though not exclusively, because of public opinion in England.

Sir, this is a matter of deep import. I do not blame the Government of this Colony for the answer that we have received; indeed, I believe that they are fully aware of the importance of this question. I believe also that the Minister for Legal Affairs has done his very best to bring the importance home to Her Majesty's Government. But the implication of Her Majesty's Government's attitude to this matter is very serious.

Sir, the present Emergency has been fostered and encouraged not only by enemies in this Colony, but by enemies abroad, including enemies in the United Kingdom; including, indeed, Kikuyu, people of this Colony who are known to sympathize, and who sympathize openly, with the rebels. Those people, people of this Colony, have performed in England acts which, if performed here, would have brought them to trial on criminal charges. We know of their seditious publications and pronouncements. We

suspect other activities. We suspect spying, oath administration and possibly the sending of money and supplies for subversive organizations in this country.

But it is not only the Emergency, though the answer to my question might imply that it was. We are concerned, Sir, with government by those who purport to govern us. If we were an independent country here, we could not have so much cause of complaint of what went on in other countries. But Sir, we are ruled from the United Kingdom and apparently by public opinion in the United Kingdom, and the question is what kind of rulers are they? One thing young countries particularly need is strong Government. (Hear, hear.) Here we have government weak, not only by remoteness, but also by excessive sensitivity to so-called public opinion. No, Sir, it is not only a question of the Emergency. It is not only a question of this Colony. I know very well that other colonies, other dependencies, have suffered likewise. I know they have made representations: just as we have asked for representations to be made, likewise of no avail.

Sir, we still have an Empire, of which some of us are proud, and this Colony is part of it. Yet, at its very centre, our Imperial Government permits activities which are subversive to the Government of its colonies and which, if committed in those colonies, would constitute crimes. We are told that they can do nothing about it. I do submit, Mr. Deputy Speaker, that that situation is impossible. Either the Imperial Government must really govern its colonies and the people of its colonies with discipline at the centre as well as the extremities, or it must quickly abrogate what remains of what once, not so very long ago, was a great empire. (Hear, hear.)

I beg to move, Sir. (Applause.)

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, Sir, I realize and I sympathize with the disappointment which my hon. and learned friend has expressed at the outcome of the representations which were made to the Secretary of State at his instance—sentiments which I realize are representative of those of, not only the other side of the Council, but of this side of the Council

[The Minister for Legal Affairs] as well. I do, however, refute most emphatically any suggestion that any request for assistance by Kenya, any problem or need of Kenya's which is placed before the Secretary of State or, indeed, before Her Majesty's Government, is met with any degree of indifference. The record alone refutes any such suggestion. The Secretary of State, and his predecessor, have time and again taken a stand in extremely difficult conditions and circumstances on behalf of Kenya.

Her Majesty's Government and the people of the United Kingdom—the taxpayers of the United Kingdom—have given ample proof of their concern for Kenya and Kenya's difficulties and troubles and of their determination to assist Kenya to surmount those troubles in whatever way is possible.

It has been said that in this issue the Secretary of State has been over-sensitive to public opinion in the United Kingdom. I feel that we must, in fairness, retain a sense of perspective. We see this particular problem from our own particular viewpoint which is, properly and naturally, most important to us in Kenya. It affects a matter, however, which is not peculiar to Kenya. It affects the possibility of an amendment of long-established laws in the United Kingdom of a subject which is very jealously regarded by all shades of opinion in the United Kingdom. An amendment of the nature projected would affect not only Kenya, it would affect at least all other territories of the Empire, possibly of the Commonwealth, and it is against that background that the Secretary of State has to view the problem and not merely from the viewpoint, or against the background, which we in Kenya view the problem.

Naturally any responsible Minister of Her Majesty's Government, when considering a matter of the law of the United Kingdom, must, rightly, take into consideration the state of opinion, not only of the public in the United Kingdom, but also of Parliament. Even were that not so, if it is suggested, as it was by my hon. friend the Member for the Coast the day before yesterday when the question was answered, that this country is governed by public opinion in

the United Kingdom—which, of course, is not true—but even if it were true—let me remember that the public in the United Kingdom is the main taxpayer of this country at the moment and that we are not entitled entirely to deride public opinion in the United Kingdom when we accept such munificent assistance from those members of the public who hold those opinions.

Mr. Deputy Speaker, as I said at the opening of my remarks, the outcome of this particular matter is disappointing, but that it has not received serious and sympathetic consideration I will not concede and, in fact, I will refute because I know to the contrary. (Applause.)

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, I would like to support very strongly what the hon. Member for Aberdare has said and, while I must congratulate my hon. and learned friend, the Minister for Legal Affairs, on his defence of the position, may I say I felt it was a defence in which he had no very great confidence. I also feel bound to say that I think that in the course of that defence he drew several red herrings across the path, if not, indeed, red whales.

It seems to me an extraordinary state of affairs that the presence of a sort of *Mau Mau* ambassador in the United Kingdom can be tolerated. It seems to me an extraordinary thing that British public opinion could tolerate it and I cannot believe that that can be the real feeling of British public opinion. I wonder whether the Government will consider submitting this matter again after the General Election has taken place and perhaps there may not be quite so much sensitivity to public opinion in the United Kingdom. (Laughter.)

I beg to support.

MR. HARRIS: Mr. Deputy Speaker, Sir, my remark in this debate is very brief, but in supporting the hon. Member for Aberdare, I would comment that the hon. Attorney General based most of his arguments on the munificence of the people of Britain. It seems to me, as the hon. Member for Mount Kenya put it in other words, that it is fantastic that the people of Britain do not realize that they are harbouring people in England

[Mr. Harris]

who to-day, by their acts, are fanning flames that are liable to burn up the very contributions that they have generously made to this country. (Hear, hear.)

LADY SHAW: Mr. Deputy Speaker, I only want to ask a question. If this trouble in this country was declared to be a rebellion, is it possible that the view of the British public might be different? Is it possible that the British public would harbour an ambassador, as he has just a moment ago been described, of a set of people who are declared rebels? I would like to know if the opinion of the British public would be altered under those circumstances? (Hear, hear.)

THE CHIEF SECRETARY: I fear, Sir, that I cannot give a satisfactory answer to the hon. and gracious lady's inquiry. I think it unlikely that any special categorization of those people would alter the circumstances with which we have to deal.

The question was put and carried.

ADJOURNMENT

THE DEPUTY SPEAKER: Council will now adjourn until 9.30 a.m. to-morrow, Friday, 20th May.

Council rose at thirty-two minutes past six o'clock.

Friday, 20th May, 1955

Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWER TO QUESTION

QUESTION No. 94

LADY SHAW asked the Minister for Finance and Development to state: what is the position under the Widows and Orphans' Pension Ordinance of children who are legally and formally adopted by a contributor?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Such children are not at present covered by the Ordinance, but their inclusion among the beneficiaries under the East African Widows and Orphans' Pension Scheme has been accepted in principle. The necessary legislation is under discussion with the Secretary of State who has an interest in this matter as the schemes are inter-territorial. It will be introduced at the earliest possible moment.

LADY SHAW: Mr. Deputy Speaker, arising out of that reply, might I ask the hon. Minister whether this would apply to children already adopted, not merely for the future?

THE MINISTER FOR FINANCE AND DEVELOPMENT: The answer is, yes, Sir. It is only the act of adoption that counts, and not the time when they are adopted.

LADY SHAW: Also arising out of that first reply, Mr. Deputy Speaker, might I ask whether the Minister could give me any idea as to when this is likely to be brought to conclusion?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am afraid I cannot, Sir. As the hon. and gracious lady is aware, we have been pressing on with this for some time. I can only give her an assurance that I will continue to press and hope that it will not be long before I can reach finality.

LADY SHAW: Thank you very much.

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that under Standing Order 168, the Standing Orders

(The Chief Secretary) be suspended to the extent necessary to enable the Council on its rising to-day to adjourn until 2.30 p.m. on Wednesday, 25th May, 1955.

The reason is, Sir, that the 24th of May is a public holiday.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read: Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

(Mr. J. M. Stow, C.M.G., in the Chair)

Exchequer and Audit Bill

Clauses 1 to 4 agreed to.

Clause 5

MR. HARRIS: Clause No. 5, Mr. Chairman. This here, authorizes the Minister on occasions of financial stringency to either limit or suspend any particular service for which a grant has already been made by this Council. I feel, Sir, that it should be necessary for the Minister to report such action to this Council at the earliest possible occasion, otherwise it, in fact, leaves to the Minister the entire authority for suspending payment which has already been approved by Legislative Council.

I believe, Sir, that the Minister would be willing to give an undertaking that any such action under clause 5 (2) would, in fact, be reported to this Council and if he is willing to do that, I will not press an amendment.

MR. MACKENZIE: I can say, Sir, that the wording of this particular clause is limited. Clause 5 (2) is qualified and states that, "it shall be within the discretion of the Minister to limit or suspend any expenditure so authorized if in his opinion the exigencies of the financial situation render such limitation or suspension necessary."

As I see it, that does imply that the clause will only involve suspension following up on a very serious deterioration in the Colony's finances and, in those circumstances, I can give the

assurance that my hon. friend the Member for Nairobi South has asked for, that my hon. friend the Minister for Finance, will report such action to this Council at the first possible opportunity. There may, of course, be other occasions where minor items of expenditure may be suspended for various reasons; say readjustment of the Estimates and that kind of thing, and I assume that in those cases, just as at present, my hon. friend will retain the right, in discussion with his colleagues, to suspend such expenditure without formality. If that is the case, I can give the assurance asked for.

MR. HARRIS: Mr. Chairman, I feel that is rather a qualified undertaking. I appreciate the reasons why the hon. Secretary to the Treasury has made it qualified, but in this clause we are giving particular powers to the Minister, and the position might arise where the Minister considered it necessary to decide between a Scheme A and a Scheme B. It might be the wish of this Council that Scheme B should be financed and Scheme A be suspended. We do not see that it is within the spirit of this Bill at all that the Minister should have the right of, in fact, overruling the Council and I bill, Sir, would like to know whether the Minister will agree that in the case of the operation of clause 5 (2) at any time he would be willing to report the facts to this Council?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I think, Sir, there is no doubt about it that I would be willing, Sir, to report, but even at the present moment there are minor cases where expenditure has to be limited or suspended pending, for instance, as my hon. friend has said, the readjustment of the Estimates. It is not the common practice, even at the present moment, to report minor cases of that kind to the Council. (Inaudible interruption by MR. HARRIS.)

The exigencies of the financial situation may indeed be read sometimes in that way, but what I would give an unqualified assurance to the hon. Member for Nairobi South is, that if it is an alteration of the destination of expenditure, or if it is a limitation or suspension of a major kind, that it would, of course, be reported to the

(The Minister for Finance and Development) Council at the earliest possible opportunity.

MR. HARRIS: I am satisfied.

LADY SHAW: Mr. Chairman, might I ask, is it usual in most colonies for the Minister, or Member, or Director of Finance to have this power?

THE MINISTER FOR FINANCE AND DEVELOPMENT: The answer is, yes, Sir.

LT.-COL. GHERSIE: Arising out of that reply, Mr. Chairman, surely this Bill is framed on the Bill which was introduced in the Federation of the Rhodesias. As the Minister pointed out yesterday, we are the first Colony, in fact, to adopt this Bill. Therefore, I do not see how it can possibly apply elsewhere, but it is surely the essence of this as it states, "if in his opinion the exigencies of the financial situation render such limitation or suspension necessary". In that connexion, does the same thing apply in the United Kingdom?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I think I am right in saying the answer is, yes, Sir. This is framed not only on Rhodesia, but on the Canadian Bill as well, and based on the United Kingdom. The answer is, yes, I did not say, Sir, that the Bill applied. The question asked me by the hon. and gracious lady for Ukamba was, was it usual for a Director of Finance, a Member for Finance or a Financial Secretary, or a Minister for Finance to have these powers, and I would say that under the old Colonial Regulations he had far greater powers than this.

Clause 5 agreed to.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8

THE MINISTER FOR LEGAL AFFAIRS: Mr. Chairman, I beg to move that for the words, "In such circumstances" appearing in clause 8 (1) there be substituted the words "In any such case". It is merely a matter of euphony.

The reason is, of course, that the word "circumstances" appears in two positions in that sentence and the words "In

any such case", I think, sound nice. (Laughter.)

Question proposed.

The question was put and carried.

Clause 8, as amended, agreed to.

Clauses 9 and 10 agreed to.

Clause 11

LT.-COL. GHERSIE: Mr. Chairman, just on a point of interest, Sir, this is rather a comprehensive clause. It states that, "The Controller and Auditor General shall, on behalf of the Legislative Council, examine all accounts of all persons entrusted with the collection, receipt, custody, issue or payment of public moneys; or with the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other Government property".

Now, Sir, this is a comprehensive clause and will give the impression that the Auditor General must carry out a 100 per cent check in every instance. I suppose we are to assume that in most departments and I have in mind more particularly the Public Works Department, internal audits will exist and the Auditor General will carry out test checks in most instances. I mean it would be quite impossible for instance for the Auditor General to carry out a complete stores check of the Public Works Department and I presume also that the question of staff again arises and that it would be quite impossible throughout the country to check stamps, and receipts and stores of that nature.

MR. MACKENZIE: The position is, Sir, that although it is laid down that the Controller and Auditor General shall examine; inquire into, etc., the accounts of all accounting officers and receivers of revenue, there is nothing in the clause which makes it mandatory on him to make a 100 per cent check and I imagine that it is unlikely that he will do so unless he comes across a case where something crops up in his checking, or he has heard something which makes him think it necessary to have a 100 per cent check. The extent which he will delve into matters in the course of his audit, is, as I see it, Sir, left entirely at the discretion of the Auditor General.

LT-COL. GHERSIE: Mr. Chairman, the word "shall" makes a mandatory I suggest shall. The assurance I want, Sir, is, that as it was understood there would be internal audits carried out quite apart from the Director of Audit, although in any internal audit undertaken the report would go to the Minister concerned and a copy would also be furnished to the Director of Audit, and then if he considered it necessary to go further into that particular matter, he would do so, but what I want to establish is that there are internal audits in those particular departments, apart from the audit undertaken by the Director of Audit.

MR. MACKENZIE: I can say, Sir, that internal audit is being introduced into various departments from time to time and it is certainly the intention of the Government that there shall be internal audit in all the major departments.

THE MINISTER FOR LEGAL AFFAIRS: I would say, Mr. Chairman, that I think the compass of the Controller and Auditor General's duties under sub-clause (1) of that clause is to be ascertained really from sub-clause (2) which indicates what points he is to satisfy himself on; in other words, to what objects his examinations and inquiries are to be directed.

Clause 11 agreed to.

Clauses 12 and 13 agreed to.

Clause 14 agreed to.

LT-COL. GHERSIE: Clause 15 (1), Sir, states "Provided that receivers of revenue may deduct such sums as may be required for drawbacks, repayments or discounts before paying the gross revenues into the exchequer account."

Now, Sir, that would appear that it is not tying up the actual receipt of revenue to the extent that one would expect in this particular Bill, as it gives people the power to deduct sums for further payments. I would like to deal with sub-clause (2) at the same time, Sir, which rather puzzles me. The clause says, "The Treasury may, as it deems fit, from time to time authorize receivers of revenue who are accounting officers to defray in the first instance from revenue collected by them expenditure for which they are accountable and the amount of such revenue so expended shall be subsequently paid to the exchequer account.

from the moneys provided for the purposes of such expenditure."

Now, Sir, if a person has paid out certain sums of money as expenditure, how can he subsequently pay it back to the Exchequer?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, in the first place, the process is, of course, a matter of convenience. It would, indeed, be absurd that we should go through the machinery of the receiver of revenue paying the whole lot into an Exchequer account and then having to pay out small sums for drawbacks or repayments of discounts. That is a matter of convenience, and, in any case, the whole is brought to account.

Now, in so far as the second part is concerned, I think my hon. friend has apparently read that the receivers of revenue shall pay the amount of such revenue so expended into the Exchequer account. That, of course, is not the point at all. The receivers of revenue can retain in the first instance from revenue collected by them expenditure for which they are accountable—expenditure which has been authorized by this Council.

The second part is that the amount of such revenue so expended, that is the amount they have deducted, shall be paid to the Exchequer account from the moneys provided—that will probably be from the Paymaster General's account—straight in in order to make the revenue balance with the total which should have been received.

I trust the explanation is satisfactory. It seems a bit complicated, but that is the procedure.

LT-COL. GHERSIE: I agree, Mr. Chairman. It is very badly worded actually. (Laughter.) If I may suggest, it should be that the Treasury will reimburse the amount in the Exchequer or Paymaster's here that the person who expends the money is then expected, subsequently, to repay it.

THE MINISTER FOR LEGAL AFFAIRS: Not if you read the clause intelligently.

Clause 15 agreed to.

Clauses 16 to 22 agreed to.

Clause 23 agreed to.

Clause 24

LT-COL. GHERSIE: Clause 24 (2), Sir. It states, "The Controller and Auditor-General shall set out in his annual report all payments out of public moneys made to members of Legislative Council (other than the salaries or allowances paid to them as Ministers or as Members or as officers and any pension paid to any of them) by stating in each case the name of the Member receiving such payment, the total amount which he has received and the service or services in respect of which the payment was made."

Sir, I do not quite understand the intention of this clause, and I was wondering, in the first place, how the Auditor General is expected to obtain this information; whether or not it applies to contracts that a Member of Legislative Council may have entered into with Government, I am unaware, but I would like the position clarified as to what the intention is.

MR. MACKENZIE: The intention, Sir, of this clause is as the hon. Member has suggested, to deal with contracts and that sort of thing. It is payments in respect of contracts, or anything of a similar nature, which would be dealt with here.

As regards the question of getting this information, I do not think it is intended at all that the Auditor General should rely on his checks of departmental expenditure to bring this to light; but what he would do would be to call on Government departments to supply the information as the payments were made.

Clause 24 agreed to.

Clauses 25 to 30 agreed to.

Clauses 31 and 32 agreed to.

Clause 33

THE MINISTER FOR LEGAL AFFAIRS: There is an error here, Sir, and I would invite you, Sir, in your capacity as Chairman of the Committee, to correct the figure 16 in sub-clause (2) which is in error for 15. It should be sections 15 and 32 in the second line of sub-clause (2).

LT-COL. GHERSIE: Thank you, Sir. That is the point I wanted to raise. I could not tie up section 16 with its reference here in clause 33 (2).

THE CHAIRMAN: If that is agreed, 16 becomes 15 in clause 33 (2).

Clause 33, as amended, agreed to. Clauses 34 and 35 agreed to.

Clause 36

LT-COL. GHERSIE: Clause 36, Mr. Chairman. It states, "The Minister may make regulations (to be called financial regulations) as may appear to him to be necessary or expedient for the proper carrying out of the intent and provisions of this Ordinance."

Sir, in making any further regulations, may we request that those regulations will, in fact, be Tabled in this Council?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Certainly, Mr. Chairman, and in order to meet the point made by my hon. friend, which he has made in discussion, I would like to move that clause 36 be amended by renumbering the existing clause as sub-clause (1) and by adding the following new sub-clause: "(2) All regulations made under this section shall be laid before the Legislative Council as soon as may be after they are made."

Question proposed.

The question of the amendment was put and carried.

Clause 36, as amended, agreed to.

Clause 37 agreed to.

First Schedule

LT-COL. GHERSIE: Mr. Chairman, just on a point of information, funds have been established for all these items. Are we to understand now, Sir, that we will, in fact, receive detailed accounts in connection with each one of these items mentioned here for the purpose of examination both by the Director of Audit, the Public Accounts Committee and this Council?

MR. MACKENZIE: Yes, Sir.

I beg to move that the First Schedule be amended by substituting for the words "Kenya 4 per cent Stock 1960/61 Support Fund" the words "Kenya Local Loans Support Fund".

As hon. Members are aware, when the Kenya 4 Per Cent Loan 1960/61 was issued, £10,000 was voted by Supplementary Estimate which would enable the Government to assist the clearing of the issue and would help it to maintain a steady market price for the stock. It is

[Mr. Mackenzie]

now desired to extend this Support Fund to other local loans which may be issued and, therefore, it is necessary to take out the words which limit it to the particular loan mentioned.

The question was put and carried.

First Schedule, as amended, agreed to.

Second Schedule agreed to.

Third Schedule

LT.-COL. GHERSIE: Mr. Chairman, a rather similar question arises here. This sum of £4,540,000, of course, represents the amount which was deducted from the Exchequer Balance as shown in the Estimates and set aside for this special purpose and, did, in fact, reduce the Exchequer Balance to something in the nature of £40,000, it is, in a sense, almost a hidden reserve, and I would suggest that the same position arises here that presumably we shall now have detailed accounts of all those items in this Third Schedule?

MR. MACKENZIE: Yes, Sir. As regards this being a hidden reserve, I would say that, of course, most of this money is actually put at any one time, and, therefore, it is not a very useful reserve. It is not a reserve we can call on readily.

It is, of course, possible, from time to time, for new funds to be established; or that funds already established both in the Third Schedule, or in the First Schedule may, for one reason or another, cease to exist and naturally, in a case of that kind, this Council would be told of the position and of the change made in the Colony's Financial Estimates.

Question proposed.

The question was put and carried.

The Third Schedule agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

The Specific Loan Bill

Clauses 1 to 3 agreed to.

Title and enacting words agreed to.

The Bill to be reported.

The General Local Loans Bill

Clauses 1 to 3 agreed to.

Clause 4

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that clause 4 be amended by adding at the end thereof the words "upon the best and most favourable terms that can be obtained". This will lead to a consequential amendment, Sir, that those same words be deleted from clause 6. The reason for this, Sir, is that the obligation to borrow only on the best and most favourable terms should obviously apply to both bonds and stocks. By placing it into clause 4, the object is more clearly defined.

Question proposed.

MR. TYSON: Mr. Chairman, with regard to the comments made by the hon. Minister for Finance on clause 4, does it still mean that the terms will have to be approved by the Minister? I mean, he says the best possible terms and so on, but I take it that he will have the last word.

THE MINISTER FOR FINANCE AND DEVELOPMENT: That is correct, Sir.

The question was put and carried.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move the deletion of the words "upon the best and most favourable terms that can be obtained".

Question proposed.

The question was put and carried.

Clause 6, as amended, agreed to.

Clauses 7 to 18 agreed to.

The question was put and carried.

Clause 19

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that paragraph (b) of clause 19 be amended by substituting for the words "the denominations" the words "the form and denominations". This, Sir, will empower the Minister for Finance to impose conditions as to the form in which securities, whether bonds or stocks, shall be issued. At present it limits the power of the Minister merely to the denominations and it is obvious that he shall have the power to lay down the form as well.

I beg to move.

[The Minister for Finance and Development]

Clause 19, as amended, agreed to.

Clause 20 agreed to.

Title and enacting words agreed to.

The Bill to be reported.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration of, and its agreement to, the Specific Loan Bill without amendment and its consideration and approval of the Exchequer and Audit Bill and the General Local Loans Bill with amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I have to report that the Committee of the whole Council has considered the Exchequer and Audit Bill and has approved the same with amendment.

The Exchequer and Audit Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Exchequer and Audit Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Specific Loan Bill and has approved the same without amendment.

The Specific Loan Bill

MR. MACKENZIE: Mr. Deputy Speaker, I beg to move that the Specific Loan Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the General Local Loans Bill and has approved the same with amendment.

The General Local Loans Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the General Local Loans Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

VOTE XXI—1—AGRICULTURE

Débate resumed

THE DEPUTY SPEAKER: When Council adjourned last night, the debate was continuing on the Motion: "That Mr. Deputy Speaker do now leave the Chair to enable Vote XXI—Agriculture—to be considered."

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, at the close of normal business yesterday evening, I was speaking on attempts to increase the holding up of water supplies and the provision of further water supplies throughout the rural areas. I think I mentioned that we had made, since 1947, a number of dams, both large and small, and I gave a good many figures on these and also on the question of boreholes, both in the African areas and in the European Highland areas. I also, Sir, added that there were many potential schemes for piping water from near the sources of streams and the distribution by gravity to rural areas. I would stress again this will probably be found one of the most important forms of rural water development because you can fairly reasonably cheaply, in many cases, provide water under pressure where it is needed.

Now, Sir, in regard to irrigation and swamp drainage, irrigation on any considerable scale is very new to Kenya and

[The Minister for Agriculture, Animal Husbandry and Water Resources] the population, as a whole, is not used to this form of cultivation: I would, Sir, take this opportunity of stressing a thing that is often overlooked and that is, the fallacy that you have only to hold up water and put it on land and you then produce crops in vast quantities where before you did not. It is, indeed a fallacy. There is nothing easier to do than to ruin land by putting water on it in an unscientific and an untried out manner. Therefore, in regard to the many schemes, which we have in mind, which are going to be very expensive, if we are to get the full value out of money, I do urge, Sir, that we do not hurry too quickly, and we do the thing properly after proper investigation at each stage.

As hon. Members are aware under the Swynnerton Plan, we have quite a number of these schemes envisaged. Consulting engineers have been engaged to make extensive investigations in Nyanza Province and some of these investigations already indicate very favourable prospects. In addition schemes to bring in considerable areas of land under irrigation in the Tana drainage basin on the eastern slopes of Mt. Kenya have reached the stage where prospects appear extremely favourable. We have also small pilot schemes in progress in the Barigo District and on the Tana River.

Having spoken on water as connected with agriculture, I would just like, before I terminate on this particular subject, to give some figures with regard to the dams about which I spoke yesterday, because there has been criticism that the dams constructed by our dam-making units have failed or have been rather unsatisfactorily constructed possibly due to lack of staff and so on. I do not think, Sir, that that is true. The total number of dams that have been constructed since 1947 by the Government dam construction units which, as you know, come within the purview of the Department of Agriculture, are as follows and these are large dams and do not include the very large number of small dams that I was also referring to yesterday. The number one dam construction unit has made 127 big dams, the second one made 125 and the third one, which is a new unit,

14, and there is another unit which has made 22—a total of 288 dams, all of them pretty big ones. The total water-holding capacity of the total of these dams is approximately 3,500,000,000 gallons. The number of dams known to have failed completely through bursting or falling to hold water after they had been constructed is one, and the owner of this particular land, this was in a European area, has been compensated, he has been reimbursed. The number of dams failing to hold water, but likely to take up to five, and the number of dams likely to be a failure because they have not held water is one. The number of dams in connexion with which there are financial disputes but which are sound constructionally is three. The number of dams, this is really a matter of finance, that are sound constructionally and are holding water but for which the owner is unable to find payment, so far are ten. The fact remains, Sir, that on these figures it can be shown that these dam-making units are worthy of support and have done a first-class job of work from the point of view of the development of the country. (Hear, hear.)

Now, Sir, before concluding, I am afraid I have taken a lot of hon. Members' time. I would just like to say something about marketing, because there is going to be a Bill before hon. Members in the very near future dealing with marketing in African areas. Now, as for the effective marketing of African produce. There are possibly some 200,000 producers of maize in Nyanza and of these 14 per cent already market their maize through co-operatives. We have great hopes that in another ten years or so, and it will take 75 per cent of the producers into co-operative marketing schemes.

As far as coffee from Meru and Kisii is concerned, the period required to cover the whole of the African coffee industry by co-operatives will probably be as short as five years. But the umbrella under which we form these co-operatives will be Native Marketing Boards which are going to be provided for in an Ordinance which is coming before the Council and I am sure that hon. Members will agree with me that at the same time as we encourage the growing

[The Minister for Agriculture, Animal Husbandry and Water Resources] of cash crops, at the same time as we try and ensure that the standard of production is maintained, a very important factor in giving this encouragement in African areas is at the same time to provide adequate marketing facilities in which the Africans themselves have confidence.

Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair in order that this Motion may be considered. (Applause.)

Question proposed.

MR. CROSSKILL: Mr. Deputy Speaker, Sir, I would first of all like to congratulate the hon. Minister on a year of very, very great achievement. (Hear, hear.) I think, indeed, that this year may well be recorded in the history of Kenya as the beginning of a new era in agriculture. We have, perhaps, recently in our memory the codification of all the Agricultural Rules and Regulations in the Agriculture Bill. That is a work which is the culminating result of several years of work. We then have had during this last year two very important reports, the Trout Report and the Swynnerton Report which have created and inspired tremendous enthusiasm for development in this country. Not only did we have reports, but very quickly following those were the Development Plans of Government. Grand plans magnificent in conception, but not only that: we have already gone into action. Those of us, or those in this country, who have not yet seen such projects as the Mwea irrigation schemes, the tremendous rehabilitation work going on in the native reserves, particularly in the Central Area, must do so before they can visualize what is happening in this country at the present time and the future potentiality which is evolving before our eyes.

In other reserves than the Central area the progress, I know, is steady and I do sincerely hope and trust that those people in the other reserves will not benefit less from the schemes which are being carried out in their areas than the people who are in the Central Area at the present time. I do hope that will be borne in mind now and in the future.

Such enormous development plans quite naturally bring with them their own problems. Problems of increased marketing; problems of transportation and problems of storage. I sincerely hope that these problems will be considered, not in the future, when they become acute and difficult of solution, but now and continuously until they are solved, concomitantly to the development to which I have referred.

Now, Sir, I would just like to refer briefly to five of these problems. First of all, perhaps the greatest problem with which the Minister has to contend is the stabilization of cereal supplies in the East African Territories. I think, in the foreseeable future, I believe that our proper policy must be self-sufficiency, as near self-sufficiency with adequate reserves for contingencies such as droughts and locust depredations permit. I do not see that it is proper in a country with the tenuous communications which we have, that it is proper that we should become either large importers or large exporters of bulk and heavy commodities such as cereals and, therefore, I say that, in my opinion, we should aim to be as nearly self-sufficient as it is possible to be.

Now, if that is accepted, there are two ways in which we can carry this out. We must either import and export limited quantities in order to maintain adequate supplies which are required in these territories or we must store. I believe that a decision must be made as to which of these policies we follow or a combination of the two and a decision must be made at the very earliest time. Because, as I see it, we are having between the two at the present time, we have been faced with the problem of investing some £2,000,000 in proper storage facilities for some time; we have shirked the issue and now possibly we are faced with the prospect of having to pay 50 per cent more if we are going to adopt a storage policy. Who knows, if we postpone the decision for another year, the cost may even be greater. I do say that we must either solve this problem of stabilization of supplies by storage, or by depending on the increased potential of the railway, to supply us with the requirements which we shall need for this stabilization policy.

[Mr. Crosskill]

Now, Sir, with regard to storage again. The inadequate storage facilities which we have in Kenya at the present time are, I think, to a great extent responsible for the high price of maize and, indeed, even more important for the very high price of maize meal in the country, owing to the losses which are inevitable when you have improper and antiquated methods of storage.

Now, the second problem which arises, which accompanies the problem of stabilization of supplies, is the stabilization of prices. I said last year and I say again, Sir, that I believe the economy of this country does not permit us to guarantee the price of cereals beyond the supplies necessary for our own requirements. I think this nettle must be seized and we must now decide whether this is so or whether it is not. If it is so, and I urge that it is so, then quite obviously we must take steps to co-ordinate supply and demand. Now, Government has powers to do this and I think the time has now come when they must order the growth of approximately our own requirements added, of course, to which we must have very adequate reserves in case of droughts, locusts and other contingencies.

Now, the third problem, Sir, is with regard to the fixation of cereal prices. Now this question need not be, to my mind, adequately dealt with up to the present. Year after year the price announcements for cereals are made after the planting of those cereals which is far from satisfactory from the point of view of a farmer. He should know, Sir, what his price is going to be before he plants that crop. Now, let us take this year. The procedure is that a committee, the Cereals Board, examines statistically the cost of production and makes its recommendations. I believe those recommendations were made in the month of January; discussions followed in the month of February, but only, Sir, a few days ago was the price of wheat announced. Now a great deal of wheat has already been drilled in this country and those farmers drifted in ignorance of what they were going to receive. I believe I am right in saying, Sir, that the price of maize is still not announced and that is, perhaps, two months after

the majority of the maize of the country has been planted. I would ask the Minister to endeavour another year to see what those prices are announced much earlier so that the farmer knows what he is going to receive for the crop that he has planted.

The next problem, Sir, is with regard to the co-ordination of cereals prices within East Africa. Last year we had the extraordinary position, on one or two occasions, when there was a very great differential in price between Kenya and Uganda for maize and you then get the position whereby maize is rushed across the border and sold, which might quite conceivably result in an artificial famine ensuing on one side of the border or the other which would have to be compensated later on with very severe strain on our transportation system. I would urge him, through the High Commission or other channels open to him, to do his utmost to see there is co-ordination of prices within the three territories.

Finally, Sir, with regard to future markets and future transportation demands owing to the tremendous development which is about to take place, the Minister has already referred. I am very glad to hear, to the question of markets and I know he is looking ahead and watching to see where new markets can be found for our potential production. I do think this is a very urgent matter and possibly, as I have said in this Council before, requires the setting up of a special department under him to look ahead and to discover new markets and co-ordinate those with the increased production which I hope will ensue in this country. I believe that some organization under him, such as the Board of Agriculture should act as a watch-dog to try and see that new industries which are being built up will not suffer a serious setback, as happened in one industry this last year, owing to the failure of the demand in the markets for their produce.

With regard to transportation, that again is a very serious problem which was discussed very recently in this Council and I would urge the Minister to keep the Transport Advisory Council fully informed of developments in agriculture, and to ensure that the transportation will be available when those

[Mr. Crosskill]

crops are harvested. Anyone who has seen the Mwea irrigation scheme, 20,000 acres, will realize that that in itself is going to be a tremendous problem. These 20,000 acres of rice, as the Minister said just before he sat down, may be only the forerunner of others if successful. Therefore, I do ask that the question of co-ordination of the supply, the increased supplies which we are growing, with the transportation demands, will be borne in mind by the Minister and that he will keep fully informed the Transport Advisory Council.

Mr. Deputy Speaker. I beg to support. (Applause.)

Mr. COOKE: Mr. Deputy Speaker, it would at this stage, I think, be an impertinence on my part to congratulate my friend, the Minister for Agriculture, because, of course, over the years, the many years that have passed, he has worked, if I may say so, in the discharge of his very important office, with great patience, ability and energy. We have, perhaps, seen more progress over the last year or two, but I am going to issue a note of warning about that. I think a lot of that progress is due also, I think if I may say so, to the energy and great experience of my hon. friend, the Minister for Agriculture, but I think it is a pity to over-emphasize or to emphasize too strongly, what is being done during the Emergency.

Now it is perfectly true, and I am sorry to say it is true, that a great many of the European farmers have seen the African reserves for the first time during the Emergency—that is to any extent at all—and they have perhaps naturally been struck by what is going on. But, Sir, what is going on has been going on for many years past and long before the Emergency ever emerged—(Hear, hear.)—if I can put it that way—and there is a danger, if you over-emphasize or, indeed, draw too much attention to what is going on now, that there may be a feeling amongst perhaps the Africans or other sections that we are yielding to force what we refused to concede in the past to reason. But as a matter of fact we have conceded it to reason in the past and for many years we have been putting

a tremendous amount of effort into the agricultural advancement of the Africans of this country. (Hear, hear.) Now at one time I can remember it only too well and I do not suppose it will be repeated at home now because I have repeated it so many times, I can remember even when the Africans were whipped in order to grow white maize instead of yellow maize. That is not happening to-day, although I believe there is a switch back to yellow maize; but there is no need to use force because the African is co-operating in these agricultural measures and co-operating especially in places like Ukamba, in a way which nobody, at least I at any rate, ever expected he would co-operate. I think it is perhaps a pity to draw too much attention to what is going on now.

The hon. Member who has just spoken made two remarks which I must, from my point of view, call in, question or contravert.

Now with regard to maize prices, I am not convinced, merely on the opinion of any farmer or any Member of this Council, I am not going to be convinced that maize prices should go up. If a logical case can be put for the raising of maize prices, naturally we shall have to raise them, but in that case—to come back to the point which my hon. friend, the Member for Nairobi North and I have so many times made—I think it would be absolutely necessary to pay a subsidy to maize so that the subsidy should pay for any increased price, because I believe it would be fatal to-day to put up the price of maize—fatal on the cost of living—any higher than it is at the present moment. It is far too high. This, of course, will be interpreted in some parts of the country as a direct attack on the farmers of this country but, of course, it is no, such thing, because I am just as keen as anybody else in this Council or outside this Council to see that the farmer should get a fair deal. But the consumers have also got to be considered in this matter and if Government, after a fair and reasonable consideration of the maize position, comes to the conclusion that the maize price should be raised—I can see no reason myself at the moment why it should be raised—then the subsidy should cover that increased cost of maize to the consumer.

[Mr. Cooke]

I find it very difficult to understand, Sir, I am correct in saying this, that not only the acreage but the production of maize has gone up very largely in the last year or two, and if the prices were not attractive—as apparently some people think they are not attractive—I cannot quite understand why farmers are planting so much increased maize. It just does not make sense to me.

Now the hon. Member spoke about the Mwea Scheme. I happen to know that country very well—lots of us do, I expect, having been stationed in that part of the country—but I would sound a word of warning about such schemes as the Mwea Scheme. The hon. gentleman has talked to us very wisely, I think, about water supplies, for water supplies, as he said, are the most important things in this country and we have not got all that unlimited water to have other large schemes on the Mwea lines. Now coming from the coast I can see that any use or misuse of the waters up-country may have a very adverse effect on the flow of water in the Tana River or the Sabaki River or other rivers and, I think, we have got to be very careful to see that too much water is not used for up-country projects. Indeed, any great use of water would damage the present scheme between Lamu and the Tana River, which is now being done on quite a large scale, an irrigation scheme. Country-wide consideration must be given to any scheme. For that reason I personally issue a word of warning about the Mwea or any other scheme. It must be taken in conjunction with the country's needs, both up-country and the coast.

I have great pleasure in supporting this Motion. (Applause.)

Mr. LERICHER: Mr. Deputy Speaker, Sir, I would like to ask the Minister for Agriculture when he replies to tell us what encouragement is given to the manufacture locally of gunny bags. At present a large number of gunny bags are imported from India and, as a user of these bags, I must say the locally made bag stands up to far more severe treatment than our imported article. I would like to see that our local industry is encouraged.

Mr. AWORI: Mr. Deputy Speaker, Sir, I have only a few points on which I would like to seek information from the hon. Minister for Agriculture. The first point concerns the Imperial College of Agriculture in Trinidad. Every year we pass a sum of money for this College. As far as I know so far only one African has been trained in Trinidad. I do not know what policy the Government has as far as training more Africans from Kenya in this college.

The second point, Sir, concerns the dam construction units of which the sum of £25,000 from the Cotton Cess Fund was utilized in purchasing this dam construction unit from North Nyanza African District Council. I felt that that dam construction unit would belong to the district and yet the district did not benefit from the Cotton Cess Fund, except that they had to use the money which they contributed in purchasing what belonged to the district.

The final point, Sir, concerns the egg circle, which is controlled by the Maize Control in Nyanza. At present nobody in Matrobi, or elsewhere, can be able to order eggs direct from the Maize Control unless they go to the Kenya Farmers' Association. I feel that this is an unnecessary monopoly which should be done away with.

During the course of his speech, the Minister mentioned the question of African students at Makerere not being keen on taking up agriculture as a course and I think we have discussed this matter in this Council over and over again that the reason why they were not interested is that the first students who came out were not well treated by the officers with whom they worked. I am quite sure that at present, with the change of heart in the Agriculture Department, many Africans will take an opportunity of starting agriculture as a profession.

Another point, Sir, concerns Bakura. Yesterday the Minister mentioned that between 1949 and 1953 a sum of £18,610 was used as expenditure on this farm by the North Nyanza African District Council. I feel, Sir, that the North Nyanza African District Council should benefit from the Cotton Cess Fund as far as this farm school is concerned.

[Mr. Awori]

I was glad, Sir, to hear the tribute paid by the Minister to the Vice-Principal, Makerere, Mr. Fergus Wilson. I knew him personally when he was in my district, and he did a lot to help the advancement of African agriculture in that district. I was, however, surprised that since he left, a number of schemes which he had started were not taken up by his successors.

I think, Sir, those are the only points I wanted to raise in this debate.

I beg to support.

Mr. CHANAN SINGH: Mr. Deputy Speaker, Sir, the question of subsidizing maize price has been mentioned. I wish to say, before any further consideration is given to this matter, that the question of a subsidy is not as simple as it appears. If the labourers cannot pay for maize at whatever prices are fixed for it, it only means that wages are not sufficient for the work that they do. If they work in employment, Sir, they should work at the wage which will buy the normal requirements of life. If in these circumstances the wages are not raised but the price of maize is subsidized, then it will mean that the general taxpayer is subsidizing the employer of labour. I think the only proper thing to do in these circumstances is to raise wages whenever prices of maize are raised. The subsidies for foodstuffs granted in other countries are in a different category. There only those foodstuffs are subsidized which are in general use, not only by the working classes. Here maize is consumed only by the workers. Therefore, my view is that it is the employers who should make up the deficiency in the wages rather than the general taxpayer.

With these remarks, Sir, I support the motion.

Mr. HARRIS: Mr. Deputy Speaker, Sir, may I just touch on one aspect of agriculture which I feel in the past has not received all the attention it might have done—that is, the marketing of Kenya produce.

There are many of our crops which already have established methods of being marketed, such as coffee, pyrethrum, maize and so on, but we are now beginning to develop agriculture to the extent where we have surpluses in a world where the buyers' market—or rather the sellers' market—is beginning

to give way to the buyers' market, and I believe, Sir, that we should get greater rationalization of the selling of agricultural produce than has been necessary in the past. I am thinking, Sir, of such things as meat products—eggs—and other items which, until recently, have either had a particular specialized overseas market, such as the London market for bacon, or have not before been in sufficient supply in this country to enable anything worthwhile to be exported.

But, Sir, it came to my notice not very long ago that a representative of the Kenya Meat Commission was outside the territory on a sales campaign, and almost simultaneously the representative of the Uplands Bacon Factory was covering the same territory. Now, Sir, I do believe that if we had a better selling organization, a great deal of expense would be saved and, possibly, a more efficient market—particularly as, where we have a natural market, refrigeration space is probably necessary, and could be operated by the interests of the various produce which Kenya has to sell overseas.

There has been a tendency in the past to concentrate on rather attractive markets, but not necessarily the natural ones, nor, at least, Africa would seem to have a natural market in the Indian Ocean area and across Central Africa, and any steps that could be taken, as I say, to rationalize our marketing in these areas would be, I believe, to the utmost benefit to Kenya—and eventually East Africa—agriculture.

I would ask the Minister, Sir, if he would give every encouragement for the various interests to get together with a view to having joint marketing schemes in their natural markets. (Applause.)

Lt.-Col. GROGAN: Mr. Deputy Speaker, Sir, speaking as one who knew this country quite well before there was any maize, it always seems to me that the country has gone maize mad, and I have not any doubt whatsoever in my own mind that most serious damage has been inflicted on Kenya (a) by the introduction of maize, and (b) by the introduction of exotic races, which do not modulate in the same way as the indigenous ones do.

When I had the misfortune of commanding an Italian prisoner-of-war camp here, they resented very much the

[Ll.-Col. Grogan] by a man who, I understand, is not a hydraulic engineer, who has done a tremendous service to dam-making—Mr. Barnes—and, except for dams of a very intricate character, dealing with heavy flows of permanent water, I cannot believe that some reasonable method cannot be evolved under which the panning of dams, preparatory to their being made, to enable them to benefit from the subsidy.

I beg to support. (Applause.)

MR. GIKONYO: Mr. Deputy Speaker, Sir, I have only one or two points which I want to raise in this debate. One is the question of training African agricultural officers and agricultural instructors. I listened yesterday with interest to the speech of the Minister for Agriculture on this subject, but I was not satisfied that we are doing enough to train large numbers of Africans in agriculture properly. It is very obvious that for many years to come large sections of Africans will depend wholly for their livelihood on land, and, therefore, the knowledge of modern methods of agriculture is of very vital importance, and, therefore, the question of training Africans becomes all the more necessary.

I would like to know from the Minister when he replies how many trained agricultural instructors each year leave the training centres he mentioned—that is Siriba, Matuga and Embu.

AN HON. MEMBER: Makerere?

MR. GIKONYO: Well, he mentioned Makerere, too. I think more should be done, and one other thing I would like to emphasize is that when these Africans are trained and come out, encouragement in the way of conditions of service in the Agricultural Department should be such that they encourage others to take up agriculture as a career. This has not been the case in the past, and no wonder young Africans do not take up agriculture as a career, and it is most unfortunate in an agricultural country such as this that not many people are interested in taking up agriculture as a career.

The other point is the question of the growing of cash crops by Africans. This matter has been raised over and over again in this Council. I know the Agri-

With those two points, Sir, I beg to support. (Applause.)

LT.-COL. GHEASIN: Mr. Deputy Speaker, Sir, I have only one point I wish to mention, and it arises out of what the hon. Member for Central Area, Mr. Chanan Singh, said when he was referring to the statement made by the hon. Member for the Coast on the subject of maize subsidy. The hon. Member for Central Area suggested it was the duty of the employer to pay the wage necessary in order that the employee could acquire his food, and that it is not the responsibility of the taxpayer. We are all taxpayers, and all employers of labour, but that is not the point which my hon. friend, the Member for the Coast, was trying to make. He was trying to advocate the stabilization of the price of *posho*, because of its effect on the whole of industry—not just wages. Wages are the indirect cause of the increase, but it does affect practically every type of farming, other than the actual growing of the cereal—your garage costs, your transportation and so on. That is the point he was trying to establish.

I am only making this statement because I do not want a wrong impression to be created, because the hon. Member for Central Area said that he thought it looked as though the employer was not prepared to pay an adequate wage to the employee in order to acquire his food.

THE DEPUTY SPEAKER: I think it will be convenient to take the usual break now. Council will adjourn for fifteen minutes.

Council suspended business at Eleven o'clock and resumed at fifteen minutes past Eleven o'clock.

DR. HASSAN: Mr. Deputy Speaker, Sir, I rise to support the Motion. The agricultural services in this country have done extraordinarily good work and have helped and assisted the African agriculture, and have helped and assisted the European agriculture and a great deal has been done for the very small number of Asian agriculturalists. Marketing has gone ahead and African produce is fetching very good prices for the producers.

There are one or two points I want to bring to the notice of the Minister for

[Mr. Gikonyo] cultural Department are doing their best to encourage it, but I can only hope that acceleration will go on without unnecessary limitation. The only limitation being the ability of the farmer, and the availability of the land at his disposal. Other limitations, Sir, in my mind, should be most unnecessary. It is becoming evident that, given the chance and the necessary encouragement, Africans can contribute to a very great extent to the economy of this country.

I beg to support.

Mrs. SHAW: Mr. Deputy Speaker, Sir, I would like to join in the most sincere tributes paid to the hon. Minister on his review of the development in his department over this last year.

I wish to make only one or two points, but I should like to support very strongly what has been said by my hon. friend, the Member for Mau, about guaranteed prices. This, I believe was the great benefit which the National Farmers' Union obtained for the British farmer at home, and we hope that a guarantee of prices on a similar basis will eventually be brought in for the benefit of the farmers in this country under our K.N.E.U. I hear there is almost no greater benefit that you can give a farmer than this guarantee of prices. It enables a farmer to budget and estimate his revenue with some certainty—and this means peace of mind.

I speak with some authority on this, because we farmed in the days—and many people in this country have—before the war, when there was no such thing as guaranteed prices, and there was a continual fall in prices—maize fell to three shillings a bag, and coffee, to twenty shillings a ton—and this ruined many farmers in this country. It is a situation which I hope never to see again.

Another point I wish to raise is the very high cost of agricultural spare parts, and thus alarming many farmers at a time when prices are tending to fall, and the cost of production appears to go ever higher, and I should like to ask that the committee set up for this purpose will keep a constant watch on this, which is a big factor on the high cost of production to-day.

(Dr. Hassan)

Agriculture. There are certain commodities especially consumed by the Asians in this country and some of them are not having quality which is good enough and which is appreciated by the Asians, so they have been living and still live on better quality stuff which they import from overseas. For instance, rice is a commodity grown by the African in the past of the quality appreciated by Africans only. All the attempts by the Agriculture Department on the Tana River delta and other places were made, to my knowledge, and better quality paddy was imported from Pakistan and assisted the department. But unfortunately African producers did not take up with that quality because output was so small it did not appeal to them. They wanted to continue growing the low-quality varieties as the output was very much larger for them, and they did not like to change it over. The Government has always assisted Asians to get better quality rice from overseas, but lately I understand some low-quality rice produced in Nyanza the Government did not find enough consumers to buy, and some intelligent businessmen brought to the notice of the Government that this high-quality rice from Pakistan is imported into the country in very large quantity, therefore nobody likes to buy this Nyanza rice. It was utterly wrong. Asians never consumed that low-quality rice produced by the Nyanza Africans. I just wanted to draw to the attention of the Minister that high-quality rice is not produced in Kenya and smaller quantity is needed by Asians and there should be no restrictions for import.

The second matter is the question of wheat. We have a large number of our people among the Asian community who like to use wholemeal for making chapatis and bread. The meal they get through these modern mills is most unsatisfactory. I think off and on the community has requested the Minister that certain flexibility should be allowed so that those people should be able to buy a small quantity of wheat to produce wholemeal for their own consumption, because when the mills produce flour, they have their modern method of having superfine meal out of the wheat.

When the consumer goes to the mill to buy wholemeal, the wholemeal that the millers give them is more or less bran and sometimes number three flour which carries no nourishment at all. Their demands are very small; they do not want very large quantities; they do not want thousands of bags, but what little they want they request that some arrangement be made so that they should be able to buy wheat when they like.

With these two points, Sir, I support the motion.

MR. SLADE: Mr. Deputy Speaker, Sir, I should like to support everything the hon. Member for Mau said in commenting on this vote and possibly clear up something that seems to have been misunderstood in what he said.

My hon. friend, the Member for the Coast, appeared to understand that the hon. Member for Mau was advocating an increase in the price of maize, whereas he was not in fact doing any such thing. It is rather important that that be made clear because I know there is always a tendency, on the part of consumers in this country, to believe that the farmers and their political representatives do nothing but look for the increase of their own prices at the expense of the consumer. In fact, Sir, what the hon. Member for Mau was doing was advocating methods of economy, so that the farmer could get a good return without necessarily charging the consumer more—methods such as improved storage, and so on.

Hand-in-hand with that goes the importance of guaranteed prices on which both he and the hon. Member for Nyanza dwelt. I agree, Sir, that the importance of guaranteeing prices wherever possible, and particularly doing so before crops are planted, cannot be over-estimated; and it is again a matter of equal interest for the consumer as for the farmer. I am convinced that rationalization of production is something which brings down prices. I am also convinced that many farmers, if only they can see clearly enough ahead as regards budgeting, are content to receive less. That is to say, a small return for certain over a period is worth more to them than a large but haphazard return. So that the consumer is just as interested as the farmer in this matter of guaranteed prices.

(Mr. Slade)

Again with reference to what the hon. Member for Mau said, I would like to go a step further with regard to the importance of self-sufficiency. That is to repeat what I know has been said before often enough, and that is the importance of interterritorial self-sufficiency; self-sufficiency between Uganda, Tanganyika and Kenya, each helping the other and each depending on the other rather than looking outside for supplies which may, in times of war or other emergency, not be there. I know how much the hon. Minister has put his mind to this question and my only purpose in mentioning it now is to remind this Council of its importance, and to ask the hon. Minister if he can tell us how negotiations in that respect now stand.

There is only one further question I want to ask him, Sir, and that is with reference to a matter raised often enough in previous debates on the Budget, and that is the incorporation of the European Settlement Board. I should be grateful if the hon. Minister could tell us how that matter is progressing.

I conclude, Sir, by joining others in a very sincere tribute to the Minister for his work during the last year, and for the lucidity of his report to us to-day and yesterday.

I beg to support, Sir, (Applause.)

MR. RODDAN: Mr. Deputy Speaker, Sir, I would like to begin by apologizing to hon. Members opposite for not having yet laid the annual report of the department for last year. It was completed by 19th March, but the Government Printer has been so pressed that he has not been able to produce it. He told me this morning that he hopes to have it available next week.

Most of the matters raised by hon. Members opposite have concerned marketing and, as usual, maize has figured very largely in the debate, and since these are matters really of high policy.

I am quite certain that the Minister would prefer to reply to these points himself. I would only say in connection with what the hon. Member for Mau said—he said, quite rightly, that steps should be taken to fix the price of cereals in advance of the planting so that the farmer knows what price he is going to get when he reaps the crop.

He then went on to say that our aim should be self-sufficiency and that the guarantee, so far as prices is concerned, should be limited to this country's demands. Well, that is all right so far as it goes, but I think it would be a magician to fix the prices and give a guarantee in advance of planting a crop which would equal the country's needs, because you do not know what the crop is going to be before you plant it.

MR. CROSSKILL: Would the hon. Member give way? Mr. Deputy Speaker, in explanation, I would just like to say that I did insert the words "as far as possible". Naturally, there must be quite a lot of latitude in so far as reserves for contingencies, depredations and so forth, as also, quite naturally, the hon. Member pointed out, for other factors such as the success or otherwise of the crops.

MR. RODDAN: We are agreed now.

The hon. Member for the Coast, Mr. Cooke, said he thought it was wrong to emphasize how much progress has been made during the period of the Emergency, particularly in the Central Province. I think I detected some "hear, hears" on this side of the Council. On the other hand, Sir, I would like to say from my own point of view that we have, particularly in the Central Province, been able to do in the last two or three years many of the things which we knew, and have always known, to be good for the people and good for the land. To that extent we, as a department, have some thanks to pay to the Emergency condition.

The hon. Mr. Awori had several points. He spoke first of all about money appearing regularly in the Estimates for the training of people in the College at Trinidad. He wondered why more Africans were not sent there. I think if he examines the Estimates this year he will not find any provision for Trinidad—I think I am correct in saying that. That is a minor matter. He is probably aware that we did, some five or six years ago, send one Makerere Dioloma student to Trinidad with rather disastrous results in that he could not compete with the standards required in Trinidad. The course I strictly a post-graduate course and I hope that if and when we do get African degree men from Makerere there may be opportunity then for them to go to Trinidad and give a better account of themselves.

[Mr. Roddan]

He also said, Sir, and he has said it before, that one of the reasons why we, as a department, have not been able to get and recruit Africans for the department, particularly Makerere graduates is that they have not been well treated by officers of my department when they came to us. Hon. Members will remember that he raised this point about a year ago. At that time I gave an account of what had happened to each Makerere graduate that we had in the department and I asked him at that time if he could give me any instances of ill-treatment by members of my staff and to this day I have heard nothing. Now, Sir, I disagree with that view entirely. The standard of people we have had from Makerere up to now has not been very impressive. The opportunities are there. We have now in the department our first fully qualified African agricultural officer who has taken his degree in England and gone through the usual postgraduate course and he, of course, is here on exactly the same terms and footing as his European brother. In so far as the African diploma man is concerned, he is again now, under the Libbury terms, is on the same financial terms as his European equivalent—the assistant agricultural officers, also with diplomas. So financially now there is, to my mind, every inducement to the Africans to take up agriculture.

I understand from Professor Wilson, who has been referred to in this Council, that the number of people who propose to take agriculture during this new academic year is quite encouraging, but I have not yet the details of the numbers from him.

The hon. Member also referred to Bukura and said—I think he intended to say—that the recurrent cost of running that Institute was a severe drain on the local African district council finance. He probably knows that several years ago—and in connexion with all these farm institutes—Government made the proposition that they would provide the capital for the institutes, provided the African district councils carried the recurrent costs.

He, I think, suggested that the cost of this institute should be borne from the Cotton Sales Fund. Well, there will,

very shortly, be established, before the end of this financial year, the provincial cotton committees and the Central Cotton Board which were envisaged in an Ordinance recently passed in this Council. It will be within the competence of the provincial committee to advise the Central Board whether the cost of the Bukura Institute, if it thinks fit, should be met from the Cotton Sales Fund.

The hon. and gracious lady from Ukamba referred to dam subsidies and the fact that in her view the machinery for operating the subsidy was not very well oiled. I can only say that I agree with her on that and we are having another meeting next week of the Chairman of the Water Resources Authority, the Hydraulic Engineer, Mr. Barnes, to whom she referred, and I hope that we will arrive at some suitable arrangement whereby we can not only get the work done more expeditiously but that it can be carried out at less cost to the public purse.

The hon. Mr. Gikonyo is still not satisfied that enough is being done to train Africans in agriculture, in spite of the statement by the hon. Minister yesterday. He asked how many trained instructors are turned out each year from Seriba, Embu and Matuga. I can only give him, Sir, an approximate figure and it would be between 70 and 80—the totals of each year from the three institutes.

He then referred to cash crops and said he thought that no unnecessary restrictions should be placed on the growing of cash crops by Africans. This is an old chestnut, Sir, and has been discussed very many times in this Council and I can only say that two restrictions, if you like to call them such, or limitations, must continue. One is that the crop must be adequately husbanded and the other is that production of cash crops must be related to what the market will take. Other than these two provisos, there is no restriction and no limitation to the acreages which can be grown by Africans.

While on the subject of cash crops, Sir, which keeps recurring, I would like to speak in a little more detail on it. In the general debate, the hon. Mr. Awori

[Mr. Roddan]

referred to 90,000 tons of white sugar from Kisii and the reports he had seen in the *East African Standard*. I think, Sir, that is a little bit ambitious. We have at the moment test plots out in the area concerned, but we have no idea yet of the ultimate yields or the sugar content and there are very, very many factors which must be determined before I, at any rate, would be rash enough to predict a production of 90,000 tons of white sugar from Kisii. We are, however, Sir, encouraging the production of sugar in Nyanza generally, but as a crop for local consumption in the shape of jageroe or brown sugar. There is a very large internal market for that product and we hope to get possibly from South Africa an expert in the manufacture of brown sugar and the cultural requirements of sugar to give us some advice.

In so far as sisal is concerned, Sir, hon. Members are aware that we have one working scheme in Machakos and that provision was made for two more under the Swynnerton Plan. We have decided, Sir, not to proceed with the other two schemes at the moment. The capital involved in establishing these schemes is very considerable and if large amounts of capital are put forward, are used up on a scheme such as this, it is essential that the scheme should work not when the tenants of the scheme shall we call them—feel like it, but it must work all the time if it is going to justify a heavy capital outlay. There is a tendency, and it is showing now, I think, at Machakos that when the planting season comes along or when bellies are full, not very much sisal leaf is brought into the factory and it cannot really be looked on as something which operates in time of need and left to sit idle when times are good.

Coffee, Sir—we have, during the last year, had an increase of 4,000 new African growers. We have also been going ahead with nurseries in a much bigger way and the nurseries are aimed at an increased acreage of 5,000 acres of coffee a year in the African areas.

Tea, Sir—in this Council mention has been made of the tea scheme on the slopes of Mt. Kenya. Again, what I said in connexion with the capital expenditure on sisal applies equally, if not with

more force, to tea. A second, shall we call it, pilot scheme will go ahead this year in the Kimulot area of Kericho, but in this case, through the good offices of adjoining tea companies, heavy capital expenditure on machinery and buildings will not be required since they have undertaken to buy the green leaf from this Kimulot settlement at an agreed price for a period until the production reaches about enough—from 250 or so acres—to justify the expenditure of capital on a factory. It will also, of course, give us an opportunity to see whether, in fact, the Kipsigis people will take to tea and that is a problem which can only be settled by trial.

In so far as pyrethrum is concerned, Sir, we again had last year a very big increase in the number of African growers. It jumped from 586 in 1953 to 1,008 in 1954. Here we are dealing with a crop, Sir, which has a very delicate and sensitive market and where it is absolutely essential that production is related as far as is humanly possible to market prospects and market outlet.

Pineapple production has increased very considerably in the Central Province. But again there are possible marketing difficulties looming ahead. In my view pineapples are rather a safer crop in this respect as you can eat them whilst you cannot very well eat pyrethrum.

There is one other point, Sir, I would like to refer to. It was mentioned by Mr. Awori again when he spoke to the general debate on the Budget. He asked, I think, when does the Swynnerton Plan start? He had no idea. He seemed to expect that when the Swynnerton Plan did start there would be large expensive grandiose schemes and everything in the garden would be lovely. Well, Sir, I think it was in April just over a year ago that this Council voted the first instalment of money under the Swynnerton Plan and it has been in operation since then. I regard the Swynnerton Plan funds, Development funds, and Colony funds simply as various sources of money, but all leading to a co-ordinated whole.

There are no separate Swynnerton Plan works or separate development plan works. The department works as one. The hon. Member will know that the policy behind the Swynnerton Plan and the Swynnerton money was that it

[Mr. Roddan]—200,000 lb. last year and from the Ofi Joro Orok area by 100,000 lb. These all indicate that the move is going in the right direction and I think that that move has been very considerably helped and encouraged by the rehabilitation funds to which this Council agreed. As you are probably aware, over 70 per cent of that money has gone in the purchase of stock and very much, almost the whole of the rest, has gone in fencing, water supplies and so on—all directed to this move towards mixed farming.

He said he hoped that Government had been able to recruit officers, or was thinking about recruiting officers, to implement the Swynnerton Plan if and when it came into effect. Well, Sir, against the Swynnerton Plan money voted last year we have recruited 24 Europeans, 45 Africans and 6 Asians.

That leads me to a statement, Sir, of the general overall staff position, because, as I say, I do not regard the Swynnerton Plan as one compartment. When the new establishment—if this Council accepts the Estimates—comes into being on 1st July this year we shall have very nearly 100 vacancies for agricultural officers and assistant agricultural officers. That is quite a serious position. We have at the moment a senior member of the department touring Great Britain in the hope that he, amongst other duties, will be able to recruit suitable men for the department. It is too early to say yet but the first indications are that he will meet with a measure of success. We have also had a very great advertisement campaign in all the South African papers and I saw a batch of replies only this morning and a good many of them had degrees and, if the numbers justify it, it will be well worth while our sending a member of my department down there to interview people on the spot.

There is a lot I could say, Sir, in the general way. The hon. Minister referred mainly to the developments in the African areas and I would like very briefly to touch on one aspect of development in the European areas which, to my mind, is very encouraging. That is the swing away from cereal monoculture. That, to my mind, was proved, Sir, by the fact that last year we had an increase of 33,000 acres in established grass leys; by the fact that the production of butterfat for the Usasin Gishu area rose by

200,000 lb. last year and from the Ofi Joro Orok area by 100,000 lb. These all indicate that the move is going in the right direction and I think that that move has been very considerably helped and encouraged by the rehabilitation funds to which this Council agreed. As you are probably aware, over 70 per cent of that money has gone in the purchase of stock and very much, almost the whole of the rest, has gone in fencing, water supplies and so on—all directed to this move towards mixed farming.

The other encouraging sign, Sir, is the demand which continues to grow for the farm-planning service. Again, I quote the Usasin Gishu where we have a waiting list of 38 farms as definite requests for the farms to be surveyed and planned by the department. That, I think, is very encouraging from that part of the world.

Finally, Sir, I would like to touch on a point which has been referred to by several hon. Members which is of the very greatest importance to the future well-being of this country. I refer, Sir, to the problem of obtaining from the African a matching response to better wages and to this outlay of money which we are considering. It is often assumed, Sir, by some people—pipe-dreamers—who like to think they know quite a lot about Africa and how to develop Africa, that all we have to do is to put in the hands of the African modern aids and modern tools for agriculture and all will be well. This, Sir, is very far from the truth. One cannot, in my view, place the modern delicate tractor mechanism in the hands of a people who do not even invent a wheel. And so with other modern aids take fertilizers. I would like to illustrate my point by telling a true story of a farmer who was shown on his own farm that the application of phosphates doubled yields: When asked his reaction he said, yes, he thought it a very good thing; he would only need to plant half his acreage next year.

To my mind, Sir, Africans in the mass still treasure, above all, a full belly and plenty of leisure to aid digestion. It is a most serious and difficult problem this question of getting response from the African. Various suggestions have been made. The hon. Member for Mau mentioned mail catalogues and the usual

[Mr. Roddan] incentives of bicycles, gramophones and so on. The hon. Member for the Coast said supervision. That, of course, is all very well on estates, on European farms, but it does not really touch the major problem of getting response from the African.

I think history shows, Sir, that man's greatest achievements have been stimulated and have come to pass because of pressure from woman. I seriously suggest that far too little attention has been paid to the part which woman does and could play in this problem of getting increased output from man. I think they have got to be turned into snobs not only to want but to demand better things. We, in our own modest way, are trying this through the training of African women instructors but that, to my mind, is only really just on the technical side of the problem. We have to go much further than that and I think that only the really educated African woman with a missionary zeal can really get from her parishioners that demand, that feeling of want for better things which, as I said earlier, will act as a stimulus, or should act as a stimulus, to the male to give sustained effort. He will work for a bicycle, he will work for a pair of shoes, he will work for something else, but it is a question of getting the sustained effort which is the main problem.

Mr. Deputy Speaker, Sir, I leave these thoughts about the weaker sex in the minds of hon. Members and I beg to support. (Applause.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Member to reply.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, the hon. Member for Mau raised a number of points. On one of the first he alluded to the proportion of effort that is being made as between Central Province and other African areas. Well, Sir, I do agree with what he said and I can give him an assurance that we have that in mind. We are trying to bring all African areas along on an equal footing.

The Member also said that in view of the very great increase in productive effort which appears to have been made, we must not allow marketing and storage considerations to lag behind. Sir, I do

entirely agree with him. He suggests, Sir, that our storage ideas and capacity, for example, were antiquated and he also, Sir, stressed that we had been dilly-dallying, or some such phrase, for a long time over more modern methods. Well, Sir, there is some truth in that, but I would like to say that I do not quite agree with him that our storage methods are entirely as imperfect and antiquated as he suggests. We have created, during the course of the last few years, a very considerable quantity of bulk storage. I know most hon. Members opposite feel that bulk storage is a very antiquated method of storing and that the be all and end all of storage is silos.

Well, Sir, silos are an excellent method of storing revolving grain stocks, more especially at the end of the railway line or at collecting points. More especially if you can handle all your cereals in bulk and have your railways equipped for bulk handling, as they do in Canada and America, you can then employ little silos or elevators, as they are called, especially if you have power laid on, in all your farming districts, and the grain is brought in by the farmer in a truck, is emptied into the elevator quite easily, it is probably weighed, graded and paid for on the spot and is pumped into a wagon as soon as convenient on the railway line.

Unfortunately, we are a long way behind that method of dealing with cereals. I wish we could get a little bit more modern in that way.

But another consideration, Sir, is that there is a great future, I think, in fumigation and we are now dealing on no small scale with preservation of grain by either impregnation or fumigation and, under the circumstances with which we are faced, as we have not got the facilities for bulk movement of cereals on any large scale and are driven to holding big reserves of grain and we can only adopt modern methods of fumigation, and I am by no means too sure that the method we are adopting is as entirely antiquated as the hon. Member suggests.

A 1,500-ton silo is quite a fairly expensive and big silo. We are dealing, at the moment, with something like 2,000,000 bags at a time of maize alone. It does not mean, Sir, that I do not agree that there is something, indeed quite a lot, in the hon.

[The Minister for Agriculture, Animal Husbandry and Water Resources] Member's accusations, but at certain points we should, before now, have put silos in to add to our storage arrangements, and one of the most important ones, if I may say so, I believe to be the port at Mombasa. That is, as I have said before in the debate on the Agriculture Bill, very much a fault in our policy.

The hon. Member also touched on a number of considerations which I can assure him I have already had in mind, and Government will continue to keep in mind.

I must refer to the suggestion of a possible scheme of guaranteed prices for a particular quantity of any commodity, in respect of a quantity sufficient to cover the East African requirements with a margin and then to let anything in excess find its own level; this, I presume, could be done either on an acreage basis, or on a quantity basis. I would remind hon. Members that in theory that sounds very easy, but in practice it is almost impossible, especially when you are dealing with large African populations. I am sure hon. Members will not be unaware of the difficulty of imposing any scheme of that kind, introducing any scheme of that kind, into, for instance, the Nyanza Province.

We are doing something not unlike it at the moment of guaranteeing a price, and making the producer pay for the surplus which goes on export—but I grant the hon. Member that that has not got the one advantage of his suggestion which is to try and cut your cloth according to your needs, in other words to grow what you think you need, and no more if possible.

The hon. Member also said we must be very careful to keep in mind transportation demands as well as markets. Well, perhaps the hon. Member is not aware that we do have a special committee which is under the chairmanship of my personal assistant, on which the Railway sits, which deals with our transportation requirements ahead, and this committee sits every month, sometimes twice a month. I would like to pay a tribute to the great assistance that I do get from the Railway authorities in this regard in that they send a very highly placed officer, from the Traffic

Department, to attend these meetings in my office.

The hon. Member also suggested, as did another hon. Member, that we need perhaps even a special department, or at any rate some body, or some organization, that perhaps could concentrate a little bit more on seeking new markets, especially under the conditions which are likely to be more difficult in the future, for selling our produce and, Sir, I agree with him; I think possibly we have not been as alive to that problem as we should have been.

Sir, the hon. Member for the Coast made a point which has already been touched on by the hon. Director of Agriculture, regarding too much stress being laid on what has been done quite recently and more especially in the Central Province. I personally agree with the hon. Member. I think it is a mistake to lay too much stress on it, but his making the point, Sir, does give me the opportunity of saying something I have said before, but which I think is very often overlooked.

Hon. Members have been very kind in their remarks about myself and their remarks about the Director of Agriculture. I think it is true to say that a great deal of progress has been made, especially in African areas, and in European areas, during the past few years, but, Sir, I believe that that progress is entirely due to the unceasing work, over many years, of administrative officers and agricultural officers in the field—(Hear, hear.)—and those are the people to whom the credit is really due more than to the officers who sit in headquarters.

The hon. Member expressed fears about the price of maize going up. Well I can tell him, Sir, that as far as this year is concerned, the price of maize is not going up.

The hon. Member also expressed fears that we might be so enthusiastic over our irrigation schemes at the headwaters of rivers, that it might have a deleterious effect on other schemes and on riparian inhabitants lower down. I agree with him, Sir, that that is a very real danger, but I hope it is a danger that will not have a deleterious effect in this country, because we have under our

[The Minister for Agriculture, Animal Husbandry and Water Resources]

under our organization, the Water Resources Authority, and our various district water boards based on catchment areas, and I sincerely hope that, thanks to this organization, we are keeping the problem of discharging water under control, allowing water to be used as it is available in proper proportion, and with due regard to the rights of all inhabitants in any one particular catchment area, or river basin.

The hon. Member for Trans Nzoia asked what about gunny bags being manufactured locally, and he said that there were some that were manufactured locally which he considered were of very serviceable and good quality. Well, as hon. Members are aware, we have, for some years past, endeavoured to encourage the manufacture of hessian and sacks locally from sisal and Government has done all it can to assist the organization that has been the initiative to start this enterprise, because we have realized what dangers and what difficulties one has to face, and what a dangerous position one is placed in, at times when, for instance, there is a war or when there might be some upheaval, for instance on the River Hoogley, which might prevent jute bags from reaching us. But the trouble is that the supplies of the appropriate grade of sisal to make bags in large quantities, are, strange to relate, not available, and at the present prices—even to-day's prices—if you tried to make bags of the higher grade sisal, the cost of those bags would be quite beyond any economic level. The same company, however, has now, at very considerable expense, installed a completely separate plant with the idea of trying to make bags of soft fibres in the hopes that we will one day either produce jute locally, or one of the other fibres, suitable for the purpose such, for instance, as hibiscus. And they are actually now importing jute and are making bags of a combination of sisal and jute and those bags are very, very satisfactory. They are, however, a little bit more expensive than the imported article and, naturally, their manufacturing capacity and output is not anything up to that required to supply the needs of the Colony.

However, the point of my explaining all this is that in reply to the hon. gentle-

man's query, we are making gunny bags locally. We are also on the agricultural side continuing our experiments to try and find a suitable fibre which we can grow locally, in view of the fact that we have a plant which could manufacture a combination of sisal and soft fibre bags.

The hon. Mr. Awori asked one or two questions which, I think, have been replied to by the hon. the Director for Agriculture. He, however, was critical of the egg circle in the Nyanza Province. Well, the hon. Member, I think, is right in criticizing that because it is in an unsatisfactory state. I think the whole problem of producing and selling eggs in the Nyanza Province is not being solved in a satisfactory manner at the moment. All I can tell the hon. gentleman is that it has been latterly receiving a lot of attention from the local authorities and they are hoping to improve matters. During the war, we had a very big organization in Nyanza Province, which dealt with eggs on a very big scale, but the demand there after the war ceased and the position has been unsatisfactory since. One of the difficulties, of course, is, if you are going to export or deal with eggs in a big way, mass-produced, more or less, from a large area like that, the price is not very satisfactory as a rule to the growers.

The hon. Member for Nairobi South referred to marketing and quoted an instance in which he felt that there were representatives of the bacon industry and of the Meat Commission both conducting a selling campaign which seemed to rather overlap. Well, I agree with the hon. Member that probably more should be done, as I have already said, in regard to marketing, but the actual marketing of bacon and meat sounds as though it comes happily under the same eggs, but I do not think it always does, especially as there are particular problems in this country affecting both.

The hon. Member for Nairobi West spoke on a favorite topic of his, in which there is much truth, that we should get away from growing too much maize and back to millets and the sorghums. Well, we are conducting quite a lot of experiments on improved millets and sorghums and we are, indeed, trying to

[The Minister for Agriculture, Animal Husbandry and Water Resources] do something on the very lines that the hon. Member has recommended.

The hon. Member for Ukamba raised the question of the overcareful manner in which we insist on inspection and examination of dam sites before we can go ahead with the provision of dam subsidies. I think that the Director of Agriculture answered her point. All I would say, in addition to what has already been said, is that although I agree with her in many ways, she will, I am sure, realize from the figures that I quoted this morning, that although possibly many of those dams were not quite as carefully looked into in regard to siltage as she is suggesting, nevertheless, if you are spending public money on subsidizing the private efforts of individuals, before you can put public money into such subsidies, I am sure she will agree that we must have a reasonable, at any rate, amount of technical advice on such things as sites, plans and so on.

The hon. Member for Nyanza talked about the policy of guaranteed prices—and the K.N.F.U. and so on, but actually, I think, we did that in this country almost before it was done on any scale in the United Kingdom.

Sir, the hon. Dr. Hassan raised points about the bad quality of certain products. He quoted especially produce which was in demand by the Asian community. He mentioned rice, and he mentioned wheat. Now, Sir, as regards rice, what the hon. Member has said is perfectly true. The quality of rice grown, I think, in this country—and not only in this country, I consider in Tanganyika also—leaves very, very much to be desired. We are endeavouring to improve the quality. I think that our seed is probably not as good as it should be. I think our cultivation methods are probably also not as good as they should be, with the result that the resulting product, paddy, when it comes on to the market to the mills is very irregular in size and quality, and with a lot of irregular grain going through a mill, the larger grains are liable to get shattered and the smaller grains go through or, vice versa, the larger grains go through and the smaller grains go through unshelled, and when

you have to winnow that to get a decent product, it results in an immense percentage loss.

I think that our hulling machinery and methods also leave a lot to be desired. In this matter, we have recently asked my hon. friend, the Asian Minister without Portfolio, to make a number of inquiries, and my hon. friend has just given us a report generally on rice, the supply of rice availability, hulling, and so on in this country and in Tanganyika which is of immense value. I hope we may be able to base some methods of improvement on his report.

There is also a great deal of rice coming in now from Pakistan of very high quality indeed at the most ridiculously low prices, but rice and flour are two of the commodities at the moment which are being bartered about, or sent round the world, as a result of various currencies, and the word I must use is, "rackets"; how they work I do not quite understand, but, at any rate, you can buy rice far below its value to-day and you can buy flour far, far below the value of the wheat from which it is made. But our rice, I agree, does not, in any way, compare with the Pakistan rice.

In answer to the hon. Member, I fully realize the difficulties he has alluded to—so much so, that I did ask the Asian Minister without Portfolio to make a special inquiry into them.

As regards wheat, Sir, I am fully aware that there is a section of the population that likes to buy wheat in order that they can grind it by hand in the old-fashioned way, and I thought that I had made provision to make wheat available in small quantities at the right price for that purpose. It is certainly supposed to have been made available, and if the hon. Member would tell me where they cannot get it, if he will give me an instance, I will certainly go into it and see that it is made available.

The hon. Member for Aberdare also raised one or two points. He asked me whether I would inform him. Members how the interterritorial self-sufficiency negotiations were going at the present moment. Well, Sir, they are going fairly slowly I must admit, but I have recently had a meeting here with the Uganda authorities, including their Financial Secretary, and I quite recently visited Dar

[The Minister for Agriculture, Animal Husbandry and Water Resources] es Salaam in order to conduct similar discussions. I think, Sir, that all I can say is that my approaches in both directions have met with a considerable response, but I rather think that the other two territories feel that before they get too committed to anything, they would like to await the Royal Commission's Report. But negotiations, I think, are more promising now than they were a year ago—let me put it that way.

He also, Sir, asked whether I could give information as to how the incorporation of the European Settlement Board was proceeding. Well, Sir, within a few days I hope there will be a Bill before hon. Members which will provide for that incorporation. (Applause.)

Sir, I think I have done my best to answer the questions that have been raised during this debate and, Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair in order that a sum of £663,416 may be considered, and I hope approved, to defray the cost of Vote XXI—1. (Applause.)

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read, Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XXI—1—AGRICULTURE

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that a sum not exceeding £663,416 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th of June, 1956, for Vote XXI—1—Agriculture.

Question proposed.

(1) Administrative and Headquarters Division—A.
Agreed to.

(2) Research Division

LT.-COL. GHERSIE: I wish to raise a point here, Sir, which is similar to the

one I raised under the Education Heads. When I did raise it, I thought I detected a little confusion on the face of the Minister for Education, and he got his head together with Members from the Treasury and gave me the answer, and it is, Sir, in regard to this terrific increase which I am assured is the result of the Liddbury and Carpenter Reports, or the acceptance of them. Well, Sir, it is terribly disturbing and a little bit confusing and I would like to refer to item No. 36 which, again, is in connexion with subordinate services. Now, Sir, the number of employees in 1954/55 is exactly the same as that in 1955/56—

771. There is an increase there, Sir, of just under £3,000. Now, as I do not wish to bore the Council by continually raising this—as the item appears consistently right the way through these Estimates—I would, with your permission, Sir, just to qualify, refer you to the Veterinary Service which is under the same Head. I know this is perhaps out of order, Sir, but it will simplify matters. There, Sir, we have the figure of 717—that number employed in each of those successive years, 1954/55 and 1955/56, Sir. Now that is a reduced number, and yet the increase there on that Head is £14,000. Here, Sir, it is only just under £3,000 and I suggest, Sir, it is rather confusing and I am quite certain, Sir, that if this arises as the result of the acceptance and implementation of the Carpenter and Liddbury Reports, there are a large number of people outside this Council, and possibly a number of Members inside the Council, who have not really appreciated the ramifications resulting from the acceptance of those reports.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Would you like me to answer it now, Sir, or shall I move that the Committee do report progress?

THE DEPUTY SPEAKER: I think you should move that the Committee do report progress.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee do report progress and ask leave to sit again.

LT.-COL. GHERSIE: That will give you time to look it up! (Laughter.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: I assure the hon. Member that I have the answer.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that the Committee of Supply is considering Head XX—, and asks leave to sit again to complete consideration.

ADJOURNMENT

THE DEPUTY SPEAKER: The time is now 12.30. Council will adjourn until 2.30 p.m. on Wednesday, 25th May.

Council rose at thirty minutes past Twelve o'clock.

Wednesday, 25th May, 1955

Council met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTIONS

PAYMENTS FROM NYANZA PROVINCE COTTON SALES PROCEEDS FUND

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I beg to give notice of the following two Motions:—

WHEREAS this Council on 9th July, 1952, resolved that the sum of £200,000 from the Nyanza Province Cotton Sales Proceeds Fund be used by the Development and Reconstruction Authority for the purpose of financing certain development projects in Nyanza Province:

AND WHEREAS this sum will not be sufficient to finance such expenditure up to the 30th day of June, 1955:

BE IT RESOLVED that further payments not exceeding £80,000 be made from the Nyanza Province Cotton Sales Proceeds Fund for such projects.

TRANSFER TO COTTON LINT AND SEED MARKETING BOARD AND TO THE COTTON PRICE ASSISTANCE FUND

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, also this Resolution:

WHEREAS the Cotton Lint and Seed Marketing Ordinance, 1954, provides for the establishment of a Cotton Lint and Seed Marketing Board for the purposes of marketing and exporting cotton lint and cotton seed and to foster projects and services of direct benefit to the cotton industry:

AND WHEREAS it is proposed that the aforementioned Ordinance should come into operation on the 1st day of July, 1955:

BE IT RESOLVED that the sum of £70,000 from the Nyanza Province Cotton Sales Proceeds Fund and the sum of £100,000 from the Coast Province Cotton Sales Proceeds Fund be transferred to the ordinary funds and resources of the Board: and

[The Minister for Agriculture, Animal Husbandry and Water Resources]

BE IT FURTHER RESOLVED that the sum of £750,000 from the Nyanza Province Cotton Sales Proceeds Fund and the sum of £240,000 from the Coast Province Cotton Sales Proceeds Fund be transferred to the Cotton Price Assistance Fund.

MOUNT KILIMANJARO AIR DISASTER

THE CHIEF SECRETARY: Sir, on behalf of Members of both sides of the Chamber, I should like to express the deep grief felt by this Council as the recent air accident which was attended by such tragic loss of life. I should like to extend the sincere sympathy of the Council to all those who have been bereaved by this terrible mishap.

BREAKDOWN OF SURRENDER TALKS

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, hon. Members will wish to have a fuller report regarding the talks on large-scale surrenders to which I referred on Wednesday, 18th May. As a result of approaches from the terrorists to which I referred last week, contacts began in February when Government sent four surrendered terrorists who had volunteered, into the forests on the Aberdares. They were able to contact a terrorist leader named Kahinga, who stated that a large number of gangsters in the forest wished to surrender. The four terrorists who had been used in this operation returned from the forest and through their officers of the Special Branch were able to make direct contact with Kahinga in the forest. These officers showed outstanding courage in penetrating into the Prohibited Areas in order to carry out this task. More than four weeks were consumed in overcoming the suspicions of the terrorists; and in discussion by the terrorists in the forest among themselves. Subsequently, further talks took place, both in the forest and in Nairobi, at which the representatives of Government made it quite clear to the terrorists exactly what was meant by the surrender offer of 18th January. The terrorists' leaders informed Government that they wanted to make a mass surrender, including the gangs on Mount Kenya, and in order to achieve this they needed assistance in contacting leaders

on Mount Kenya where Operation "First Flute" had disrupted the gangs to a great degree. This assistance, as has already been reported to Council, was given both in movement and in closing small areas. The attempt to contact gang leaders on Mount Kenya lasted approximately two weeks and was largely unsuccessful, though a number of representatives from Mount Kenya were reported among the terrorist leaders in the Aberdares. We also had reports of a small but powerful element among the terrorists, probably led by Dedan Kimathi, who were violently opposed to surrender.

Early in May, as a result of the contacts made and developed through Kahinga, 11 leaders from widely different areas were brought under escort to Nairobi, where, on arrival, they asked that arrangements might be made for an overall surrender.

In order to achieve this, a token surrender was agreed to take place on 18th May, and to be followed by the closing of areas in turn to military operations whilst mass surrenders in each area took place. All officers of the Government who have been engaged in these contacts with the terrorists, including the Chief of Staff and the Minister for African Affairs, were convinced that the wish of many of the gangster leaders to surrender was genuine. But on 13th May, the terrorists contacted the officers of Special Branch and reversed completely the conditions which the War Council had laid down. I regret that we have no information which gives us any sure indication of the reason for such a sudden and violent change of opinion amongst them. As a result of this change, however, the War Council issued an ultimatum that unless a token surrender took place on 18th May, the talks would be closed and military operations would be intensified. This date, due to bad weather conditions which made contact difficult, was extended to 1 p.m. on Friday, 20th May. On the day named a reply was received at 12.50 hours in Nairobi asking for further considerable postponement and indicating no change in their new outlook. The decision was made, therefore, to proceed at once with military operations. Forces totalling the strength of six battalions, together with police, tribal police and home guard

[The European Minister without Portfolio]

forces, are being used in the area concerned. It became obvious in the later stages of this attempt to achieve a large-scale surrender that the terrorist leaders in the forest had concealed from their followers the full details of the talks and in particular their sudden reversal of the agreement which had been made to bring about these large-scale surrenders. As part of the operations which have been begun and closely integrated with the movement of troops, sky-shooting aircraft have been used and leaflets have been dropped in an attempt to stimulate numbers of individual surrenders from the rank and file.

In the operations which began following the breakdown of the talks, 19 terrorists have been killed and two captured up to this afternoon, and the intensified operations are continuing.

LT.-COL. GROGAN: Will the Minister kindly inform us what were the terms of peace offered by the *soi-disant* Commander-in-Chief of the Kikuyu to the *soi-disant* Government?

THE DEPUTY SPEAKER: As this is purely a statement there will be full opportunity for debate to-morrow.

MR. COOKE: I wonder if my hon. friend will enlarge on his statement and tell us how many have surrendered since last Friday?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: I am sorry, Mr. Deputy Speaker, I have not got the figure with me, but when I spoke to the Council last Wednesday, I think that I am right in saying the number who had surrendered was 535.

MR. COOKE: But how many have surrendered since last Friday?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: I could not tell the hon. Member.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

THE RESIDENT LABOURERS (AMENDMENT) BILL

Clause 1 agreed to.

Clause 2

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Chairman, I beg to move that clause 2 of the Bill be deleted and the following clause be substituted therefor:—

(2) Section 3 of the principal Ordinance is amended by inserting the expression "or a County Council established under the Local Government County Councils Ordinance, 1952," immediately after the expression "Local Government District Councils Ordinance," which at present is the definition of local authority therein; and by substituting for the words "where there is no Municipality or District Council" which appears in the said definition, the expression "where there is no Municipality, District Council or County Council".

The object of this, Sir, is to make it possible for a county council to exercise the power of making orders under the Ordinance.

Question proposed.

The question was put and carried.

Clause 2, as amended, agreed to.

Clauses 3 to 5 agreed to.

Clause 6

LT.-COL. GHERSIE: Clause 6, Sir, I think seeks to eliminate certain penal sanctions. As I see it, in clause 2 (b) the words to be omitted are "and if the party neglects or refuses to find security, he may commit him to prison until he finds it, but the terms of imprisonment shall not exceed three months." I understand, Sir, that this part of the clause will now be eliminated. What happens, Sir, if the person concerned refuses?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: I think the answer, Sir, is that this is a direction by the Court to find security in lieu of damages. If he fails to find security, then he will be liable to damages.

LT.-COL. GHERSIE: Yes, Mr. Chairman, but the penal sanction is dispensed with by the Court—

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: The penal sanction is dispensed with, yes, that is correct.

LT.-COL. GHERSIE: But he might still refuse, Sir.

MR. COOKE: Answer!

Clause 6 agreed to.

Clause 7 agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Chairman, I beg to move that the Committee do report to Council that it has considered the Resident Labourers (Amendment) Bill and agrees to the same with amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Resident Labourers (Amendment) Bill and has approved the same with amendment to clause 2.

THE RESIDENT LABOURERS (AMENDMENT) BILL

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Deputy Speaker, I beg to move that the Resident Labourers (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

COMMITTEE OF SUPPLY

Order for Committee read—Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

COMMITTEE OF SUPPLY

VOTE XXI—AGRICULTURE

Debate resumed.

THE CHAIRMAN: When we adjourned in Committee of Supply on Friday, the

Committee was considering sub-head 2 and the Minister for Finance was about to reply to a point raised by the hon. Member for Nairobi North.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, when the Committee rose, my hon. friend asked a question with regard to the variations which appeared in the subordinate service summaries. I did say to him I had the answer, but, of course, the fortuitous advent of closing of the Committee stage did give me the chance to look a little more and answer him in detail.

The position is, Sir, referring to the 1954/55 provision, which was the first point that he asked, that the average salary of the Agricultural Department employees in 1954/55 was put at about £31 5s. whilst for the Veterinary Department it was about £25. The former minor employee's scale, just like the present subordinate service, was divided into five sections. The Agricultural Department had more employees in the higher sections resulting in a higher average salary. I can say my hon. friend saying to himself, "That is quite the reverse of the sums that have appeared in the Estimates". I will go on to explain the second part which will now, Sir,

The Veterinary Department has made full provision for 717 persons both in 1954 and 1955 and in 1955/56 and the increase of £14,000 therefore represents the full effect of Libdby, and normal increments including cost of living, but the Agricultural Department, whilst it made full provision in 1954/55, in 1955/56 although it shows 771 still as the department's entitlement of subordinate service, the estimated expenditure as shown in item 36 is not related to the full complement, because, owing to the unsettled state of the Colony, it was felt the full complement in this particular department was unlikely to be recruited and that, indeed, a large proportion of those who were recruited would be casual labour who would not be entitled to the Libdby benefits.

The figure for estimated expenditure was, therefore, kept to the absolute minimum in accordance with the policy of strictest economy. In fact, if the full provision for 771 had been made in the

[The Minister for Finance and Development]
Agricultural Department. Estimates—in item 36, the figure would have been about £38,550 which would have been an increase of £14,150. And the figure that is shown represents only full provision for about 550 employees.

I hope that explains the situation to my hon. friend's satisfaction.

LT-COL. GHERSIE: Yes, Sir, thank you very much; but does it mean, Sir, this estimate of 771 is not a true and accurate figure of those employed? Does it mean that those vacancies will be filled during the course of the year, in which case the figure would go up proportionately?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Yes, Sir, it means that the financial provision as shown only visualizes about 550 employees being the possible recruitment during the year. If, indeed, the full 771 were recruited, we should have to come back for further provision, but it is the belief of the Treasury and of the department at the present moment that with the condition of the Colony as it is, it is unlikely that the 771 can be recruited on this basis.

LT-COL. GHERSIE: Mr. Chairman, just as a matter of principle, this is rather reversing the normal procedure because, as a rule, if posts are created which are not filled, then a token vote is included.

Now, Sir, we have this reversed provision where the full number is provided for in the numerical side of these Estimates, whereas finance is not provided so we may be liable to a supplementary estimate.

THE MINISTER FOR FINANCE AND DEVELOPMENT: That is correct, Sir, except I could not agree with my hon. friend that this is a normal procedure in reverse. As my hon. friend is well aware, there are many occasions when, indeed, establishments are put in and by no means the salary at which those people are likely to be engaged is put in—the lowest point in the salary scale is often the point included. The fact remains that this is the limit of financial provision made by the Council and if more staff than they at present anticipate are engaged, then we shall have to come back and ask for more finance.

Sub-heads (2) to (8), (50) and Z agreed to.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee do report back to Council its consideration and adoption of the Resolution on the Order Paper and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that the Committee of Supply has considered and approved the Resolution on the Order Paper and approved the same.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XXIV—PRISONS

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: I beg to move that Mr. Deputy Speaker do now leave the Chair. This is to enable the Council to consider Vote XXIV—Prisons.

Mr. Deputy Speaker, Sir, the Prisons Expenditure Estimates total a little over £800,000. In this connection, however, I would draw attention to a revenue of £160,000 from prison industries. The expenditure of £800,000 takes no account of Emergency expenditure which is of the order of some £3,750,000. The explanation of the difference between this year's Estimates before us and their increase over last year's is adequately contained on page 143 (c) of the book here,

[The Minister for Internal Security and Defence]
and I do not think there is need to add anything further to it.

The Prisons Department has, in my view, suffered more than almost any other department from the strain of the Emergency. It has been at the receiving end of every operation which has taken prisoners. Its expansion has been very great and so has the load on the Commissioner and his officers and, to my mind, they deserve great praise for the way they have met it. (Hear, hear.)

I think the extent of the expansion is not wholly appreciated. There are, in fact, at present 178 prisons establishments; these comprise 50 prisons, 32 prison camps, 42 Emergency detention camps and 54 ordinary detention camps—these ordinary detention camps are, of course, those established under the Ordinance where minor but tax offenders and people of that kind are kept.

In these 178 establishments there are, in round figures, 27,000 convicts, of whom 17,000 are *Mau Mau* offenders, 49,000 Emergency detainees, 5,000 ordinary detainees—in the kind of camp I have specifically mentioned—and, with the daily holding of remand prisoners, this gives a grand total, in round figures, again of 83,000 captives.

These 83,000 captives, which is, indeed, a formidable total, are guarded and administered by 14,300 officers and men. Now, a comparative figure, to stress this expansion, which, as I say, has been so considerable, is that the strength of the regular police, excluding the Kenya Police Reserve, is a little over 13,000. Actually there are more prisons' officers and *askaris* than there are police officers and *askaris* in the regular police.

An additional burden which fell on the prisons this year, and which is a somewhat unusual one from the strict prison's point of view, is the necessity, which we learned the hard way after the Lukuya raid, of guarding against attack from the outside as well as ensuring security within. That is not normally a thing which prisons establishments have to look to, but, in fact, we have an officer especially seconded to us by the Commander-in-Chief to advise on the

defence of our prisons establishments. Very extensive defences have been put up at them. Those I have inspected seem to me eminently satisfactory and, of course, squads of prison warders have had to take on the additional duties of, indeed, acting as so soldiers ready to receive and repel attack.

The figures that I have quoted, the number of captives and of the men who guard them, give, I think, more than any other the melancholy picture of one of the end results of the Emergency. Apart from casualties, apart from disruption of the lives of free men, there is this mass of people and their guards withdrawn from the proper economy of the country. Part of the bill for accommodating, guarding, feeding and administering these people is what we are now called upon to meet. It is a most depressing and large-y unproductive expenditure.

Mr. Deputy Speaker, Sir, I beg to move.

Question proposed.

LT-COL. GHERSIE: Mr. Deputy Speaker, there is only one point I wish to raise and it does arise from what the Minister has just said. He referred to his Estimates as something just over £800,000—£811,000. He also reminded us of the fact that the revenue being produced by this department was now £160,000, which is an increase of £10,000 on the previous year. But, Sir, if we refer to the Memorandum, we find, Sir, that provision for detained persons not provided for in these Estimates will be obtained from the Emergency Expenditure Fund at a cost of £312,000 a month, or £3,750,000 for a full year, excluding the cost of wages payable to detained persons in the works camps. Now, Sir, with that increased number of detainees, we find again on the revenue side that whereas in the previous year hired convict and detainee labour produced £21,000, this year it will only produce £5,000. In other words, although there has been a £10,000 increase as far as the actual prison industries are concerned, as far as detainees are concerned, there has been a decrease of £16,000 despite the increased number.

MR. AWORI: Mr. Deputy Speaker, Sir, I have only one or two points to raise

[Mr. Awori]

on this vote. One, Sir, I would like to know from the Minister for Internal Security regarding the appointment of Africans to responsible positions in the Prisons Department. As far as I know, I do not think that we have many Africans who have been appointed to senior positions in the Prisons Department. In the police we have some who are inspectors and senior inspectors and I think it is high time that Africans should be given good responsibility.

The second point regards the open prison which we have got in Nyanza. I do not know exactly how it is termed, but I would like it to be encouraged in more districts in the Colony. As far as I know it has worked out very well and I believe that it should be encouraged as far as the prisons are concerned.

Mr. Deputy Speaker, I beg to support.

Mr. COOKE: Mr. Deputy Speaker, one can hardly open a paper from home, even papers like *The Times* and the *Daily Telegraph* without realizing the concern felt by the people in England about the long time these detainees are being kept in screening camps. Now, I have referred to this matter several times before, so I may repeat myself, but I do not think it can be repeated too often. Now, I would like the hon. gentleman to give an assurance that there are enough screeners available to expedite the screening. We know, of course, at the start there were not, and people were kept at camps, like that camp close to Nairobi, for many weeks and many of these people were innocent people. Now, it does not contribute to the good name of Kenya abroad to learn that that is happening, but it is a use disgusting it. I believe that there are not so many now—of innocent people—but at one time I believe General Erskine, although I believe he denied it later on, said they were something like 20 per cent of these detainees. But whether there are 20 per cent or 10 per cent, there are, Mr. Deputy Speaker, I submit, far too many, because we are simply breeding up a class of people who have intense bitterness of innocent people if they are innocent, some of them are—at their treatment. It should be one of our first duties, I contend, to free these people

or to send them into works camps as early as possible.

The hon. Minister referred to their loss to the economy of this country. Well, I would be very sorry to see them kept in prison or in works camps one minute longer than is necessary. Now, I am referring to the innocent people. Some people think that there are no innocent Kikuyu. At any rate there are degrees of guilt and degrees of innocence, and we cannot afford to allow this bitterness which is prevalent to-day to be on the increase. I believe that one of the African Members on the other side is going to bring up a Motion about this later on—Mr. Okwiry—and perhaps the matter will then be ventilated. At least he told me last week that he was intending to do so.

I wish that these prisoners at Mackinnon Road and at the other place nearby could be used for more productive work. I have many times suggested, and others have, that they should be used for quarrying on a bigger and more extensive scale. I know my hon. friend, Colonel Cowie, is rather against quarrying—at least I think he is—in the National Parks. I would like to say here and now, as a trustee of the National Parks, that I can see no objection to a reasonable amount of quarrying taking place. It is a vast, arid area where the camps are and the fear that the quarrying may cause would soon be filed up.

Now, there is another argument against employing them. I believe, and that is that there would be no use for the stone. Well, I feel even if there is no reason why the stone immediately, there is quarried and laid ready against the time when the railways and roads people will need them later on. I have been informed that a lot of the material is very suitable for railway and road work and there is no reason why we should not stockpile a good deal of this quarried stone against a later date. Altogether, besides that, it is very bad for the morale of these people if they have not got heavy or other work to do. I would also suggest, and I think my hon. friend, Colonel Cowie, would agree with me here, that they should be used on the road from Lugard's Falls to Malindi where there is one place near Lari Hill where they

[Mr. Cooke]

could be extremely profitably employed in taking away the heavy rock that is in that vicinity. It is also that heavy work is good for these very guilty people to perform. I did speak to my hon. friend the other day and I understand he was agreeable. I know the difficulties about supervising them, but I am sure that the trustees of the National Parks, of which Colonel Cowie is a Director, would be only too glad to use their own wardens, perhaps, to supervise the work. The place that I mention is eminently suitable because it is only a few yards from the Sabaki River so there is plenty of water available and it is a country which is very hot and arid and it would be very good punishment for the more fierce and guilty of the *Mau Mau*.

I would like to pay a tribute to the extraordinary good work done under the prison officials between Garsen and Witu in my own constituency. I know that country pretty well, having been stationed there in the past, and whereas at one time that road used to be closed for nine months in the year, now it is only closed for about three months of the year. So it does show that at any rate a good deal of constructive work has been done by the *Mau Mau*, and I think everybody—certainly everybody at the coast—is very grateful for what has been done.

It is certainly a terrible thing to learn that there are nearly 50,000 of these men in confinement—I suppose he referred to those in works camps as well. They, in the works camps, of course, are doing useful work already, and I do beseech the Minister to see that so long as Manyani and Mackinnon Road are kept open any work possible, even though it is only work for the future, should be given to these men.

Sir, I support. (Applause.)

Mr. CROSSKILL: Mr. Deputy Speaker, I feel that I shall be voicing the opinions of all on this side of the Council when I say that the Administration—the Commissioner and all his staff—do deserve the thanks and congratulations of everyone in the country. They have been under a very great strain indeed, and I think they have performed a very diffi-

cult task with great diligence and efficiency.

There is only one point which I wish to raise and that is with regard to technical instruction being given to detainees. Now, that is a very praise-worthy scheme, Sir, but I do hope that steps will be taken to see that they pay for such instruction, and that it is not entirely free, or it might conceivably be the view of the African people that it pays to become a detainee in order to learn a trade or a vocation. Some steps should be taken to ensure that that is not so.

I beg to support. (Applause.)

Mr. GUKONO: Mr. Deputy Speaker, Sir, I want to talk for a while about the detainees in the camps. It is very obvious that during operations such as "Anvil" quite a large number of decent people were picked up and were detained in either Manyani or Mackinnon Road. It is now quite a long time since, and I do not think that the screening going on is at a quick pace. I think that everything possible should be done that screening takes place so that good people are not kept unnecessarily in the detention camps. I feel that this is very important because it can lessen the bitterness that may arise out of the long detaining of innocent persons.

I do know, Sir, that there are some people who have already been sent back to their reserves—they have been screened and found to be safe. Now, I would like the Minister to tell the Council what steps are being taken for these people to go back to their normal work. They are released and they are left in the reserve high and dry and there are no jobs there and I think there is a danger of these people getting into the forests. I feel that when persons have been screened and found white they should at once be allowed to rejoin their normal jobs instead of leaving them just like that in the reserve, having no work to do.

The other point is the question of technical education in the prisons. I do not agree with the hon. Member for Mau. I feel that once these criminals are taken into prison, it is the duty of the Government to teach them some trade

[Mr. Gikonyo]

so that when they come out of prison they can follow the occupation, the trade that they have been trained in, in the prison and in many cases it may turn these criminals from their habitual thefts and so on. I feel that anything that can be done to train them to be good citizens should be done, irrespective of whether they are criminals first or not, because by training them you can turn them from their criminality. I feel that the view that has been expressed is most unfortunate, and that the Government should do everything possible to train them so that when they come out they become good citizens.

I beg to support.

LADY SHAW: Mr. Deputy Speaker, I imagine that one of the great problems of the prisons is how to get rid of the people that they now hold. It is inconceivable that these vast numbers of people should be a permanent drain on the country.

Rather unlike most of the people who speak on this subject, I am not entirely interested in whether these people are taught trades or not taught trades but I think it is very important that they should be returned to normal citizenship, improved and encouraged. My own private view, Mr. Deputy Speaker, is, that the one set of people who are in a position to deal with these criminals or *Mau Mau*—I do not know what you want to call them—when they come out of detention is the native administration, in other words the chiefs and headmen. I would like to suggest to this Council that as long as their chiefs and their headmen are properly paid and are given a proper status in the Administration, there can be little fear of allowing these people to go back to the reserves. But so long as the average chief or the average headman is a sort of *neapara*, without control, without distinction, without position, then, Sir, we cannot afford to send these people back and I would like to ask this Council to give every possible encouragement to the Government—if I may put it that way—to raise the status of chiefs and headmen to such a point that they are in a position to deal with the returned criminals.

Now, Sir, so long as, when these people go back to their reserves under the

direct control of chiefs and headmen and they are not regarded as heroes but as rather poor, down-trodden creatures who have been allowed to come back and are treated as such, we will have very little more *Mau Mau* in this country. (Applause.)

Mrs. SHAW: Mr. Deputy Speaker, Sir, I want to raise one or two parochial points. First of all, the Mara River camp—the prisoners there are doing excellent work of bush clearing for the reclamation of land infested with tsetse fly. After the recent incident on the Loita-Narok border, that work was stopped temporarily on security grounds. I would like to know from the hon. Minister if it has been resumed.

The camp is very well run as far as discipline is concerned and I would also like to know if any start has been made on the rehabilitation side.

I would very much like to pay a tribute to two other officers—one who is running Sakwa Prison Camp in Nyanza with the most excellent results and a large proportion of the men coming out of there are proving to be really free from the *Mau Mau* curse. And the other—a prison I saw which I thought was run—on the most exemplary lines, namely the Aguthi Camp in South Nyeri.

I would like to suggest that more camps were run on the lines of both the Aguthi and the Sakwa, which are achieving a very high standard of results in persons who leave the prisons and go out into the reserve under their local chiefs and do not return to their former evil ways.

I just want to make those two points. I beg to support. (Applause.)

MR. COWIE: Mr. Deputy Speaker, just one small contribution on the heading raised by my hon. friend the Member for the Coast. I entirely agree, Sir, that work should be found for people in confinement, but the difficulty, I think, is to keep proper control of them. If a prisoner escapes from some kind of prison camp or prison, he, in the eyes of the public, is a far worse criminal than many other thugs that have not been apprehended. It is one of those strange switches of psychology. You only have to hear of one or two people escaping from a prison and they are then branded as the worst criminals that have ever been let loose until they are found

[Mr. Cowie]

If you take a gang of prisoners and do not provide or have adequate escort for them, although working on a road or a quarry or whatever it might be, if some escape, it is then a question of whether it is worthwhile. It is therefore a matter of weighing the advantage of security against the effect of having thousands out doing good work with the risk of escape. It is on that particular problem I would like the Minister to comment because round that, to my mind, revolves the whole question of work. You cannot do a great deal of work inside the prison camp; there is not room. But it presupposes moving quite large numbers quite considerable distances. If that can be done with safety, I think it opens the field to a considerable amount of work. It may then be possible to divide the prisons between those people confined for punishment and those people confined because they have been a menace to society. It is not quite the same. But if gangs of workmen are selected wisely from either of those groups, properly conducted and escorted, then I think the field of work is quite unlimited.

—May I ask for comment on that, Sir? I support.

MR. SLADE: Mr. Deputy Speaker, Sir, I wish to support the hon. Member for Mau in what he said about this service. In the course of my profession as a lawyer, I have had occasion to come in contact with officers of this service over many years. I have always had very high regard for them and that regard has not been diminished by the way they have stood up to the tremendous burden placed on them during the Emergency. They have had their misfortunes—escapes and so forth—but considering what they have had to face, I think we have to recognize that they have handled the situation extremely well.

I would like also to speak in support of the hon. Member for Mau on this subject of training of prisoners and detainees. I have already spoken on this subject in the course of the Education Vote and I do not propose to repeat now what I said then. But I would reiterate just this. On the one hand I am quite certain that some measure of training

is essential for prisons, particularly corrective training for long-term prisoners; not only to fit them for the outside world before they come out again, but also to help pay for their maintenance. As the hon. Minister has shown, they do to a very large extent now contribute towards their own maintenance. But that must be balanced against other problems and increasing problems, which lie in the fact that facilities are open to people in these detention camps which are not open to the law-abiding citizen. There is great danger of complete disproportion there. As the hon. Member said, a citizen may begin to believe that he has to become a detainee in order to obtain the facilities of training.

Along with that, there is the other danger that if you are not very careful about your standards of training prisoners and detainees, you may turn out a half-baked technician—a man who believes he is worth more than he is, and deludes his prospective employers into thinking he is worth more than he is, and everybody is disappointed and embittered.

Now, Sir, I would ask the hon. Minister to comment on this matter. I particularly ask him to do so, because in the course of the Education Vote the hon. Minister for Education did not comment on this point, nor, Sir, in the course of the Police Vote, did I observe the hon. Minister, nor in charge of this vote, commenting on anything that I said except in a facetious manner; whereas some of these things we say are serious. However, I do not expect the hon. Minister to say he knows the answer to this problem of balancing the facilities of the outside, but I do at least expect him to testify to what the Government is alive to the problem.

Sir, I beg to support. (Applause.)

DR. HASSAM: Mr. Deputy Speaker, Sir, I associate myself with the previous speakers that it is essential the prisoners in the detainee camps should be made to work; they should be given some work so that it will help them at least to digest the liberal feeding which is being given to them by the Government.

A considerable number of them have been stationed in different camps in the coastal area which is fly-infested. This

[Dr. Hassan] is one of the dangers on which the Government is spending colossal amounts to clear bushes which harbour the fly. This is one of the trainings for them, which previous speakers have asked for. The tsetse teams can make use of these people for bush clearing which is practical work. We have very large tracts of fly-infested country all over Kenya and they could find jobs there whenever they need and that would meet the contention of the hon. Member for African Interests who said that they are simply sent back to the reserve to do nothing, but if they learn this work of bush clearing, they will be able to go and find work with the tsetse teams for the bush clearing.

In addition to that, unless the Government makes up its mind as to what is going to be done to them, there does not appear to be any reason why these people should not be called upon to grow something wherever they are, in the vicinity of the camps; so that at least they would be able to produce part of the food which would save the colossal amount of money which the Government is spending to feed them.

With these points, Sir, I support the Motion. (Applause.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak; I will call on the hon. Mover to reply.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Mr. Deputy Speaker, Sir, I am obliged to hon. Members opposite for some valuable and constructive suggestions. I would like to deal serially with the points made:

The first one, I think, was made by the hon. Member for Nairobi North when he queried the decrease in the payment for the employment of convicts. The answer is a simple one. It is that when the prisoner, who was seconded to Prisons by the Commander-in-Chief to advise on prison security reached Ngong River Prison Camp, which is where we had the convicts who were working for the railway hammering stone for the railway ballast, he decided that the security risk was so great that the camp should be closed; in fact, it has been closed, consequently, there is no more ballast made for the railways at present

and that accounts wholly for the deficit of £16,000.

The hon. African Representative Member, Mr. Awori, mentioned the appointment of Africans to posts in the Prison Service, equivalent to the posts they hold at present in the police. I am very grateful to him for mentioning it and will certainly go into it and, quite frankly, I am afraid I had not struck me as if so obviously struck him, that we have not got Africans in the Prisons Department in the comparable ranks and I agree with him we should have.

With regard to the open prison at Shikusa which is, indeed, an extremely successful prison, and his suggestion that we should have more establishments like it, we would very much like to, but it is the demands of the Emergency, the constant improvisation, the inflow of captives, the movement of people from holding camps to works camps, the general complete overloading of the Prisons Department in ways of this kind, which prevent us now from going ahead with what one might perhaps consider straight or honest prisons projects as such.

The hon. Member for the Coast referred to screening and the insufficient facilities that there were for it. Again, there was some understandable degree of miscomprehension about this. The Prisons Department as such, is, of course, not an arresting or a screening or a releasing authority. It is, as is obvious from its name, the jailer; persons are put on delegated detention orders by other authorities, they are screened in the camp by other authorities. If, as the result of screening, a man is found to be suited for release, he is released again by other authorities. However, I do not want to labour the point that I am not responsible for this, I am not the screening which is, of course, conducted in these establishments is proceeding with considerable success; that is to say, having to a very considerable extent now digested the enormous "Anvil" intake, we are at last able to increase movement and releases. The only unscreened people at the moment at Manyani who are held at what is called the "Anvil" order, that is the order which was made at the time of the "Anvil" operation, are 1,006 and at MacKinnon Road, 1,693

[The Minister for Internal Security and Defence]

and, having closed down Langata, which was a main reception centre, we are now very busily moving these people with complete priority to works camps for further screening. Now, the reason for that is that there is a limit to what you can discover about a man in a place like Manyani where he is kept remote from his own country and his own people, and the only thing you can do is to introduce a screening team which is probably an extremely good team, but may not contain the elder of that man's particular village or some other person who knows about him, with the result that at the end of all the various screening business and all the rest of it one is bound to have a number of people, and I have given the numbers—who are, in fact, unclassified; we have just not been able to find out about them at Manyani. They now go with priority to the works camps in their districts of origin where, in fact, we can find out about them. That is how that one is being handled at present; I might add that the rate of movement from the two big reception camps to the works camps is at present 800 a week—3,200 a month—which is more satisfactory than it has previously been.

The hon. Member for the Coast also mentioned the matter of the quarry at Manyani. I am very grateful for his support in this; I am uncertain to what extent that is an undertaking on behalf of the trustees of the National Parks; or has the agreement of my hon. friend, the Director, but I would very much like to do it.

The hon. Member for the Coast also mentioned road-making projects which I am studying, and the hon. Asian Elected Member for the Coast, Dr. Hassan, mentioned projects of clearing fly country at the Coast and also mentioned agriculture. I would like to take those two points together, because, the difficulty is, of course, the obvious one and it was referred to by my hon. friend, Colonel Cowie. It is that the more working parties you have the less your security. It is quite clear that when you put people as they are, for instance, at Manyani behind wire with numbers of guards, with an electric fence, with

towers overlooking the place, and everything else, as soon as you take parties out of that and set them to work, your security is gravely lessened. It is equally apparent that if you are going to work them at any distance from the parent camp, you again have to set up some other little separate establishment and that, of course, involves, once again, the original expense of wire, huts, transport, and all such things. That is one of the difficulties in working people on outside parties, and at distances from existing camps. That is not to say that I will not look into the particular projects suggested by my hon. friend, which indeed I shall do, and have already started doing.

My hon. friend, the Member for Mau, and also my hon. friend, the learned Member for Aberdare, referred to the training of detainees and convicts and my friend, the Member for Aberdare, accused me of being facetious in replying to his specific points about the Police Estimates. The fact is that I considered his remarks about the Police Estimates deserved reproach, but I consider his remarks about the Prisons Estimates deserve, indeed, my thanks and congratulations. I am not merely endeavouring to flatter him when I say that the bible on which corrective training—our efforts towards corrective training—has been based, is a slim volume called the "Slade Report". The carrying out of the recommendations in that are somewhat delayed, I fear, but I think the hon. Member knows, delayed because of the need to build at Kamiti what is intended to be the corrective training prison, in replacement for the seriously overcrowded conditions under which corrective training is done in Nairobi. A number of wings at the Kamiti Prison are now completed, and it is there that the corrective training of convicts will be conducted on exactly the excellent lines which my hon. friend himself has recommended. The training of detainees, and again I do not want to split hairs about it, is not really a Prisons responsibility; it is part of their rehabilitation, which is dealt with by my hon. friend, the Minister for Community Development. I can say, however, that to my knowledge, there is no intention of giving any such degree of training as would really enable a man to claim, by virtue of being a detainee, that he had received

[The Minister for Internal Security and Defence]

some kind of superior instruction. I think I am right in saying that. I speak subject to correction by my hon. friend, the Minister for Community Development, but it is more occupational training than corrective training.

I was not quite clear what my hon. friend, the African Representative Member, Mr. Gikonyo, was getting at when he queried matters about the release of the innocent. If people are graded "white", classified "white", which is the classification of innocence, they are, in fact, released and have been released to the number of some thousands.

My hon. friend, the Member for Nyanza, asked specifically about Mara River Camp. That is a convict camp, but I am informed that a rehabilitation team from the other Ministry which I have mentioned, has recently gone there to conduct rehabilitation amongst the convicts and I understand the work which was temporarily suspended has been resumed there. I would like to thank her for her kind remarks about Aguthi and Sakwa, with which I entirely agree.

The only remaining point which I have noted is, I think, one again made by the hon. Asian Elected Member when he referred to the matter of convicts and detainees aiding in their own support by undertaking agricultural schemes. Of course, they do. The Kitale Prison, for instance, has a most excellent farm; a very great deal of stuff is grown at Kamili. The figures, referring again to the Estimates which we are discussing, of the one-line votes, conceal—perhaps I should not admit this—but they do conceal a most considerable discrepancy between the actual cost of feeding convicts, say, in Nairobi or, say, in Kitale. In one case it is of the order of, such as Sh. 50 or so a month. In places where their own food is grown, it is a very great deal less and one of the projects which is now being undertaken from Manyani is an irrigated *shamba* outside the camp which is irrigated by the considerable amount of waste water which runs from the camp, a very considerable volume indeed when there are so many people there, so that it is being done and it is very much part of our policy to do

it everywhere where it is, in fact, practicable to do it.

I think, Mr. Deputy Speaker, Sir, I have covered the questions asked by my hon. friends opposite.

I beg to move.

MR. GIKONYO: Mr. Deputy Speaker, I did not get a reply to my question. The Minister stressed that a large number of people classified "white" are released. My question was when they are released and sent back to the reserve, why are they not allowed to go back to their employers, if they are classed as "white"?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Mr. Deputy Speaker, Sir, when they are released they are no longer in my custody. (Laughter.)

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XXIV—PRISONS.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:

THAT A SUM NOT EXCEEDING £811,088 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956—Vote XXIV—Prisons.

Question proposed.

Sub-heads (1) to (6) agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the Resolution and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that the Committee of Supply has considered and approved a Resolution that a sum not exceeding £811,088 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956—Vote XXIV—Prisons.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council do agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XXXVI—1—COMMUNITY DEVELOPMENT

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR COMMUNITY DEVELOPMENT: (Applause.) Mr. Deputy Speaker, I beg to move that Mr. Deputy Speaker do now leave the Chair, to enable the Committee of the whole Council to consider—Head No.—XXXVI—1—Community Development.

MR. DEPUTY SPEAKER, I should like to begin by saying that when Council approved the Estimates of the Community Development for the financial year 1954/55 it then consisted of only three sub-heads or three departments. Since then certain additions have been made. What used to be the Probation Services and Approved Schools, which were cared for by the Prisons Department, have been transferred to the Ministry of Community Development, and at the same time the services which were provided by the Ministry of Community Development in each department of Jeanes School, which is a training centre for the staff we need and so on, became so much in demand in the course of recent years, that it was necessary to expand some of the facilities which it provides in order to accommodate students who were calling on these facilities. The result was that on the 9th February this year it was necessary for His Excel-

lency to lay the foundation stone of a new Jeanes School at Maseno, in Nyanza, which would provide some of the services which are now provided at the Jeanes School. It therefore means that under the Ministry we now have the Jeanes School, Kabete, the Jeanes School, Nyanza, the Women's Homecraft School at Kabete, the Approved School and the Probation Services.

Now, in order that Members may have some idea of some of the things which we do under each of these departments, I should like to give a very brief survey of each one of them.

The establishment of the Department of Community Development for the next financial year will have added to it three new posts of Community Development officers. Now these three new posts will make, altogether, a total of 17 and I should like to explain how the number of 17 is arrived at. They are not all new ones. Some changes in names and in the designation of officers have taken place. When the 1954/55 Estimates were approved, they included two posts which are occupied by an officer who does extra-mural work for the districts, and other officers of that category. The other one was occupied by one of the officers who was—very much better known to the Colony than any of the staff which we have, probably, I refer to the sports officer, in the person of Mr. Archie Evans. Now the work of the Colony Sports Officer, Mr. Archie Evans, who is now shown at the moment as Community Development Officer in the Estimates, has brought a great deal of credit to the Colony in the field of sport and of physical recreation generally. (Hear, hear.) The performance of the Kenya athletes in the Empire Games at Vancouver in 1954 was the culmination of his work, but there were a number of victories for the Colony in the Central African Games, the Asian and Indian Ocean Games held in Madagascar and the interterritorial championships for East Africa. The Colony has been almost as successful in football and has reached the finals during the last seven years, winning the Gossage Cup twice. (Hear, hear.) The importance of having recreation cannot be overrated at any time, particularly in the urban areas and this section of the department is doing as

[The Minister for Community Development]

much as it can to increase the enjoyment of a large number of the people of all races, including those who live in urban conditions.

Now, hon. Members will also remember that 12 posts were provided for by Supplementary Estimates in 1954/55 and these were all entitled "Rehabilitation Officers", and were paid from the Emergency funds. It is now proposed that they should be together known as "Community Development Officers" and are accordingly provided for under the Colony's Estimates. Now these officers continued to carry out work of rehabilitation and other duties of that kind in the Emergency areas including works and prison camps.

Lastly, three new posts of the same category have been added. Their function will be to stimulate Community Development's activities, not in the Emergency areas this time, but in the non-Emergency areas. (Applause.) That will be to provide for the people who live in these areas something which is being provided for under the Emergency Fund by the people well known as Rehabilitation Officers.

Now I move one from Community Development work as such to that known as Homecraft. I should like to point out first of all that the Estimates under consideration provide for four additional posts of Homecraft Officers. I should also like to point out that these posts will now be known by a different name; they will all be called Supervisors of Homecrafts instead of Homecraft Officers, and three new ones have been provided. Now that is just a change in the name. The functions remain exactly the same as before, as you will see in the Memorandum, it is to guide and direct the rapidly expanding and very popular movement which is known throughout Kenya now as the *Maendeleo ya Wanawake*. It is now proposed to increase these posts by four. As opposed to the other rehabilitation officers, they will work in the non-Emergency areas where the loyal tribes live, to provide some of these services which are provided in the Emergency ones. Now the Rehabilitation Officers who do not actually form part of the permanent estab-

lishment of the department are now known as Community Development Officers Supernumerary. As to this, hon. Members will remember, eight new posts were added some time back and they have all been paid under the Emergency Fund. They will work, not only in the detention camps but everywhere in the troubled areas throughout the Kikuyu Reserve.

That brings me to the Jeanes School and the services which it provides. Now, before I give a brief account of what the Jeanes School does, I should like to assist the hon. African Representative Member, Mr. Awori, who seems to have some doubt as to the relevance of the name "Jeanes School". (Hear, hear.) I do not know if he, and certain other hon. Members of this Council, actually know the history of the name, but it runs in this way. Once upon a time there lived a very rich lady in America known as Miss Jeanes. She had money and this money she wanted to give in the form of charity for the work of developing the community as a community. She insisted that where teachers were being trained, they should not be trained as individuals, but they should be sent together with their wives and therefore the women could carry out those services or functions which the man as a teacher could not carry out. She gave a very large sum of money to a body known as the Carnegie Trust which is also American and the Carnegie Trust used this money to establish schools, first of all, in the Southern States of America which were run exactly the same way as we run our present Jeanes School and so on. This same fund was also used to provide similar schools in Nyasaland and also in Northern Rhodesia.

In 1924 a Commission visited Kenya which is now known as the Phelps Stokes Commission. They recommended that that type of training or facilities should be provided here with the help and assistance of the funds from this trust. The result of that recommendation was that in 1925 the Jeanes School at Kabete was established under the care and trust of the Carnegie Trust as recommended by the Phelps Stokes Commission. For the first two years this school was run with the money provided by that body at the end of which the Colony took over.

[The Minister for Community Development]

Now, what services do we provide at the Jeanes School? The Jeanes School now provides several courses usually of a short duration lasting from six weeks to a year. In the year 1954 the following courses were provided: First there were courses under the general title of "Citizenship". They consisted of African civil servants, chiefs, chiefs and community leaders. There were five such courses in 1954 which were attended by 103 people. The next one comes under the general heading of "Community Development Courses" and these trained farmers, traders and shopkeepers, bakers, and women's homecraft officers. During that year ten courses of that kind were held which were attended by students numbering 222. The third one is general staff training courses. This consisted of Probation Assistants, Rehabilitation Assistants, Health Assistants, trade union officials, Masai Teacher Refresher Courses, Klambo Teacher Refresher Courses, Farmer Club leaders, Community Development assistants, (East African School of Co-operation and so on, health inspectors which generally stayed there for as long as three years as opposed to the one year and these courses together in that year numbered 17, attended by no less than 387 students.

The fourth one is cultural and recreational and these are very varied. They consisted of three university courses; librarians, choral singing, for *Maendeleo ya Wanawake* and the Kenya Festival; drama for the Kenya Festival; Kenya football team training; referees and so on. These courses together numbered 11 and were attended by 215 students. The last one, and not the least important, is the languages course. The language courses provide Swahili for European staff, Kikuyu for European staff again; Administrative assistants and Rehabilitation Officers, and so on. Such courses numbered six and were attended by 105 students during that year.

Now, apart from both or in addition to them the Jeanes School runs a primary school for children and a nursery school within itself and also arranges numerous conferences on various subjects, which are held there from time to time.

Now, from there I move on to the Jeanes School, Nyanza. Now, this is an entirely new Head. The capital cost has been provided and the school is at the moment under construction at Maseno. Provision is being made for the current cost on the same basis as in the Jeanes School, Kabete. In the initial stages this school will provide accommodation for 50 students only. The Kabete school has an approximate capacity for 300 students at any one single time, therefore, it will be six times the size of Maseno. The cost is also about six times; where the Jeanes School totals £56,262 and Maseno-£9,210. Now, to begin with, the school will only run to two courses and it is hoped by the month of September this year, the school will be ready for occupation.

Now I turn to the Women's Homecraft School. In actual fact there is not any major change proposed, but I should like to refer, under this heading, to the post of Assistant Commissioner (Homecraft). This officer is actually concerned with the Community Development work outside in the field; and the post of Assistant Commissioner has been established in recognition of the increasing importance of the work which she does in promoting the advancement of the African women in the country, and it is very important to note that this officer, has in her own way, of dealing with things put so much enthusiasm in her work that the movement which is known as *Maendeleo ya Wanawake*, which in 1950 started with a mere 22 clubs has now, in the last year, run up to 550 clubs with a membership of no less than 30,000 women. Now the promotion of these clubs with such a very limited staff available to the department, has been a most remarkable achievement. I should like to pay tribute to the officer who has done so magnificent a piece of work for the development of this country. (Hear, hear.)

I now turn to the approved schools. Mr. Deputy Speaker, there are only two approved schools in the Colony at the moment. One is to be found at Dagoretti and the other one at Kabete not far from Jeanes School. The only thing that is important here is to note that the staff that work within this school have for a

[The Minister for Community Development]

long time suffered from certain handicaps, particularly those of lack of training and illiteracy. It is now proposed that this entire staff should be replaced by a better one that will be able not only to know something about what they have to do but will also be literate and better trained in various ways and be able, not only to apply the knowledge but to learn more. That is about the only big change that is proposed.

Now the Probation Services. Again there will be no major change. The Estimates do not show anything new except ten additional Probation Assistants. These people are to be trained, when they are trained, they will be taken over in the usual way to do probation work. Now, as regards this probation work, it might interest Members to know certain of their achievements during the previous year. The work of the Probation Service which started only a little while ago has been pioneered by the Principal Probation Officer for the last eight years in Kenya. He has achieved some noteworthy achievements. He has had only a very limited staff with which to work, but at the same time he has been able to achieve a great deal. The following figures will indicate the way that the service has grown. At the end of 1954 there were 1,698 individuals on probation. At the present moment, however, there are 2,551 such cases. This is, in fact, 500 more than the combined capacity of two main prisons such as Kisumu and Mombasa. What is more encouraging is that during 1954 no less than 82 per cent of the cases completed their probation period successfully. (Applause.)

Now to finish with, I should like to refer to one other matter which is connected with the probation service. I refer, Mr. Deputy Speaker, to remand homes. Now, under Probation Services come remand homes. The Central Probation Committee sitting under the chairmanship of His Honour the Chief Justice of Kenya, during the course of a year or so, recommended that within the Colony there should be established a number of remand homes for the care of young ones. They thought that, however difficult it may be to provide, this service ought to be given in at least four of

the main urban centres of the Colony, namely, Mombasa, Nairobi, Nakuru and Kisumu. Now, during the time that the Planning Estimates were approved by this Council, Members will remember or realize that Probation Service was part of the prisons and therefore they do not come under our care, with the result that the capital estimates which were to go to build remand homes could not appear under our Department, but were included under the provision for prisons. We have been negotiating with the Prisons Authority and we have now secured allocation from them of £15,750 which will be utilized in the building of these remand homes. I do not think that that is the end of the story yet, and Members may not take it that this money is available. This sum is part of the allocation in the Planning Committee Estimates. What we shall now proceed to do is to go up to the Priorities Committee and urge on them that remand homes are as important in Kenya as anything else and that money should be provided urgently. If we are lucky enough to secure that provision, that high priority which we shall ask for, we shall then go on to frame the recurrent costs which would probably be brought forth by this Council in the form of Supplementary Estimates in order that we may get the staff and so on to run these homes.

Mr. Deputy Speaker, I think at the moment that is all I need say.

I beg to move. (Applause.)

Question proposed.

Mr. COOKE: Mr. Deputy Speaker, I would like, if I may, to congratulate the hon. Minister for the very clear exposition given us of the position to-day. I do it all the more gladly because I am not in favour of the Lyttelton proposals; nevertheless, I think my friend has shown that he can fill his responsible position with the great deal of ability which I am sure we all appreciate very much. (Applause.) I am very glad that my hon. friend is putting so much emphasis on sport, because that is a matter into which merit and ability should enter more than anything else, when we are picking our side and picking our teams to compete against foreign athletes and indeed it did so because the athletes we sent, as he said, to Vancouver and the others we sent to the Central African sports were all composed of the very best, irrespective of race, and that

[Mr. Cooke]

is a very good beginning. I think he is lucky, if I may say so, to have such a good Commissioner who is himself, of course, a distinguished oarsman. At his university he added lustre to both his own country and to his university and I am sure he is very largely responsible for this emphasis which has been given to sport.

Now I would say this, that reading through the Estimates I am surprised that there is no mention of a Deputy Commissioner because I think that if you are going to push Community Development, as it is being pushed, you must give the Commissioner plenty of time to look around and plenty of time to travel; but if he should be cribbed, caged and confined in his office—I do not know whether he is or not—if he has no one to assist him when absent on safari, he must come back and find a great accumulation of work. I do think it would be a good thing if there were put into the Estimates a Deputy Commissioner. I do not know—my hon. friend, the Minister for Finance, is rather frowning at that suggestion—but I am sure the money could and should be found.

The only other point I wish to make is to congratulate Government on joining the probation services and the other service, the approved schools, together, because obviously they must be under one Head.

Sir, I wish to support. (Applause.)

LT.-COL. GIBBS: Mr. Deputy Speaker, Sir, there is only one point I wish to raise and that is this; it is in connexion with the approved schools. The Minister did say in the course of his speech that in the past there had been a lack of efficient staff and this position has now been remedied. Well, Sir, I am of the opinion that there is a lack of discipline and security measures at one or more of these approved schools, and I believe more particularly at Kabete. I would like to hear from the Minister if he really is satisfied with the position, both in regard to discipline and security measures, more particularly at Kabete, whether, in fact, he is satisfied with the position.

DR. HASSAN: Mr. Deputy Speaker, Sir, I rise to congratulate the Minister for putting up his Estimate so clearly that he did indicate how in such a short time that he has been in charge of this Ministry he has studied his job and studied his additional departments that were given to him so that he knows all about them. His constructive suggestions for further development clearly indicate that he has made quite a success of the job entrusted to him. Efficiency and merit and ability have well been displayed by this Minister in putting up his Estimates to-day.

Regarding my hon. friend's suggestion that we should have a Deputy Commissioner to help him, I think what we need more is more secretaries to help and assist the different establishments, Jeanes School and others under the care of the present Minister, instead of having other high-level posts of Commissioners, because in these establishments much more work is needed to help and assist in the discipline, education and other matters which concern most the Ministry of Community Development. I did find the question of discipline was very much on the low side in the approved school at Kabete. That was not due to the fact that the officers there were not doing their job well, but with all due respect that they did not have enough staff and they did not have enough funds to carry on the work entrusted to them in a progressive manner. When these camps and establishments are created, it is essential that a liberal supply of funds should be maintained to help and assist those who are supervising these camps.

THE DEPUTY SPEAKER: Order, order. It is time for the usual break.

Council will now suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

DR. HASSAN: Mr. Deputy Speaker, Sir, I would like to draw the attention of the hon. Minister that a little more attention is needed for the Africans in the Coast Province. I hear that an establishment has been opened at Kwale, but I would like to see something done for Africans in Mombasa and Malindi. There is a Jeanes School at Kabete which serves the needs of Nairobi and

[Dr. Hassan]

its surrounding districts. A Jeanes School has been opened in Nyanza. I think the Coast was No. 2. I really do not know why it was thrown at No. 3. We have a very large number of African Muslims there. As far as I know, there is hardly a school for them, and they need more attention from the Minister for Community Development now that he has taken up to help and assist Africans all over Kenya. I would draw his attention to the dire need for help and assistance for the African Muslims there.

I wonder if the Minister has done anything for the Sudanese and Somalis who are living in the vicinity of Nairobi, Naivasha and Gilgil. They also need some assistance—if not a full Jeanes School, something semi-Jeanes' School will be of immense help to fit the younger generation, so that they will be able to be an asset to Kenya.

With this, Sir, I support the Motion.

MR. AWORI: Mr. Deputy Speaker, Sir, even if I did not have any point to raise, I feel that I should speak to congratulate the hon. Minister for Community Development on the most able way in which he has presented his Vote. (Hear, hear.) It will be recalled, Sir, that when African Members got the Ministry of Community Development, we were not satisfied. We thought it was a very, very small affair; but, listening to the Minister's speech to-day, and seeing what he has done, I feel that it is a big Ministry which, with more experience, will become one of the most important Ministries in the Kenya Government.

In congratulating the Minister, Sir, I would very much like to pay tribute to the Secretary for Community Development, who formerly was called the Commissioner for Community Development—(Applause.)—who has taken a great task in assisting the Minister in his present job.

Now, Sir, a number of points which I would like to raise have been discussed with the Minister concerned. One among others he raised himself during the course of his speech, and just now I told him that he should not have raised it before. I did in the Council. Of course, I have raised it before, and I must still protest, Sir, I am not satisfied with the name Jeanes School, Nyanza. He made

all the explanation that he could, but I feel that people without imagination go on with the same thing over and over again. If you like to get a suitable name, I am sure you will be able to afford the money and hold a competition in one of the magazines, and we will get people to suggest a suitable name. As far as I know, everybody knows that Jeanes School is at Kabete and nowhere else, and they are confused with Kabete and Nyanza. I still feel that the Minister and his colleagues should consider the question of having a more suitable name. When His Excellency the Governor visited Nyanza recently, and laid the foundation stone of this school, he paid great tribute to the Minister for Community Development and we—particularly Africans—felt great pride, because many people have said that an African has not come to the stage when he can take up responsibility, and those who heard his speech, and those who read the newspapers, could agree with His Excellency that what the Minister is doing—and what he has done—shows that in due course we shall have more Africans with the same integrity who will be able to develop this country.

Now, Sir, the Minister dealt at large with the question of games. When they had games at school I was always going to the library instead of playing games, but now my own pride is that my own district, North Nyanza, has contributed much to the question of games in the Colony, and I hope that this Ministry will be able to encourage more and more Africans to participate in the games, and we look forward—when the Kenya team goes to Australia—that they will be able to do much better.

Mr. Deputy Speaker, there is one point—and the Government will not agree with me—and it was raised by the Minister for Community Development. Among the courses taken at Kabete, one is the question of Trade Union courses. I feel, Sir, that the Trade Unions should be removed from the Ministry of Education and Labour, and come under Community Development. I have got a number of reasons which I could state, but, unfortunately, I do not think I will, but it is a point which I would like Government to consider seriously, because I feel that it should come under the purview of Community Development.

[Mr. Awori]

At times, Sir, I become a bit bored by mentioning the question of North Nyanza, but North Nyanza I do not feel—and I am briefed by the people I represent to say before this Council that they are not getting the necessary support from this Ministry of Community Development. They are more self-supporting than what they get from the Central Government. Already, recently, we appointed an African as an executive officer in this Department, and his salary comes from the African District Council. I feel that more money should come from the Central Government under this Ministry.

Again, Sir, I come to the question of Jeanes School, and on that point again I would mention North Nyanza. If you go and compare schools—the Jeanes School we have got at Kabete and the one we have got in Kakamega—the one at North Nyanza is, very shameful. That is the one dealing with women. I do not know what they are being taught if they are not able to keep their houses clean, but in North Nyanza, where the African District Council is supporting it financially, they are much better off than they are in Kabete.

I was glad, Sir, when the Minister mentioned the question of the *Mandeleo ya Wanawake Club*. I find that lots of African women are participating in this club, and it is doing a great deal. It already has 30,000 members—as the Minister mentioned—and I hope that sooner or later we shall have more, and this, I feel, should be encouraged.

In conclusion, Sir, I come to the question of rehabilitation, which comes under this Ministry. I did not listen to the speech of the hon. Member for the Coast, but he shares my views as far as rehabilitation is concerned. I am not satisfied with what is going on at the Athi River Detention Camp. I do not feel that it is doing any good purpose at all. I would like to know from the Minister, as far as the number of detainees is concerned at the Athi River Detention Camp, how many so far can the Minister vouch that they are being rehabilitated, and have got a clean ticket. It is no good if this rehabilitation work goes on, and yet nothing at

all comes out of it, because this is public expenditure, and I do not feel that the public should be made to pay for works which will not be able to be of good purpose.

I do not feel, Sir, that I have got more to say on this, except to again come more to congratulate the Minister for the most able speech that he made in this Council, and to support the Motion.

MRS. SHAW: Mr. Deputy Speaker, Sir, I would like to add my congratulations to those of other hon. Members on the hon. Minister's most interesting and informative speech, into the preparation of which has gone a great deal of work.

I feel I must support the training of the kind laid down by the Jeanes School, where the wife is trained at the same time as the husband. It is a well-known fact that the standard of literacy of a country usually depends on the standard of education attained by its women. Now, the facts given by the hon. Minister about the growth of women's clubs are most encouraging, and I should like to join him in congratulating the officer concerned—Miss Sheppard—for her excellent achievement. I was delighted to be present recently when His Excellency laid the foundation stone of the Jeanes School at Maseno. It is a step in the right direction, but it is far too small to cater for all the African population of Nyanza; but the main point is that a Jeanes School has been established there, for expansion can come later.

I do not agree with the hon. African Member who spoke last about North Nyanza. I think it is a part of the province which is most progressive in all African areas, and has attained a very high standard in cultivation and in the education of their people—and the establishment of a land office—and the beginning of individual land tenure. I consider that that part of Nyanza ought to be congratulated and be very proud of being so progressive, and self-supporting, and I feel that other African areas should take North Nyanza as a model and try to follow in its wake.

I also think that possibly the less progressive areas, such as South-west Nyanza, which has a large and awakening African population, are more in need

[Mrs. Shaw] of the help and assistance given by Government—in greater need, in this early stage in their development, than the areas in North Nyanza which are beginning to stand on their own feet.

With those few remarks, Sir, I would like to support. (Applause.)

Mr. OKWARY (Nominated Member): Mr. Deputy Speaker, I am sorry to say I was not here in time to hear what the hon. Minister for Community Development had to say, I broke down while coming from Kisumu, and was not able to come in time.

Under this vote, Sir, I have only one point to raise. It was surprising to see that juvenile remand homes were omitted from the Colony's development programme, and also when looking at the Colony's Estimates—which is the subject of this debate, Sir—there is no money allocated for this very important project. All the learned magistrates who have to deal with the juvenile courts constantly draw attention to the importance of having juvenile homes established at Mombasa, Nairobi, Nakuru and Kisumu, where they are very badly needed. The Principal Probation Officer also put up some plans, which were approved by the Public Works Department, but no money was allocated, so nothing has been started.

Sir, I would like to draw attention to the fact that this is a very important subject. It is dangerous to remand juveniles in the main goal because, by doing so, we are recruiting potential criminals of the future. The £15,000 mentioned by the hon. Minister, Sir, is inadequate. It will give only one remand home, but there is need for one at Mombasa to start with, Sir, and one at Nairobi and also at Nakuru and Kisumu, the total cost of which will be about £63,000, and, Sir, before I sit down, I urge the Minister that this is a very important subject and should receive attention. (Applause.)

Mr. SLADE: Mr. Deputy Speaker, Sir, the hon. Minister fully deserves the congratulations he has received this afternoon.

It is one of the most satisfactory features of his report, I think—as the

hon. Member for the Coast has said—that we now see approved schools, probation services, remand homes, all removed from the sphere of the prison service; but, by the very nature of that service, these undertakings, while in it, were on stony ground. Now that they have been transplanted, they have every chance of developing as they should, particularly under the enthusiastic attention of the hon. Minister. I only feel—it would appear in our present financial straits—that we may not be able to encourage that enthusiasm as quickly as possible, and have rapid development such as we would like to, because these things are among those non-productive services that we have to curtail, in my view, until we are in a healthier financial position.

Sir, before leaving that subject, there is only one point I would like to make, and that is with regard to approved schools. I would refer the hon. Minister to a recent Report on Young Persons and Children—paragraph 58 of which dealt with the subject of approved schools—or rather reformatories as they were called. There are made certain recommendations, some of which would involve spending money, and, therefore, may have to wait their turn, and others of which would not necessarily involve immediate expenditure. There were some recommendations there, Sir, for legislation in regard to the administration of approved schools which, I believe, could be put into force immediately without involving any great extra expenditure.

Now, there are also recommendations with regard to the grading of reformatories—or approved schools, as you may like to call them—which probably would in time involve considerable expenditure, but which might be applied even to some extent in the existing schools. All I ask, Sir, of the hon. Minister is an assurance that these recommendations are under active consideration.

The only other subject I would like to discuss for a moment, Mr. Deputy Speaker, is that very broad subject of rehabilitation of detainees. I have two points to make there. One is in regard to rehabilitation officers, and the other is with regard to the actual methods of rehabilitation. With regard to the officers,

[Mr. Slade]

Sir, I am not quite clear as to the salaries that they are being offered, but I have an uneasy feeling that they are rather out of proportion to the salaries offered in any other services for even more responsible offices, and I should like an assurance from the hon. Minister that that is not so—that because the duties of the rehabilitation officer may be difficult or unattractive in some ways, we are not paying fancy salaries to those officers which puts them out of gear with equally important officers in other services. And, again, with regard to those officers, Sir, I should like an assurance that, where they have to work in the field—as opposed to working in particular institutions—they are going to be quite clearly subjected to the general administrative direction of the administrative officers in the field. I see a danger growing, I think, with the increase of ministries and departments in this country, of the administrative officer gradually being ousted from his position of chief representative of the Crown in his own district. It can happen very easily without any evil intent on the part of anybody, but I feel it should be watched carefully, and this is an example where it will have to be watched in particular. Although the officer may be a rehabilitation specialist, or subject to departmental directions at the beginning, in the end he must come under the administrative direction of the administrative officer.

The other point with regard to methods of rehabilitation is a short one, but I believe of vital importance. I should like to be assured that in all systems of rehabilitation of detainees the emphasis is on discipline—discipline as opposed to entertainment, mental therapy, appeasement or anything else. After all, it was lack of discipline first and foremost that brought these people where they are. There can be no good work without discipline—all turns on discipline—and it is only by learning discipline that they will be able to recover themselves, and become once again fit for circulation in society.

I beg to support, Sir. (Applause.)

Mr. LITCHER: Mr. Deputy Speaker, I had the pleasure recently of going through the Kikuyu country, and I was

impressed by the good work being done by members of the Community Development Department. However, in one or two instances, Sir, complaints were made by members working that they could not get funds for some of the essentials they required. There, I do think, Sir, in view of the large amounts that seem to be reserved for salaries in these Estimates, that at least the people who give up their time to development work should be given tools with which to work. I should like to know if this matter has been put right recently in this country.

This also applies to the part of the country that I come from—a little place called Kapenguria—where perhaps the Minister has not visited recently. I know a missionary and his wife up there who is trying to do his best under difficult circumstances, and one of his complaints was that they have no funds.

I beg to support.

Mr. TYSON: Mr. Deputy Speaker, whilst joining the other Members who congratulated the hon. Minister on this survey, I must say I was rather disappointed with what he had to say in regard to the probation side of his administration. He pointed out that no major change was contemplated. This question of the Probation Services is becoming a serious matter so far as Nairobi is concerned, particularly amongst the juveniles. Probation officers are constantly impressing upon the Probation Committees the serious proportions of the number of criminals—largely between the ages of 14 and 16, the reason apparently being that they leave school at the age of 14, and are unable to get legalised employment until they are about 16 years of age. The result is that these youngsters drift into Nairobi from largely the Kikuyu area, are picked up here by the police and held in custody.

The probation officers have suggested—and I think the suggestion has been passed on to the Minister himself by the Probation Committees—that some arrangement should be made by which these youngsters, when they leave school, can receive some sort of training in the reserve until they reach the age when they are entitled to obtain a *kipande*, but, in the meantime, it does also seem

[Mr. Tyson]

to me that legal provision should be made to allow juveniles—even the Kikuyu, Embu or Meru—between the ages of 14 and 16 to obtain employment in Nairobi, where they have parents to live with in Nairobi.

I do suggest, Sir, that this is a matter which has the makings of an enormous amount of criminal mischief if we do not do something about it, because these youngsters between 14 and 16 are getting into trouble at an early age. It is going to be difficult to get them right again. I would urge the Minister to take up this matter again—I think with the Minister for African Affairs—to see whether something cannot be done, because I believe there is a certain amount of overlapping or confusion between several Ministries, which may account for our not being able to make any progress along the lines which all the probation officers recommend.

Sir, I support. (Applause.)

Mr. CROSSKILL: Mr. Deputy Speaker, I would like to support those who have said already that the new department under the Minister has made a most impressive start and I do believe it should have all the encouragement that can possibly be given to it in this time of extreme financial stringency.

I would like to know from the Minister how it is proposed that some of these institutions and schools are being financed. It does seem to me that the question of fees should arise. I have not heard from the hon. Minister whether there is any revenue accruing from such fees. I feel that such schools as the Jeanes School, the Homecrafts School and others of that nature should be to some extent self-supporting and that those who are deriving benefit should subscribe a certain amount towards the benefits which they are getting. If further money is required than that obtained from fees, then I think the local Government body concerned should be the one to contribute. I believe there are ample resources in Nyanza which could be utilised for this purpose. Times are very difficult just now financially, and one certainly wants to give all possible encouragement, but one must watch the purse strings.

I certainly think it would be quite wrong to consider at the present time the post of an extra Commissioner. I was very surprised to see the suggestion come up from this side of Council. Personally I could not support that, Sir, unless it was put personally by a very tired and very haggard Minister.

I beg to support. (Applause.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Member to reply.

THE MINISTER FOR COMMUNITY DEVELOPMENT: Mr. Deputy Speaker, I should like to begin by stating my great appreciation of all the kind and nice words that have been said about my Ministry and myself from the other side of Council. I do indeed feel very thankful for all those very kind remarks.

Not very much has been raised as far as my own responsibilities are concerned that I can say much about, but I shall endeavour to give a brief reply to certain outstanding points that have been raised by hon. Members on the other side.

Now to begin with, the hon. Member for the Coast, suggested that it is time that we considered the creation of a post of Deputy or Assistant Commissioner.

Mr. COOKS: Secretary I meant.

THE MINISTER FOR COMMUNITY DEVELOPMENT: That is the same thing. I should like to assure him that with the present expansion in the Ministry, that is under consideration and I may be able to come forward and say something about it very soon.

I think all the other points were not so prominent.

The second point I think was raised by the hon. Member for Nairobi North and that was in regard to the work of the approved schools. He hinted that the discipline in approved schools is not as high as it should be. Well so far I have not availed myself of the opportunity to see for myself what is happening. My programme is to-morrow—I am spending the whole morning at the approved school and probably I will be able to check on that matter and be able to say something about it at a later date.

[The Minister for Community Development]

The hon. Member for Eastern Area, Dr. Hassan, raised a number of interesting points. He also alluded to the low standard of discipline in the approved schools and my reply to him I think should be the same as the one I have given to the hon. Member for Nairobi North.

Now he went on to say something about the Africans in the coast in connection with the services for which my Ministry is responsible. I should like to assure him that the Ministry is doing all it can for the people at the coast, including Muslims. We have not actually succeeded in erecting a provincial Jeanes School at the coast, but we have a homecrafts school in the township of Mombasa to which a very large number of women go every day and are given instruction.

He also remarked about the Sudanese and Somalis in Gilgil and Naiwasha. I have not gone to the places where they live and if there is any need, and if it is possible for us to do anything, I can assure him we shall not spare our efforts to do everything we can to help them.

The hon. the African Representative Member, Mr. Awori, had a number of many good points to raise, most of which went to show that he had his district support the work of the Ministry and are doing a lot for themselves.

I should like to assure him how very much we appreciate the support of his district and of his own in the work of the Ministry.

As regards the Jeanes School, North Nyanza, he said that the name Jeanes School was confusing and that we should try to find something better to replace it and so on. Now, so far, the name Jeanes School has not only been popular, but has been a good seller in the way of business; so much so that the wider you carry it, the more popular it becomes. When it becomes necessary and there is good reason to consider a change in name for any of these schools of a similar type, I am quite sure the Government will be able and quite prepared to consider a change, but at the moment I do not think there is really any need for a change at all as

the name is so popular and goes well everywhere.

Now he also referred to a Jeanes School in North Nyanza. Well, at the moment, there is no Jeanes School in North Nyanza, but there is a district homecrafts school in Kakamega, like we have in several other districts in the Colony, and these district schools are partly assisted by our Ministry, but are mainly the responsibility of the local government authority. North Nyanza being so large of course, as can be expected, will be able to put up a much bigger show than any other districts would, and I agree with him that the Homecrafts School at Kakamega is one of the best we have in the Colony, and we hope that it will grow.

Now I think that the most important point he raised in his speech was the complaint that perhaps the Ministry was not doing as much at it could for the people of North Nyanza. I cannot accept that entirely, because although only on a part-time basis, we do have a homecraft officer employed in North Nyanza who goes about and assists all in all this and the district homecraft schools. The Ministry is most aware of the inadequacy of its staff in the field, particularly in the non-Emergency areas, and that position is being remedied with the passing of these Estimates into the hands of the Ministry for Expenditure. As he will notice, provision is made for three new posts for Community Development Officers, and four new posts for Homecraft Officers, now to be called Homecraft Supervisors. Now the function of these officers will be to work among the non-troubled areas of the Colony including North Nyanza, and North Nyanza, by reason of its size and efforts towards self-improvement and so on will stand at very high priority indeed in securing some of these officers—in fact it is planned to make sure there has not only a Community Development Officer, but also a Homecrafts Supervisor who will be employed on a permanent basis and will always be there to carry out the duties which we need for the development of the people.

Now he also referred to trade unions and trade union courses and so on and went on to say that probably the trade

[The Minister for Community Development]
union movement, as a whole, would look better under our Ministry rather than under the Ministry of Education, Labour and Lands. I do not think I will have anything to say about that. Personally, I think that trade unions concerned with labour look better under the Ministry of Labour than under the Ministry for Community Development, but I should like to find out more about that.

I think those are the only points made by the hon. Member, apart from one which he, and several other Members raised after him, and that is the rehabilitation work in detention camps. Now, he particularly is not satisfied with what the rehabilitation team at Athi River is doing for those people who are detained there, and he asked me particularly to tell him what results have been obtained for the time that these men have been employed to work on the detainees in that place. I should like to assure him that they are doing most valuable work. The work of a Rehabilitation Officer is no easy work. It requires a great deal of patience and a great deal of tact. The interrogation process—the only method by which you can get to know the heart of a person and what goes on in his mind—is not only tedious, but is also fraught with the danger of getting what one might call lies or half-truths, and so on. Therefore, to be able to determine that one is or is not now "white" or "grey", "near-white" or something of that kind, means that these people have to work hard and long on these people who by their nature are very suspicious about anything that is done, but Athi River has produced results. I am happy to tell you that at the moment I have left Athi River, who have completely turned round, not only have they confessed to their misdeeds or the misleadings to which they have succumbed from the mischievous people who led them, but have also constructively adopted an attitude towards everything *Mau Mau* that is healthy and in order to spread that good attitude which they now have, they have been transferred to Manyani Camp in order that they may assist in the chanzine round of the much more difficult types that we have to deal with at Manyani. It is slow, but the results are coming.

I now turn to the hon. and gracious Member for Nyanza and I should like to thank her very much again for the very kind and nice words she said about me and my department. Now, she complained that the Ministry is too small, but again she had to correct herself as she said that it will grow. Indeed, that is what we have in mind—all big things grow from small seeds.

Now, Kericho, or south-west Nyanza as she called it, I agree is a district which is comparatively backward compared with the other districts of Nyanza Province, and I agree with her that more should be done in order to assist them to come up. In actual fact that is the thing we are doing now. It was Kericho that first had a district homecrafts school which, for a long time, catered for the entire population of Nyanza Province. That school still grows. It is true also that the inhabitants of Kericho district are not always quick to take advantage of facilities of that kind, and it has taken the administration and education and all other departments of the Government concerned with them, quite a bit of effort to persuade them to avail themselves of these facilities. Now, until a people—the inhabitants of a place—themselves make the very best use of what is made available to them, perhaps they have not got any reason at all for making further demands, because, at the moment, when provision is very difficult, anything that is supplied should be used to the best.

I think that finishes most of the things that the hon. and gracious lady said.

Now, I turn to the hon. Nominated African Member, Mr. Okwirry, and I should like to deal with the points he made and I am afraid in very much the same way as I dealt with them in moving this Vote, but I will give him the only reply—that the Government has not got any more money than that which has been made available by the kind consideration of the Minister for Defence and under whose allocation it was made and will be used for the erection of a remand home when made available.

He complained that £15,750 is not enough for four remand homes suggested by the Central Probation Committee. I agree with him, but this is a development. That £15,750 is not for one year.

[The Minister for Community Development]

It is not even for two—it is for three years, and it is not yet available in cash. It takes some time to make it available in cash. When it is made available in cash, the process of building, reducing this into bricks and mortar and so on and into something that will look like a house, will take far longer than that time now imagined and it may be that probably by the time we come to the end of the planning period of three years, perhaps the money will not have been spent, but I can assure him that I will do my very best to obtain the very necessary priority from the Priorities Committee to make sure that all the attention and consideration we can is given to it.

I now turn to the hon. Member for Aberdare, I should like again to thank him very much for his kind words about the Ministry. I am afraid I have not read the report to which he referred, and I can assure him that I will try to get a copy for myself and read paragraph 58 as he said and see exactly what it says, and I think what I can say at the moment is to give him this assurance, that I shall do all I can to make quite sure that whatever the recommendations were, that the correct type of consideration is given and, if possible, is brought into fruition and so on.

Now, he, like other hon. Members, has had a lot of criticism to make about the rehabilitation, first of all as a process and then also the staff that carries out the work. Now, first of all about the salaries; these officers are paid exactly on the same scales as the labour officers who work in the field. That, I think, answers the salary part of it. His second point was that they might usurp the present powers and functions of the District Commissioner. I should like to assure him that the District Commissioner is still District Commissioner of his area, and everybody else who works in the district comes directly under him, and there is no fear, at any time, of anybody ever usurping that position.

I think it was the same hon. Member who went on to remark about the discipline in camps. Now discipline is that part of the camp activity which does not directly fall under my purview, but I agree with him entirely that it is

one of the most important things to be secured in any detention camp, and, also to assure him, it is receiving all the necessary attention and that standards are being maintained at the highest level.

I now turn to the hon. Member for Trans Nzoia. He was referred to certain people round about Kapenguria who are interested in rehabilitation work. Now, I do not know precisely what type of people they are—whether they are employed by the Prison Department, or my department, or whether they are doing voluntary work. I have not been able to really get that point. I suppose they are doing voluntary work and making their contribution towards rehabilitation. In that case, I think I should like to assure him that we do everything to encourage that type of voluntary assistance and where Churches and Church groups are able to provide it, we welcome it and we do all we can to assist them to provide that very important spiritual background without which our rehabilitation efforts cannot go very far.

I now turn to the hon. Nominated Member, Mr. Tyson, who seemed to be disappointed at what I have to say again about the whole business of probation and remand homes. I should like to tell him that as far as juveniles in the reserves are concerned, this is paramount and should be dealt with immediately. It is a problem of which Government as a whole is aware and it is not being left without consideration. It is not, I am afraid, the responsibility of any one single Ministry. At the moment, I am sure the Minister for African Affairs, the Ministry of Health and Local Government and my own Ministry are all contributing towards solving this vexing juvenile problem in the reserves. The Probation Service now, as we have it, I think deals with children who are decidedly under care, but those who are not decidedly under care and so on—I mean in need of care—as such and are moving about like ordinary citizens, I mean ordinary children all over the place, perhaps do not usually come much to the notice until they do something, or somebody says something about them. I can, however, assure the hon. Member that Government is doing everything and, as he says, representations have been made to my Ministry, and those

[The Minister for Community Development] representations will be considered with a great deal of care.

Now the hon. Member for Mau referred to the question of fees at the Jeanes School. I should like to assure him that in all our district homecrafts schools, and at the Jeanes School itself, fees are paid and it is only those very short courses—like those given in citizenship to civil servants and so on—which are usually of very, very short duration, six weeks or a month or so, that usually do not attract fees at all.

I think I have dealt with all the points that were raised by the hon. Members and, Mr. Deputy Speaker, I beg to move the Motion. (Applause.)

The question was put and carried.
Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XXXVI—1—COMMUNITY DEVELOPMENT

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that a sum not exceeding £128,592 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 1st of June, 1946, for Vote XXXVI—1—Community Development.

Question proposed.

A agreed to.

B (2)

Mr. COOKE: B (2), United Kenya Club grant, Sir, I wish to move the deletion of this item. As one of the founders of this club, before multi-racialism seized the imagination of the Members on the other side of Council, I can say that the club was founded originally to be a social club where people of different races met to exchange ideas. And, indeed, the rules of the club were drafted on those of responsible social clubs, like Nairobi Club and Muthaiga Club, but since then—it was founded about ten years ago—it has become a forum for political discussions which has gone right beyond anything that was envisaged.

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, Mr. Chairman, I think the hon. Member has made a mistake, Sir. We are dealing with XXXVI—1—B.

Mr. COOKE: I thought he said B. Other Charges.

THE MINISTER FOR FINANCE AND DEVELOPMENT: It is not point B. He is taking, Sir, "B" of XXXVI—the Ministry of Community Development—item (2) there on page 248. In fact, Sir, we are starting at page 249, because on the point raised by the hon. Member, the Ministry itself was not asked to be put on the list of Votes to be discussed.

THE CHAIRMAN: I regret that is not under discussion at the moment.

Mr. COOKE: I thought the Clerk said B.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Sir, the Clerk did say B, but the B we are referring to is the B on page 250.

Mr. COOKE: Does one ever get an opportunity, if we start at page 250, to go back to page 248? (Laughter.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, the fact is, Sir, that all the Votes, that are discussed during these Estimates are put down at the request of hon. Members on the other side, and they asked for XXXVI—1 to be debated, but did not ask for the Ministry itself to be debated.

Mr. AWORI: No, Sir, we asked for the Ministry.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am very sorry, Sir, to contradict the hon. Representative Member, Mr. Awori, but the fact is that Community Development was not on the list at the request of the other side at all. It was placed on the list at the request of my hon. friend, the African Nominated Member, Mr. Okwirry.

Mr. COOKE: In any case, Sir, with all respect, any lists that we submitted were only indications of what we might discuss, but we are at liberty to discuss any item in this Budget, whether we indicate or not that we are going to discuss any particular item.

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, I

[The Minister for Finance and Development].

Mr. Chairman, but it has been arranged that priority in this list shall be given to those items put down—I must emphasize—at the request of hon. Members opposite. If, indeed, at the end of the 10 or 15 days, they have completed their discussions, there is nothing to stop them going through every item. The priority I must repeat, were chosen by the hon. Members opposite.

THE CHAIRMAN: I think that the question before us strictly relates to the Votes which are on page 249, but I dare say by agreement on both sides, there may be some opportunity on another occasion, if required, for points to be raised on Vote XXXVI on page 248.

Mr. COOKE: With great respect, Sir, I do not accept the dictation of my hon. friend because, Sir, I have been a Member of this Council almost twice as long as he has, and we have only indicated these particular items to facilitate the other side to be ready for them. I, actually, thought—not that I am trying to catch them out on this particular item—that it had been included in the notice, but it does not, in any way, and never has, in the past, precluded us from bringing up any other item in the Estimates. But if that is your ruling, Sir, I shall have to bring the matter up on another occasion.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, with your permission, I would like to reply to that. This is not a question of dictation. My hon. friend for the Coast uses these words without even an indication in his own mind what they mean.

This list, Sir, was supplied to the Sessional Committee by the hon. Members opposite. It did not include Community Development, and, indeed, it was at the request of the Back Benches Committee that Community Development was included. It is nothing more than a list of priorities, but it is the list which the Government expects hon. Members opposite to observe until they reach the end of the time at their disposal. There are 15 days, Sir, and we have only occupied six days. There are still nine days to go, and if the debate does not continue at length, the hon. Mem-

bers will have ample opportunity of discussing it then, but that depends, Sir, upon hon. Members opposite. This is no question of dictation, Sir; this has been a desire to meet hon. Members opposite.

On a point of order, it was not in the list placed before the Sessional Committee.

Mr. COOKE: Sir, one would have thought the hon. Member would have been gracious enough to have allowed this matter to be debated. After all the arguments he has put up—with which I thoroughly disagree—one would have thought, as I say, that he would have had sufficient grace to have waived the right over a matter which will only take about five minutes.

THE CHAIRMAN: I have already ruled that the only Votes before the Committee at the moment are the Votes on page 249, but I have also indicated that there should be, if desired, an opportunity at a later stage for discussing in detail the Votes which appear on page 248.

Jeanes School, Kabete, A. B.
Jeanes School, Nyanza, A. B.
Women's Homecrafts School, A. B.
Approved School, A. B.
Probation Services, A. B.
(5) Non-recurrent—agreed to.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration and adoption of the Resolution on the Order Paper and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

Mr. STOW: I beg to report that a Committee of Supply has considered and approved the Resolution on the Order Paper.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council do agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XX—1—AFRICAN AFFAIRS

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR AFRICAN AFFAIRS: I beg to move that Mr. Deputy Speaker do now leave the Chair.

Sir, Vote XX, Head 1, concerns the Provincial Administration and the Department of the Registrar of Co-operative Societies. The increase in the total expenditure under this head, apart from certain items indicated as transferred from other heads, is mainly due to the effect of Lidbury and closer administration, which includes provision for additional tribal police, outside the Emergency areas in certain cases. Reference is made in the notes attached to the printed Estimates in some detail of the programme for the creation of sub-stations. The programme of work of establishing these sub-stations to give effect to the policy of closer administration, is now well under way and I think that it should be completed this year. This will mean that in all a total of some 40 sub-stations, spread throughout all provinces, will have been created. I hope that when this is done, and as it proceeds, that there will be an ever-growing continuance of the present practice of centralizing the paper work, routine returns, accounts and so on in District Headquarters where there should be officers trained and specializing in this routine work to lift the burden from the District Officers.

In this connexion, Sir, I must mention the work that the Administrative Assistants, who were recruited towards the end of last year, are doing. In fact, when I was on leave, I started interviewing the first candidates for the posts. There are now 109 Administrative Assistants employed largely in the Central and Rift Valley Provinces, but there are also a number in the other provinces and also seconded to Community Development work. Many of these are showing considerable promise in the various duties to which they have been assigned. They have already done much to assist in carrying the burden of routine work and, at the end of their two-year contracts, I believe that many

may even be absorbed in other Government posts and will provide already usefully trained recruits in these posts.

I also believe, Sir, that it will be proved that there will be a real need for a smaller permanent establishment of such officers on the staff of the Provincial Administration. I would mention that with Lidbury and a general review of grades, there has been a general improvement in salaries of Chiefs, and Sub-Chiefs and Headmen—particularly in the case of Headmen where the increase has been in the region of approximately fourfold. This was long overdue and is certainly not excessive, but is now a fairer remuneration for the valuable work which we acknowledge they do. (Applause.)

In the Provincial Administration we are still 19 short of establishment and we are still employing 22 temporary District Officers filling important gaps. We have recruited, I regret to say, only two District Officers from the Sudan service that was all that we have, so far, found available and willing to come to us.

We have recruited six District Officers by direct appointment through the Colonial Office this year, and there are ten cadets who have undergone the university training course and are expected shortly.

I need hardly remind hon. Members that the conditions under which great responsibilities and great strains are imposed on the District Officers in the Emergency areas have continued unabated throughout this year, and as now in certain areas, some improvement has taken place, and the military forces are being withdrawn, even greater responsibility is being carried by the Commissioners who are co-ordinating the work of Security Forces, the tribal police, and police in pursuit of the terrorists. The way the District Officers have carried their responsibilities has rightly earned our admiration and I think in full measure they must be given their share of credit for the great improvement that has taken place in the security position of the Kikuyu districts. Their patience and steadfastness under conflicting pressures, their sympathy and understanding and firm handling of the complex human problems with which they have been faced, has contributed,

(The Minister for African Affairs) I believe, more than they know to the shaping of the future.

When I comment, Sir, on co-operative societies, I must admit that I do sometimes get somewhat out of my depth with the enthusiasm of the theorists and purists on this subject. Of the value of the practical work done by this department in the field, there can be no doubt, and the growing expansion of their work and the measure of the appreciation given to it by those who benefit, is there for all to see. The growing volume of work on this department, with the expansion of its work in the field, bears heavily on their staff and I believe fully justifies the addition of a Deputy Registrar.

Hon. Members will be aware that additional field staff has been provided for on contract terms under the Swynnerton Plan. This is not entirely satisfactory, but under the present conditions of financial stringency, we have had to be content with this. It must be remembered that co-operative societies are likely to provide an all-important link in the organization and handling of our economic productivity and, as such, demands our encouragement and support.

That is all that I have to say at this stage, Sir, but no doubt hon. Members will wish to raise points which I shall be pleased to try and deal with.

I beg to move, Sir,

Question proposed.

MR. USHER: Mr. Deputy Speaker, Sir, there is one matter of considerable importance with which I should like to deal, shortly. I have watched with great admiration the dexterity with which Ministers pass the ball and I would like to say, therefore, to start with, that I hope that I am not addressing the wrong Minister. In fact I feel, Sir, that I am not.

Sir, the matter concerns the movement from outside into urban areas and particularly my own area of Mombasa. Hon. Members will remember that about five or six years ago we passed the Ordinance generally called the "Spivs' Ordinance"—I think its proper name is something like the Voluntarily Unemployed Persons' Ordinance—which is supposed to deal with all the riff-raff

of the towns who were taking up valuable accommodation and giving us no economic reward for their presence.

That situation, Sir, still exists and I think it is common belief that the Ordinance in question was not successful in its application. I see, Sir, that Nairobi no longer has provision to pay for its operation, nor is there provision in Mombasa. In fact, Sir, it was a kind of vagrancy Ordinance and I remember when it was introduced by Mr. now Sir Percy, Wyn-Harris he indicated very strongly that it was very tentative in its nature and that he would be glad at any time to have it reviewed by a select committee.

Now, Sir, one effect flowed from that in so far as Mombasa was concerned and that is that the Emergency regulation which required that people coming from outside into Mombasa should have some sort of a pass was done away with. That was, I think, at the request of the hon. Representative African Member, Mr. Mathu. Indeed, the regulation was then abolished. Well, now, Sir, we have this same trouble and difficulty again. We are trying to do slum clearance and there is very little accommodation. With a large influx of population for which we must try to provide some kind of social services, the situation is becoming increasingly difficult; not only increasingly difficult, Sir, but in some ways increasingly dangerous because they do, these outsiders, from time to time cause trouble. Hon. Members will remember that in the recent dock strike in Mombasa there was a certain amount of hooliganism and rioting. It only lasted for a few hours and was very expeditiously dealt with. Nevertheless, it was caused, according to my information, almost entirely by people who had nothing to do with Mombasa, let alone anything to do with the docks. Thirty per cent of them were, to my knowledge, members of a tribe for which I have the greatest respect and which has a good name in this country—I am not going to name the tribe here for that reason—but my point is that they were all strangers—largely, I dare say, bad hats of the tribe who had drifted into Mombasa to try to make a living by their wits.

Now, there are two ways by which one might deal with this difficulty. One might deal with it by local authority legisla-

[Mr. Usher] tion and one might deal with it by general legislation. The advantage of general legislation seems to me to be this, Sir, that if in the beginning you prevent a man from getting into a place, then you have no difficulty in dealing with him when he is not there. On the other hand, I think it is common experience—and my hon. colleagues from Nairobi will probably realize—that the by-laws which may have been passed from time to time to deal with this subject and the vagrancy law itself, in fact, have not been conspicuously successful. I would, therefore, ask the Minister if, indeed, I am addressing the right Minister, if he would consider the matter in his reply and try to relieve our very real anxiety on this subject and to consider the introduction of general legislation to deal with the matter.

Sir, I beg to support.

MR. COOKE: Mr. Deputy Speaker, I apologize that I was not in Council when the Minister for African Affairs was making his opening speech. It was not because I was not interested in this matter.

The first point, Sir, that I wish to make is in connexion with the two district officers in North Kinangop to whose inefficiency—at any rate to whose alleged inefficiency—attention was drawn. I do not know anything about these officers—whether they were inefficient or whether they were not, but the question I would like to ask my hon. friend is that when his attention is drawn to alleged inefficiency why so long as five months should be going past, without some action being taken. It may be that these people were, in the eyes of some people, efficient; they may have been very efficient officers for all I know, but the point I am trying to make is: why was so long a time allowed to elapse before my hon. friend took any action in the matter? It seems to me as soon as attention was drawn by reliable, responsible people that Government should at once take action.

The second point was concerning the coast. I am not quite certain that it is quite wise to appoint headmen from other tribes to have jurisdiction on the coast. As an emergency measure it may be necessary, but as a permanent

measure I have very great doubts. Now, the *madris* at the coast, and the *livals*, have always been extremely good magistrates and they have always administered justice with great impartiality and great firmness. Indeed, the Arab officials have always shown at the coast that they are very responsible judges and the magistrates. I see now that in Mombasa at any rate, two or three chiefs or headmen from other tribes have been appointed to look after their own people and apparently—I am not certain about this—to administer some kind of law, but I think it is wrong to take the administration of justice from those to whom it really belongs. And, as we all know, the ten-mile strip is a part of the Sultan of Zanzibar's territory and it is only right that his own people should, with us British, administer justice there. If I am wrong, of course, about other tribes administering justice, I withdraw.

Sir, I beg to support.

MR. SLADE: Mr. Deputy Speaker, Sir, I would like to support the hon. Minister in what he said concerning the officers of his department, particularly in their conduct of this Emergency. (Hear, hear.)

I believe this Emergency has taught us certain very useful lessons relating to this vote. This first of them being the need for closer administration. I do not believe that that need is just peculiar to the Emergency. It is something that was there and the lack of it partly contributed to the Emergency. I believe it is something we have to face for some time to come not only in the so-called troubled areas.

The next lesson we have learned is the value of the local European to assist in administration particularly in the lower levels of close contact with the African.

The third thing we have learned is the immense value of proved Africans and the people who have assisted the Administration in a way that no others can.

What I want to conclude from these lessons, Sir, is this. First of all, that these local Europeans who belong to the country and have the understanding of the African that some of us late-comers may never be able to acquire, must be encouraged in every possible way. It is very disappointing to find, in spite of

[Mr. Slade] every effort by the Government here to encourage temporary administrative officers to remain in the service, that it is not being supported by the Government in England, which is certainly my impression in the light of an answer which I had recently from the hon. Minister as to the progress of the recommendations for permanent appointment.

Along with that is the importance of giving adequate pay and authority and responsibility to chiefs and headmen. Now, the hon. Minister himself recognized that in his speech just now and pointed out that there is already some improvement there, so I do not think I need say anything more on that head.

The third point I want to make, Sir, is in regard to closer administration. Closer administration is going to be a very expensive affair. We have to cut it down as much as we can, at the same time to draw into the service these two types—local people of long association with Africans, and Africans themselves of proved responsibility. I believe the way to do that with the minimum of expense is to work up the scheme on which I spoke in a Budget Debate, I think a year ago, of the suggestion of using part-time volunteer service of local Europeans in the settled areas and what one might term active executive justices of the peace, or, to use another expression, part-time administrative officers, working in conjunction with whole-time Africans as headmen. I think I need not go into the details of that scheme again, Sir, because it was elaborated and the hon. Minister is quite well acquainted with the idea. I would ask him to consider that idea very seriously as possibly the best way of developing closer administration in the settled areas with the minimum of expense and yet the best material.

I beg to support. (Applause.)

MR. HARRIS: Mr. Deputy Speaker, Sir, I too would like to apologize to the Minister because I was not here when he was speaking. I think it is perhaps appropriate that when I returned, the hon. Member for Mombasa was discussing ways of trying to curb "urban outsiders". I wish some of us had done the same this afternoon. (Laughter.)

Now, Sir, I think two years ago I caused a certain amount of merriment in this Council by suggesting that one of the things we should do is introduce at least 50 district officers and chiefs into the Nairobi area in order to get the closest possible administration, and to place the district officer and the chief in the position of the village policeman at home who knows every person who lives in his particular area, what they do, and what are their habits. I would like to congratulate the Minister and the Administration generally, Sir, on the success that closer administration has achieved in the African locations of Nairobi. I hope that one of the non-European Members, preferably one of the hon. African Members, will also pay tribute to the work that has been done in the African locations because, if one remembers, Sir, the state of fear that existed in these locations 12 and 18 months ago and compares it with the position to-day, I think they will have every reason to be grateful for what has been done.

Closer administration now, Sir, is extending beyond the African locations into the residential areas. I do not entirely agree with the hon. Member for Aberdare that we want to economise on closer administration. I believe, as far as the urban areas are concerned, we want to step it up. I hope that in the Asian residential areas of the town there will soon be the same sense of security as has been engendered in the African locations and that throughout the whole of the residential areas, Sir, I would ask the Minister to try and step up closer administration so that we can get to the stage where if there is a bad man in an area, he is known to the people responsible for administering that area.

I beg to support. (Applause.)

DR. HASSAN: Mr. Deputy Speaker, Sir, most of the previous speakers have been putting up proposals and suggestions of how to deal with Africans, chiefly of the criminal mentality, to control their movements with different passes and at the same time see that they do not enter any area without a pass and all that sort of thing. What I would like to put to the Minister for African Affairs is that his department, which, to my knowledge, is one of the oldest in Kenya, in addition to dealing with the identification of the Africans

[Dr. Hassan] like fingerprints, passes and so on, in Ministry, they have to look after the social and political, the veterinary matters, natural resources, farming, education and public health, trade, economics and taxation and so on. That indicates that the department concerned has all the welfare of the African to look after.

Up to this time, a great deal of attention has been paid to see that the labour is supplied in certain areas, that a labourer employed by somebody gets his full salary at the end of the month or he does not deserve it, or something of that nature. What is actually needed is that there should have been an expansion of the services with a view to going right into the reserve among the Africans and seeing what are their veterinary requirements and in what direction the attention of the veterinary services should be drawn to attend to their needs.

The same thing on the social side of it, and the education side of it—to help and assist the African to know something of the modern way of life; how to improve their houses in the reserve; how to make arrangements to improve their water supply and what conveniences they have of having some medical attention somewhere near so that they can have their children treated and prevent diseases and so on. This appears to be one of the most important works in which the African Affairs Department could possibly work as liaison with all the other departments, and thus assist the African in all places. What we are actually looking for in Kenya is to see that the African community one day is educated enough to prevent its spending colossal amounts of money in identification books and registration in order to trace a man, and who is like him and so on. Instead we would like them to be educated and busy in their own reserve for developing their reserve and having been educated, to come and prove an asset in every line of the community.

Until we lay the foundation in such a manner that all the departments have something to do with the Africans, we shall be burdened with colossal sums being spent for the development in one direction and it will never help them if

they are suffering or lacking development in other spheres of life.

I quite agree with my hon. friend, the Member for Mombasa, that at the present time the position at the coast is such that we do not want any trouble-makers to enter into that area. I know we had a strike there, but if one was to see the result of the strike, it can very easily be found out that there were some reasons why the strike took place. The question of the raising of salaries should have been taken into consideration by the responsible people who are controlling the labour, which they did not do. They knew perfectly well that the cost of living was rising very high in that area and half the railway staff was getting an increase from the Lidbury Report and the other half, which was semi-railway, was not getting the same treatment. What is actually needed is that we do not want African Affairs Officers merely to look up the *kipandes*, but they must look up the actual requirements wherever they are appointed to see to the safety and protection of labour.

With this, Sir, I support the Motion. (Applause.)

MR. GIKONYO: Mr. Deputy Speaker, Sir, I rise to support the Motion before the Council.

I want to say how grateful I am to see that at last the Government has realized the very big responsibilities that rest on the shoulders of headmen and chiefs and accordingly they have increased their salaries. As the Minister says, it is very much overdue and I am sure these very loyal servants will be very grateful for what the Government has done.

I want to pay my very sincere tribute to the chiefs and headmen, home guards and police, in fact all those who have combined together to bring again that situation which existed in Nairobi before the Emergency. They have done a very excellent piece of work and I am sure they deserve the thanks of all good citizens of all races who live in Nairobi. (Hear, hear.) I had this in mind long before my friend the Member for Nairobi South suggested that an African should say so. I just want to assure him that I had the same point in mind.

[Mr. Gikonyo]

In this connexion, I would like to ask the Minister for African Affairs to consider the question of appointing an African district officer in Nairobi. We have district officers in all other provinces and I see no reason why we should not have one in Nairobi, and also in Mombasa. These are two points which I would like the Minister for African Affairs to consider.

The other point is that we have so far 20 African district officers all over the Colony and they have been in service for some time. As far as I know, my information is that they are doing excellently well and I hope that the Minister for African Affairs will consider appointing one of them at least as a district commissioner—if not as district commissioner, a district officer. I feel that this question of assistance every time does not give the necessary encouragement to the Africans. I feel that as they are doing the same work as the European district officers there should be no distinction as to their designation or to the salaries.

I want to raise the same matter which I raised before when we were dealing with the prisons for which I did not get a satisfactory reply. That is the question of the Kikuyu, Embu and Meru who have been screened and found "white" and returned back to their reserves. These people are left in the reserve with no work and since they have been screened and found "white" I do not know why they should not be allowed to go back to their employment, running their own businesses, or whether their employers want to take them back. So far as they have been found safe, I see no objection and I think it is more dangerous to leave them in the reserve doing nothing. Their position is that if they get dissatisfied the likelihood is that they will go and join the gangsters in the forests.

I also want to mention the question of the cancellation of pass books for Kikuyu, Embu and Meru. This is increasing in Nairobi and these people, once their pass books are cancelled, have to go back to the reserve. They do not go under escort or anything, they are just told to go back. Whether they go, or whether they go into the forests,

nobody knows. I feel, Sir, it is a matter that should be considered. In most cases a man's book is cancelled for a curfew offence and, in addition to being fined, he is ordered to go home and I have my own doubts whether men of that kind go home. In fact, most of them have no home, they do not know where to go. The most likely thing is to go into the forests. I would ask, if this comes under the Minister for African Affairs, that he should see to the question of these people who are found to be "white" and safe that they should be allowed to go back to their employment. It is a very serious matter. A man who has been in detention for perhaps 12 months and he is found to have nothing against him, he is in the reserve and he is not allowed to get employment. It can be very serious and I would ask the Minister for African Affairs to consider this.

I beg to support. (Applause.)

MR. AWONI: Mr. Deputy Speaker, Sir, I am one of the people who always admires the speeches of the hon. Minister for African Affairs and I would have liked him to have made a much longer speech, particularly with the Ministry which is so important to the Africans. To me it was a disappointment. I would have thought that he would have made something much more than he did today.

I have a number of points, Sir, which I would like to raise and on which I would like to get some information from him.

The question of African administration officers has been raised by, I think, my hon. friend Mr. Gikonyo and I would like to emphasize on this point that so far we would like more Africans to be trained for the work of district officers or administration officers. The present number that we have is not enough. During the course of his reply, I would like to know if he could let us know, say, how many Africans have been trained or have been employed by the Administration as district officers; say during the last five years; if he could tell us the figure for last year and 1953, 1952, 1951 and 1950 like that. I am not satisfied that Government is making a great endeavour to train Africans for the work of the Administration. I know that there are very many, particularly those

[Mr. Awori]

who have come from Makerere, who have taken mere academic education. I think that these sort of people should be trained to take up administration. There are many stations in Kenya where we cannot get the amount of suitable candidates to work in the Administration. I know that there are very many Africans who are keen to take up administration as a career. If possible, I would like to see if Government could encourage or could contact Makerere College to see that a course in Administration is started there so that a number of students from Kenya going to Makerere could study administration.

The second point, Sir, concerns the question of sub-stations which the hon. Minister for African Affairs mentioned during his speech. In this respect, Sir, I would like to mention the question of one particular district. I believe that one hon. Member on the opposite side of the Council will be able to support me in this matter. That is the hon. Mr. Okwiry. This concerns the district of North Nyanza. With a population of 750,000 people, the district is too big for one district commissioner and I believe that the Minister himself is aware of it. I feel that it is high time it was divided into two districts. We have one at Kakamega and we have one at Bungoma. I know I will be told, and I think I mentioned this point a couple of years ago in this hon. Council, and I was told that on account of the Emergency it is difficult for Government to have enough finance to have two districts in North Nyanza. But, if I could be able to emphasize this matter, I could make it clear that already Bungoma is a district almost by itself. It has a district officer. I feel that all that is required is just to make the gentleman in question a district commissioner. The present District Commissioner in Kakamega in the North Nyanza district is doing a very good job, but he is being overworked. There are, I should say, two district officers, Africans, of whom one is a Member of this Council, and I know how much they are being overworked. When I go to Kakamega, I see them working up to 7 o'clock in the evening in the office and I feel that it is high time that the district was made into a province, so that we

can have two districts and we can have more staff to man this area.

In Bungoma we have already got a hospital; we have got district commissioner's offices; we have a court and we have got everything; we have got staff housing so I do not expect and I will not be able to accept it if the hon. Minister says that on account of the Emergency we cannot be able to have another district in Kenya. It can be done; it is no use for us to start a thing whenever trouble occurs. Already we have a province created here on account of the Emergency. Now, in an area where there is no trouble, I feel that if it is the wish of the people that they should be supported in some way or another, then we should accede to their requests.

ADJOURNMENT

THE DEPUTY SPEAKER: Order. It is 6.15 and Council will stand adjourned until 2.30 p.m. to-morrow, 26th May.

The Council rose at fifteen minutes past Six o'clock.

Thursday, 26th May, 1955

Council met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTIONS

KENYA (NATIVE AREAS) ORDER IN COUNCIL

Rescindment of clause 6

LT.-COL. GROGAN: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

WHEREAS by the Kenya Annexation Order in Council of 11th June, 1920, Kenya Colony was annexed to the Crown; and

WHEREAS by the "Kenya (Native Areas) Order in Council of 2nd February, 1939, it was declared by clause (6) that the definition of "Crown lands" shall no longer apply to the native lands subject (by clause 7) that the property in minerals, mineral oils, and property in water shall remain vested in the Crown; and subject by clause 9 (a) that such lands remain part of Her Majesty's Dominions; and

WHEREAS by clause 69 of the correlated Native Land Trust Ordinance (Cap. 100 of the Laws of Kenya) it was provided that in the event of treason or rebellion against Her Majesty on the part of any African tribe, group, family, or individual the Governor may order that any land in the native lands held or occupied by any such tribe, groups, family or individual may, subject to the approval of the Secretary of State, be forfeited and revert to Her Majesty; and

WHEREAS it has been officially declared that probably ninety per cent of the Kikuyu tribe have been involved in the present subversive movement; and

WHEREAS by the Forfeiture of Land Ordinance of 1953 the principle of clause 69 above was applied but only in so far as items of land believed to be in the occupation (under tribal custom) of cited individuals could be diverted to the use of communal grazing or other communal purposes

involving notices in the Gazette warning the alleged criminals that they would lose their land rights if they did not present themselves for the statutory hanging or other protracted tribulation; and

WHEREAS the principle of communal punishment has been widely applied in the form of a tribal personal tax, expropriation of cattle and otherwise with little deterrent effect; and

WHEREAS the risk of eviction of family or clan any of whose members might be found to be involved in subversion would act as a communal deterrent and an inducement to call such members to heel; and

WHEREAS it is the declared policy of Government to reorganize the whole Kikuyu Land Unit by "villagization", consolidation of holdings, negotiable title, enforcement of proper land use, establishment of police strong points, etc.; and

WHEREAS the implementation of such policy and the reallocation of the land claims of thousands of detainees is impracticable if not impossible under the cumbersome procedure prescribed by the aforesaid Native Land Trust Ordinance; and

WHEREAS it is essential by way of warning and for the peace and understanding of the other tribes that the Kikuyu tribe should be comprehensively differentiated;

BE IT RESOLVED therefore that His Excellency the Governor in Council of Ministers be urged to ask the Secretary of State to advise Her Majesty in Privy Council to rescind clause (6) of the above Kenya (Native Areas) Order in Council in so far as it applies to the Kikuyu Native Land Unit and thereby enable the Kenya Government with the already expressed concordance of the United Kingdom Government to implement its declared policy with ease and despatch. (Applause.)

ADDITIONAL SUPPLY DAYS

MR. HARRIS: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

That five additional days be allotted to the business of the Annual Estimates for the period 1st July, 1955, to 30th June, 1956.

ORAL ANSWERS TO QUESTIONS QUESTION No. 79

GROUP CAPTAIN BRIGGS asked the Minister for Legal Affairs to state whether it is the intention to prosecute witnesses in the Mundia trial who were stated in the judgment to have lied?

Will he also state if it is a fact that two of those witnesses who at the time were detained under Delegated Detention Orders have since been released as the result of their Delegated Detention Orders having been revoked?

THE MINISTER FOR LEGAL AFFAIRS: No, Sir. It is not the intention to prosecute witnesses in the case in question who were stated in the judgment to have lied. Careful consideration was given to this question at the conclusion of the trial, particularly in the light of the learned judge's observations, but it was decided that no such prosecutions should be instituted. It does not follow that because a witness is disbelieved his prosecution for perjury is necessarily warranted or indeed practicable. The offence of perjury consists of knowingly giving false testimony regarding a material matter and, like any other criminal offence, has to be proved beyond reasonable doubt. Although, therefore, a witness may be disbelieved, and, as in the trial in question, for good reason, it is frequently not practicable to prove affirmatively, as is necessary in order to establish perjury, both that his evidence was in fact false and that he knew it to be untrue. Knowledge or deliberate intent is a notoriously difficult element of the offence to prove and any possibility of genuine error, misunderstanding or confusion may, particularly in the case of uneducated Africans, give rise to doubts which have to be resolved in favour of the witness concerned.

Two prosecution witnesses in the case, who were detained on information supplied by two of the accused, after the start of the investigation, were released from detention as a result of exhaustive inquiries made following the trial and following the judge's comment that there was "disquieting evidence" as to the detention of these witnesses which he described as being "not remarkable for mere coincidence". The inquiries revealed no substantial ground to justify the

detention of these men, whose detention orders were therefore revoked.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, arising out of the reply, would the hon. Minister not agree that it is somewhat strange that no Africans have been prosecuted for perjury in the whole course of the Emergency?

THE MINISTER FOR LEGAL AFFAIRS: I am not certain offhand whether that is a fact, but assuming that it is a fact, I can only reiterate what I said in my original reply: that this offence of perjury, particularly in the case of uneducated or illiterate witnesses, is an extremely difficult one to establish by reason of the fact that one has to prove knowledge—in effect, deliberate perjury—and that the possibility of misunderstanding or confusion or genuine misunderstanding in those cases may very often give rise to serious doubts as to whether there was a positive intention to state an untruth on oath in judicial proceedings.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, arising out of that reply, would the Minister say whether it is a fact that there is one interpretation for law in so far as other races are concerned and another so far as Europeans are concerned?

THE MINISTER FOR LEGAL AFFAIRS: No, there is no such difference in interpretation of the law. There is naturally some differences of application of the law where an element of the offence involves a state of mind or deliberation, and one has to exclude from one's consideration mistakes and misunderstandings which, of course, in respect of less educated and less intelligent members of the public are very much more likely to arise than in respect of the educated section of the public.

MR. SLADE: Mr. Deputy Speaker, will the hon. Minister give this Council an assurance that there is no less enthusiasm and diligence in the investigation or prosecution of possible cases of perjury on the part of the Africans than in respect of possible cases of prosecution of perjury in respect of other races?

THE MINISTER FOR LEGAL AFFAIRS: I will most certainly give that assurance. Mr. Deputy Speaker, and with the utmost emphasis, and not only in respect of the offence of perjury but in respect

[The Minister for Legal Affairs] of every offence within the criminal calendar.

QUESTION No. 96

GROUP CAPTAIN BRIGGS asked the Minister for Education, Labour and Lands will the Minister arrange in future that announcements of changes in the rates of African wages in urban areas including a breakdown of the figures showing the amounts included in respect of housing, food, etc.?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: The various items of food and clothing, etc. included in the formula on which the minimum wage is calculated are set out in paragraph 166 of the report of the Committee on African Wages. I do not consider that any useful purpose would be served by publishing the prices of these items when changes in the minimum wage are announced. I do, however, assure the hon. Member that it is Government's intention that these prices shall be ascertained by trained teams in the East African Statistical Department, and that, if the hon. Member wishes to see the figures, the Labour Department will be pleased to show them to him.

The housing allowance is always shown in announcements separately from the basic minimum wage.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, arising out of that reply, would the Minister not appreciate that the point of the question is that there is a very great need for the Africans to know, generally, how those wage figures are arrived at? That is the purpose of my question.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Yes, I do understand that, Sir. If the hon. Member will look at paragraph 166 of the report, he will see that there are a large number of items in the formula composing the minimum wage. There are nine different towns in which there is a minimum wage, so that if I published the figures which the hon. Member asks for, it would be a large amount of figures; I try much doubt if anybody, including the hon. Member himself, would take the trouble on every occasion to read them. However, if he cares to look at the figures,

and again discuss the matter with me, I will be pleased to look into it.

GROUP CAPTAIN BRIGGS: Arising out of that reply, would the Minister agree to stating that such wage increases do not include certain services such as housing, food and other items? The last statements that have been published in Nairobi have had nothing referring to that.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Certainly, Sir, but it is already plain from the paragraph of the report which I have already referred to, and which has been published,

MR. HARRIS: Mr. Deputy Speaker, arising out of all the replies, would the hon. Minister agree that the average African employed does not read his notice 166 and, therefore, is not in a position to know whether the wages published are gross or net? That is the point.

GROUP CAPTAIN BRIGGS: Answer, answer!

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: I think it is most unlikely that most of them have read this report.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, arising out of that reply, will the Minister note on the point of this question that it is most desirable that the Africans should know what these wage increases include as they do not read these reports?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Certainly, I will see that it is made known.

MR. AWORI: Mr. Deputy Speaker, will the hon. Minister see that it is published in Swahili? (Hear, hear.)

MOTION

RESTORATION AND MAINTENANCE OF
RESPECT FOR LAW AND ORDER

MR. SLADE: Mr. Deputy Speaker, Sir, I beg to move:

THAT, in this 31st month of the present State of Emergency, the War Council is urged—

(a) to intensify all efforts to restore respect for law and order, throughout the Colony, at the earliest possible date; and

[Mr. Slade]

(b) to institute or recommend, without delay, such further measures as may be necessary to ensure the maintenance of such respect thereafter.

Sir, this is the 31st month of the declared Emergency. It is, as most of us realize, many more months that there has, in fact, been an Emergency. The purpose of this Motion, Sir, is to assess the present situation and to discuss measures to deal with it, both now and in the future, and for the purpose of that assessment and discussion, Sir, it is absolutely essential that we in this Council and outside this Council keep before us what is our real objective. Where we are trying to go? What we are trying to cure? We are not concerned just with getting peace or the wrath of peace, at any price. We are not concerned with earning temporary acclamation from abroad for certain people in high places. We are concerned, and I submit, Sir, solely concerned, with the restoration of respect for British Government and for law and order. (Hear, hear.) Some Members might not think it necessary for me to emphasize that, but, Mr. Deputy Speaker, it has proved very necessary in the light of past actions of Government, in the light of loose talk about "ending the Emergency". Now, when people talk about "ending the Emergency", they sometimes pretend that it simply means hearing no more shots fired. Ending the Emergency is restoring the respect of Government which Government has lost. (Hear, hear.) Again, Sir, one realizes how much some people, including those in authority, have lost sight of the objective, when we look back at the offer of surrender terms made on 18th January this year; which I discussed fully in another debate in this Council and do not intend to discuss again to-day, except to repeat that it was foolish and it was shameful. Nor, if we look at what has followed since that offer, which we have heard from the hon. European Minister without Portfolio yesterday and on Friday, namely, some four months of name and degrading discussion with the rebel leaders. Some four months, during which they have made fools of the Government once again and led them up the garden path while they played for time

and were accorded sanctuaries into which we could not operate against them, but from which they could quite cheerfully take our cattle and intimidate our labour as before. It is in the light of such actions, and such recent actions that I feel justified in emphasizing this, and going on emphasizing, that the real objective, without which all else is in vain, is restoration and respect for law and order. That, Sir, is why the Motion is cast in these terms. That is why both parts of it refer to "respect for law and order", as opposed to any other vague expressions such as "ending the Emergency". Sir, both the short-term planning which is contemplated by the first part of this Motion and the long-term planning which is contemplated by the second part of this Motion, both demand concentration on that objective. That is the only light at the end of our present difficult road.

Sir, in speaking to this Motion, it is inevitable that I criticize. Mistakes are not otherwise be remedied; inadequate direction cannot otherwise be improved. Sir, there is no doubt that in the conduct of the affairs of this Colony during this Emergency, and before, there have been grave mistakes and most inadequate direction. (Hear, hear.) I do not want to dwell on the past, Sir, I have spoken often enough about it in this Council and elsewhere, but, indeed, study HANSAKO alone, and it will show how Government refused, in the first instance, to face the existence of an Emergency; and how, when they did face it, they delayed and delayed in measures which we all knew to be essential, and which they eventually recognized as such; how, when they did apply those measures, the application was only half-hearted, with a look over the shoulder; and with such consequent loss of time and unnecessary expense and wasted lives, lives lost on both sides. Far more rebels killed than need have been killed, if facts had been faced more resolutely and action taken more quickly. Far more lives, and irreplaceable lives, lost on the side of those who wanted to support Government.

Sir, there cannot be any doubt as to who is to blame for these things. The Government, and more lately, and particularly in respect of these recent surrender offers and talks, the War

[Mr. Slade]

Council—(Hear, hear.)—and there must be a change. There must be a change of personnel, if we are going to cease from such mistakes in the future. We have given warning after warning and they are ignored and we cannot go on giving warnings to people who are so blind. Well there has been one change, Sir. We have now a new Commander-in-Chief. Of course, he must be excluded from any criticism that I have levelled at the War Council in their past mis-handling. Indeed, I think, our sympathy must go out to him for the mess he finds himself in when he gets here, through no fault of his. But, Sir, there must yet be other changes in the membership of the War Council.

Having said that, Sir, I say again that criticism is not the main purpose of this Motion. It is not my desire simply to stand here and castigate those whom I believe to have failed this Colony. It is my desire to-day to make constructive recommendations, recommendations directed to the War Council whoever its members may be.

Sir, assessment of the present situation involves two aspects. The short term—that is what one might call "the period of violence", in which we still find ourselves; and the long term, which is the period of "restoration" and I prefer the Council "restoration" to "rehabilitation" however much I as farmer might be glad of a "rehabilitation loan" to buy more cattle, "restoration and consolidation"; and the Motion is framed on that basis.

Dealing first, Sir, with the period of violence. I say this; I do not know whether all my colleagues on this side of the Council would agree with me, but I think we can now say that the end of the period of violence is in sight, though it is not as near as some wishful thinkers would have us believe. It is a fact that we have established closer administration with obvious beneficial results, and the fact that discipline appears to be restored almost completely in certain areas. It is a fact that we are learning more and more about the enemy every day, and consequently, dealing more and more effectively with them; both in our methods of operations offensively against them in the forests and in our methods of denying them the food and other help that they need. Against that, Sir, one

must not forget or allow to be smothered, the position as it still is to-day, though we do not read very much about it in the Press. It was only a very little time back when I last made a calculation that offensive incidents by the enemy, in my constituency alone, averaged three in 24 hours. We heard from the hon. European Minister without Portfolio a few days ago, the figures for cattle losses over different periods, and it appeared to me from those figures that the rate of loss of cattle since the beginning of this year has been greater than at any earlier stage in the Emergency. We see, in my constituency and in other troubled areas, that it is still recognized by Government, and rightly recognized, that more money is to be spent by farmers, and more time and inconvenience suffered by them, in order to increase the measures to deny food to the enemy, which have not yet so far been 100 per cent effective. Now, when the situation is still like that, it is sheer folly to pretend that the end of the period of violence is just round the corner. There is, indeed, a dangerous and difficult lap ahead, possibly the worst of all—of the whole period of violence before it is ended. There are still many gangsters in the forests and in settled areas and in the towns. There are still many passive supporters, quiet sympathisers who help wherever they can. (Hear, hear.) There are still, I know, and possibly increasing, many Africans who want to help us to finish this thing, but are still afraid to do so. The morale of the enemy has been raised. I have not the least doubt by the recent surrender offer and talks. And we have to face, before the phase of violence is ended, the probable, the almost certain, effect of desperation. What are gangsters likely to resort to when they really feel there is no hope left? And we are, in the middle of all this, in the greatest possible danger if we think we can mark time. We cannot lose any time, every day lost in increasing intensifying the offensive is a day gained by the enemy. Four months lost in surrender talks is four months gained to the enemy to reorganize themselves.

And with that my assessment of this period of violence, Sir, I have certain measures to propose.

First of all, before going into any detail, I would emphasize, Sir, that all

[Mr. Slade] the measures we take depend on the morale of our community and of our Government, on our determination, and on unity of our effort. And the very first thing we have got to do, we have got to do much more whole-heartedly than we have done before, is just to face facts; and disclose facts, and rally the whole community behind the Government. This community of ours, and I am speaking of all races, all those who wish to support the Government in their fight against this enemy, is far from pusillanimous. I think it has shown it is not the kind of community that you have to treat on a basis of fearing alarm and despondency. On the contrary, it is the kind of community in which alarm and despondency is most likely to arise if they do not trust you to tell them where they stand. It has shown that if they are asked to face facts they can take them. I urge Government now to tell the community consistently precisely where they stand, tell us the whole truth, for better or for worse; and then say to us, "There, those are the facts. The end of this period of violence is in sight. But before we get to it, there is a difficult dangerous time. You have all got to put your backs into it. You have all got to be on your alert as never before, and you all have got to stand behind the Government. And we, the Government, are going to put our backs in, too; and if we give one big heavy now and do not pretend that things are better than they are, the end will come quite quickly". I do not believe all Members on the other side of this Council realize the response they would get from the people of this Colony if they tackled them in that way. If they would; just say, to use the phrase one used to use in rowing, when you were overlapping the boat in front, "Give her 10". Above all do not irritate the community, while on the one hand demanding of them more inconvenience, more expense, and more restrictions and yet publicly saying, "We have got home boys and all is well". Because the two do not go together and those, who are asked to undertake these further inconveniences and expenses are intelligent enough to see that they do not go together. But the co-operation is there, if it is looked for and used.

Sir, having said that, there are certain specific measures I would propose, of

course, they are not entirely comprehensive, they do not cover every field, I am sure other people speaking on this Motion will have a lot more to suggest that I have not covered. There are some particularly in my own mind.

Dealing still with this period of violence. The first, of course, is to withdraw that ridiculous surrender offer. We were told it was not to be indefinitely open. When last we inquired a few days ago it was still indefinitely open. But now the people to whom it was offered have mocked Government and after four months' talking have come back with some fantastic conditions, particulars of which we shall be interested to hear. Now is the time to say, "You laugh at us, you laugh at our surrender terms. How right you were to do so. But they are finished now, finished to-day". Why give notice? They have had four months' five months' notice. They had the "either/or" on the 18th January. They were told then, you have a short time in which to surrender or the so-called heat will be turned on. You cannot go on saying "either/or", you cannot go on turning on the heat; either it is on or it is not on.

The next thing, Sir, I would suggest, in fact, I know it is essential, is to complete the purge of the towns. We started well and I know we made great progress with Operation "Anvil" in Nairobi and similar small operations in other towns; but the job, like so many other jobs undertaken in this Emergency, is not complete, and you are in great danger of it going bad on you again. I am quite certain we need another "Anvil", particularly so far as Nairobi is concerned in the residential areas.

Thirdly, Sir, we need a corresponding completion of the purge in the settled areas. There, too, the job was well begun with intensive screening, and steady removal by detention or conviction or repatriation of the worst elements; so that gradually those who wanted to be on our side had a better and better chance of being so. But it has started to fade out, the screening is getting less and less in activity. I learn that the delegated detention order which formally could be made by the district commissioner now cannot be made by him any more; it has to be referred to the provincial commissioner. I learn that people know

[Mr. Slade] throughout the district to be undesirable, notorious people: who by law could be removed by the stroke of a pen under one of these detention orders without any definite proof of guilt, such people have to stay with us in our districts, simply because someone has pulled a string somewhere. No one knows why. These things must fizzle out, we have got to drive home and double the intensity and not halve it. We shall get there at the bad element remaining in the settled areas and there are plenty still; they must be picked out and either detained or convicted or repatriated to their reserve through the very efficient pipeline that now exists for that purpose: the very efficient organization that makes sure that when they get to their reserve they are not at large to make trouble, but they are watched and screened and disciplined until they are really fit to be loose in the reserve. I would pay tribute here, Sir, to the establishment of that so-called pipeline scheme, as I would pay tribute to certain other improvements, notably a certain defence regulation which empowers a district commissioner to impose a communal monetary fine where incidents occur. Those things are good, but they are only little bits of the whole.

Then, Sir, it is obviously necessary to complete the discipline which is now being imposed on the Kikuyu Reserve. I do not think I need say so much about that, Sir, partly because I know much less about it; partly because what I do know of it, I believe that it is going ahead more steadily and more intensively than any other activity of Government in this Emergency. Just two points I make on that aspect. The first is my continual certainty of the necessity of forfeiture of land on a far wider and simpler basis than heretofore. We have discussed this in Council on previous occasions and we have heard to-day a notice of a Motion on that subject. We shall discuss it fully again, so I need not discuss it further at this stage. The other point with regard to administration in the reserves, Sir—indeed, it applies to administration everywhere and not only to the Emergency, but particularly to the Emergency—is the necessity of leaving the administrative officers alone as much as possible, not interfer-

ing with their discretion, not undermining their prestige.

Then, Sir, we must still intensify our offensive, and I believe the Commander-in-Chief has every intention of doing so. It is a great relief, a tremendous relief, to us who live near the forests and have first-hand knowledge of military operations there, to see that at last, after a year and a half or more, those operations are being conducted in the way we recommended, which was disregarded so long; that is, by the tracker patrol, a patrol of picked men who really get used to the forest, and travel light, and go out following tracks for days on end if necessary, and stick to a job, and do not come home for tea. They are producing results as we always knew they would. (Hear, hear.) We are absolutely thrilled with the operations of the Royal Irish Fusiliers in the Kinangop; and I have no doubt they are not the only regiment that is putting up such a performance now. If they are allowed to continue like that on a more intensive scale still and if we say goodbye once and for all to the idea of hunting big game with cordons, we shall achieve success in that direction.

But along with the activities of the military, Sir, in this offensive, I believe more yet could be done by the police, and by use of the Kenya Police Reserve. Speaking of settled areas anyhow, there are still plenty of enthusiastic Reserve officers who are not being used to the full. They can and should be used; looking for the enemy and not merely sitting back on the defensive; looking for them all the time in the settled areas while the military look for them in the forest.

Then, Sir, clearly we have got to intensify yet more our campaign to deny food and help to the enemy. That is going ahead, and it has got to go ahead further, even at the greater expense and greater discomfort of the private individual. The enemy is beginning to feel the pinch now, I believe, and we must tighten it still more, and not relax it a little bit; and I say, Sir, that the community will play with Government there, if they feel they are getting a square deal in other ways.

As part of the denial of food, Sir, with the long-term project, not only concerned with the phase of violence, I am quite

[Mr. Slade] sure that the Government must once again consider what we have recommended often enough; and that is some kind of fence or ditch or impediment along the edge of the forest everywhere, not merely here or there, but everywhere. A fence or a ditch, with a track running alongside over which a jeep can travel. If the enemy do come through and steal cattle that they intend to take back to the forest, there will be only one or two gaps through which they can take them, and we know those gaps, and we can get there first. It has worked. It has worked when we have had those fences. I am glad to see and hear that more are being put in, but we must have them everywhere. It is not only a question of to-morrow, next year. We have got these outlaws in the forest for a long time yet, even when the rest of the violence is over. They will be there trying to feed themselves at our expense. Which does Government prefer? To go on paying compensation indefinitely for the cattle with which these men are fed, subsidizing the rationing of *Mau Mau*; or to have the capital outlay to put into a fence and stop the removal of these cattle, and thereby put an end to the outlaws? I should not have thought there was any doubt as to which was the better alternative.

That is what I have to say, Sir, by way of measures for the phase of violence, but at the end of it I do not apologize for saying again, in considering all those measures or any others, remember the objective: restoration of respect for law and order, and no other. Not only remember it, but keep reminding us of it too. Keep it before all the people of this country at all times.

Coming, Sir, to the second part of the Motion—it is the question of what comes after the period of violence is ended. To assess the situation as I see it there, we shall, as I said just now, still have outlaws in the forest, outlaws hiding in the towns, refugees, people in the thick bush of the settled areas, in the wilder places everywhere. We shall have many, many people still in detention camps. We shall have poverty and dislocation in many parts of the country. We shall have many, many Africans still doubtful of the power of Government to govern. We must face all those problems now, and

not wait until we are through the period of violence. We have got to be planning now, for quite a long way ahead. We have to face what may be the greatest danger of all: that is the possibility that those who have tried to upset the Government of this country by violence, and who will then have failed, resort to the alternative of civil disobedience and the like.

What measures are to be suggested? Again, Sir, my suggestions are by no means comprehensive. They are only a few of them that strike me most forcibly. The first is that, in the recognition of the need to deal with outlaws, we shall have to continue for a long time after the period of violence is ended many of our Emergency Regulations, such as prohibited areas, curfews in certain places, forfeiture of land, the establishment of these forest fences that I mentioned, regulations enforcing the denial of food, and so on. We shall have to continue our offensive in the forest, and in those other prohibited areas—offensive conducted by the military, and gradually more and more by the police as it becomes more possible for them to take it over.

With regard to the many in detention camps, we have to sort them out very carefully; and even if it takes a longer time to make a proper job of the sorting, it is better to make a proper job of it than to be in too much haste, because it is vitally important that those who are really bad and hopeless are never in circulation and that those who have a chance of pulling themselves together are given, very cautiously, and under continual supervision, that chance. The bad ones have got to be set aside, out of circulation for ever. It is going to cost us much less to do that than to let them into circulation. The others, who in time we are satisfied are capable of redemption must, in my view, be gradually reeducated to their own reserves through this same pipeline to which I have already referred. They must not be returned direct from detention to employment, either in towns or country. When they are considered fit to return to employment in towns and countries, or in any case of employees coming from Kikuyu, Embu or Meru districts for employment, there will have to be strict control and selection for a very

[Mr. Slade] long time, not just for a short period and then open the flood-gates—but for a long time. That will involve an improved system of registration of employees; an improved system of identity, combined with identification of employment. There is no other way about it, if you are going to keep the thing under control, and maintain the ground that we hope by then to have gained.

Likewise, Sir, for an indefinite period ahead I know we are going to need closer administration, both in the reserves and the settled areas.

All this is familiar to many people; but it has to be said, because it may be clear now but unless it is said very loudly they will forget it too quickly, when we have to face the expense of closer administration and people like to see the money spent in other ways, to be faced as a long-term project. I do believe, as I said on other occasions, that we can make it more efficient and less expensive, in settled areas and also in reserves to some extent, by greater and greater use of local material on the lowest levels—on the spot in the little sub-districts—the man who is already established there and has earned the respect of his fellow man, be he European, be he African. He should be used either on whole-time or on part-time volunteer basis.

Of course, along with this closer administration there has got to be steady reclamation of the damaged agriculture of the troubled reserves. Balanced with that, and very carefully balanced, must be the development of other areas which have not been troublesome; so that we never fall into the mistake, that we have been in danger of falling into, of ultimately showing that a troublesome tribe has reaped a very profitable harvest as compared with others.

Sir, there are many other measures that I have in mind, but I do not intend to weary Council with them now. I do believe with regard to the police, on whom we are going to depend, and we have now realized that we do depend much more than we ever realized before, that there is room for improved initiative, improved discipline, improved morale

throughout the force, despite what the hon. Minister for Internal Security may think, and improved relations with the population. We must try to work, as I know Colonel Young wanted to work, towards that ideal of the policeman being regarded by the ordinary local inhabitant as the latter's friend.

Sir, another measure that I know is vital—and we are in danger of letting it go past too far—is the careful control and development of trade unions. They must be canalized. They have a very useful function if it is limited to its proper use, and an immense potential danger if they are allowed to run to seed. But that, Sir, is to be the subject of another debate, and I will leave it here. The other associations and organizations, political or otherwise, must clearly be watched more carefully than before. I think it is common ground between all of us that people must have some form of public expression and public association in order to express their ideas. If you discourage it altogether you drive things into dangerous underground channels. But that does not mean to say that you can allow them to flourish without pruning. They must be very carefully supervised. Encouraged, if you like, but encouraged with supervision, just indeed like the trade unions.

Those, Sir, are some of the measures that I suggest as the second part of this Motion. But it all amounts to this, Sir, in the end; whatever measures you have in mind, I ask all Members of this Council to remember that objective that is expressed twice in this Motion. Whatever Government does undertake, I ask Government to undertake it with a will, and seeking the co-operation of the community. If I might borrow some words from Mr. Ogden Nash, I would ask the War Council no longer "to continue to fiddle while civilization is split down the middle"; but remember its responsibility not only to this Colony but to the whole of Africa. It is a case of civilization being split down the middle, unless we pull this thing together very quickly. The whole of Africa and even further. There must not be any more of this attitude which is not spoken, but often sensed by us on this side of the Council—*après moi le déluge*. Law and order has got to be restored, and there has got

[Mr. Slade]

to be no question as to its continued maintenance hereafter. This bitter lesson of apathy, time serving, ignorance and faint-heartedness must never be forgotten. We have to turn our back on sentimentalists and ignorant critics and fanatical people overseas. The Government has got to use the friends that it has here. You must do justice to the spirit of this community of ours. They have, and I think they have shown they have the power and the will to endure anything, whether it is attacks from the enemy or whether it is restrictions necessarily imposed upon them, given only mutual respect and confidence between us and those who govern us.

Sir, I beg to move. (Applause.)

MR. HARRIS: Mr. Deputy Speaker, Sir, in seconding this Motion I would like to draw the attention of the Council once again to the actual terms of the Motion calling on the War Council to intensify all efforts to restore respect for law and order, throughout the Colony, at the earliest possible date, and to institute or recommend, without delay, such further measures as may be necessary to ensure the maintenance of such respect thereafter.

When, Sir, I asked if I might have the pleasure of seconding the Motion, with which I agree wholeheartedly, and I believe every Member of this Council will agree with the terms of that Motion as moved—I had hoped that I would be able to say that I merely support everything said by the hon. Member, Sir, on the last 40 minutes of his speech. His remarks were constructive and I believe, entirely in the spirit of the Motion which he proposed, and, Sir, I would like to take this opportunity of endorsing everything he said which was constructive. Unfortunately, the first 10 minutes of his speech were an interlarding of constructive criticism with carping criticism. I feel, Sir, that it is time, after nearly three years of Emergency, that this country should pull itself up and get together and decide exactly where we are going. The hon. Member, Sir, to give an example, mentioned that there are many Africans who want to help us, but are afraid. I believe that is absolutely true, Sir, but the whole time that hon. Members in

this Council stand up and fling at the hon. gentleman opposite such epithets as fane, degrading, half-hearted, blame-worthy, shameful, wanting a change of personnel, and that they are blind, I feel that it is impossible, Sir, to expect those Africans to have any confidence in the British administration of this country. (Hear, hear.)

Now, Sir, it was mentioned by the hon. Member that what we have got to do is restore respect for British government in this Colony and that is why I am supporting this Motion; however, Sir, I believe there are many ways of restoring respect and I do not believe that using every opportunity of beating Government with a big stick and showing how inept they are alleged to be is the right way to restore that respect which we require. I believe, Sir, that now is an opportunity that we have used that big stick from this side of the Council, for nearly three years. We have, in those three years, I hope, given every idea to Government that we can think of on this side. Some of those ideas have been used, some of them have not. In their wisdom, I hope that if we have given them any good ideas that they have not used that they will still reconsider that situation. I believe, Sir, that what we have got to do is unite, everybody in this country—Europeans, Asians and Africans—behind Government—behind Government—to beat *Mau Mau* and not, Sir, behind little ideas of our own to try and beat Government. I believe it is a matter now of both sides of this Council trying to get together to find a solution to the problems which we have got to face.

One last word on this point, Sir, I would make to hon. Members of this Council. Those gentlemen sitting on the other side are the Government. But to the Africans, Sir, in the field, the Government are the local administration, the local policeman, our own Kenya Regiment, the British troops we have here, and our own district officers and Kikuyu Guard. They are the Government, Sir, and I think it is a great pity if they are labelled with some of the epithets that we are only too ready to throw in this Council against those gentlemen opposite. I feel, Sir, that we have all of us, on both sides of the Council, shown a certain sense of irresponsibility over the last three years. I believe now these final

[Mr. Harris]

surrender talks have failed, it is a time for all men to get together behind the spirit of this Motion to end the Emergency as quickly as possible and that means all men. Sir, of good will on both sides of this Council and of supporters and opponents of each individual outside this Council.

I believe, Sir, as I said earlier, that the hon. Member had the right answers in the last 40 minutes of his speech. I believe that we have to consider how we are going to end this Emergency quickly and I support him entirely in believing that one of the first things we have got to do is to withdraw the January surrender terms as quickly as possible and show that we mean business.

I believe, Sir, we have to turn very immediate attention to the future of the tens of thousands of Africans whom we have held in detention and prison camps to-day. We cannot go on until eventually we have put a million and a half Africans behind barred wires and think that the Emergency is over. We have to decide exactly what is going to happen to the ones we have already got there and the ones it will be necessary to put there before this Emergency is over. We have to have plans, Sir. It is not a matter of *ad hoc* decisions according to the political whims of the days—particularly the political whims in Britain—there has got to be a real plan which we make now and stick to, regardless of any influences there may be from outside.

I apologize to the Council, Sir, perhaps my speech in seconding this Motion has been rather unusual in that I have spent more time in criticizing the Member than in supporting the Motion. But, Sir, as the Member, during the latter part of his speech, merely made the points which I would have made less adequately, I have nothing further to add, Sir, than to second the Motion. (Applause.)

Question proposed.

MR. COOKS: Mr. Deputy Speaker, the speech we have just listened to hardly sounded to me as a speech of a Second. As the hon. gentleman reminded us just before he sat down, he seemed to have certain misgivings himself. He rather arrogated to himself the right to approve to the first ten minutes

of the excellent speech that we have heard from the hon. Member and to show his disapproval of the last 40 minutes. (Cries of "Other way round"). Yes, the other way round. (Laughter.) It shows, I am afraid, how little attention I was paying to the hon. gentleman's rude remarks. But I would say this: that I did not follow as accurately as the time-keeping watch the first ten minutes and the last 40 minutes so I do not know what was in the first ten minutes, of which he disapproved, or the last 40 minutes of which he approved. I can only tell you this, Sir, with regard to the epithets which the hon. gentleman sought to discourage, that I have been thinking of a good many epithets over the last day and a half or two days and I intend, if possible, to make full use of them in this speech!

Sir, we are living, I think, in sombre and sad days in Kenya. It is sombre because none of us can see, in spite of what my hon. friend the Member said, the end of this tragic happening. I know that General Sir George Erskine did say that we were in the last phase and a few days later Mr. Gribble remarked that it would be some months before we were round the corner or words to that effect. So there seems to begin with to be some discrepancy in the statements of the high Government officials with regard to the ending of this deplorable rebellion. It is sad, Sir, because a large number of people in this country are not only beginning, but have lost faith in the promises and good faith of the Government and of the War Council. We have had, from time to time, assurances that things would be a good deal better, but frequently they have been followed by even things which are indeed worse. We had, for instance, to begin with a good movement in the "Jock Scott" action. That was followed by some deplorable moves: the almost forced expulsion of labour from the farms of whom, on Government's own admission, 33 or more per cent went straight into the forests. We have had the deplorable fiasco of the photographing, which disturbed the Africans without doing any good, or much good. We have had the shameful negotiations with "General China" and the equivocalities, if not the lies, that followed with regard to the breakdown of those negotiations. We have had this seeking of the

[Mr. Cooke] need in a haystack when last January the forces were deployed in the forests, and instead of sending in such troops as the tracker teams, referred to by my hon. friend the Mover, they went in in battalions and, of course, alarms were given and results were very much below expectation. Then, last stage of all in this strange eventful history, we had the shameful and deplorable incidents of the last week. We have not heard the end of that yet. We have not heard a frank statement from my hon. friend yet, the Minister without Portfolio. We have heard a lot of *suppesio viri* and *suggestio falsi* (Cries of "Shame!") Shame, yes, indeed, shame on the hon. Minister to have indulged in such antics and such tactics. We had those equivocations and we were not told the truth, the whole truth and nothing but the truth. We all know, ourselves, what has happened.

THE MINISTER FOR LEGAL AFFAIRS: Why do you want to be told?

MR. COOKE: We want to be told so that the public should know and, because Government have shown this serious disregard for the public, that is why this deplorable rebellion has gone on for so long. It is very easy for us to know, and we do know a good deal, but we are asked to keep secret what the country does not know and it is high time that the country should know.

Now, from start to finish, there have been misunderstandings, miscalculations, and these misrepresentations and these promises which have not been fulfilled. They say one must not reprimand about the past. Mr. Churchill, as I have often quoted in this Council before, says that the value of reprimand about the past is that it leads to effective action in the future. Again to reprimand, my hon. friends who belong to the same group as I do, if we reprimand we are doing it only to assure that the faults of the past are not repeated in the future or the present.

Now, Sir, the hon. gentleman in his statement on Wednesday in two of his paragraphs made remarks which I must really deal with because they show the simplicity, if I may put it so, of the hon. gentleman, and of the War Council.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: That is a very attractive thing.

MR. COOKE: I am afraid I meant it in another sense.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Better than crooked.

MR. COOKE: I meant it in another sense. I am afraid the hon. gentleman is both simple in one sense—a simple countryman—and he certainly shows simplicity in his dealings with the enemy. Now, he says in two paragraphs, "Suspicion that they"—that is the people who wish to surrender—"would be executed after they have surrendered in spite of Government's clear statement to the contrary". Then, a minute later, he goes on to say—to infer the very opposite. He says that several groups did surrender and they were sent back to the leaders and that they were not executed but they returned again back to the Government forces. How can he then contend that the leaders were so anxious to execute anyone and to punish anyone who deserted with this remark a few lines later that, in effect, a number of these people did go back to the leaders, had talks with the leaders, and returned again to the armed forces? Well, Sir, if that is not simplicity, I do not know what is. If the hon. gentleman believes that, he would believe anything, but the sad part of it is that a lot of people who are not, perhaps, so analytical in mind as some of us, take the hon. gentleman's assertions as being correct. (Hear, hear.) Yes, but not "hear, hear" to the fact that when the hon. gentleman says anyone who gives themselves up, who flies from the forest, is afraid to do so on account of the wrath of the enemy, and then the next minute he says that, in fact, it did happen and no punishment was inflicted.

THE MINISTER FOR LEGAL AFFAIRS: On a point of order, would the hon. gentleman quote the passages in the Minister's statement the other day which he is, in my recollection, misrepresenting to the Council now?

MR. COOKE: Yes, with great pleasure, Sir. I will read it out word for word. First of all the hon. gentleman says, "Suspicion that they will be executed

[Mr. Cooke] after they have surrendered despite Government's clear statements to the contrary". That was one of the reasons he alleged why the rebels did not surrender. Under (a), further down, he says, "Terrorists who surrendered were held near prohibited areas so that those from the forests could see"—actually his reply was (b)—"terrorists who surrendered and who volunteered to do so, were sent back into the forests to report to the gangs of the treatment they had received. All who were sent back into the forests subsequently returned and are in detention."

Now, how does the —

THE MINISTER FOR LEGAL AFFAIRS: On a point of order, Mr. Deputy Speaker, where in those statements does it suggest that the terrorists went back and saw the leaders? And will he, also refer to the further part of the statement which referred to a division of opinion about surrender among the leaders of the terrorists, so that we may have a proper representation of the situation? (Hear, hear.)

MR. COOKE: I regard that as quite proper and I am not going to make any further explanations if the public can judge who is right and who is wrong. I think the points of order—certainly the second one—which the hon. gentleman has raised, were entirely frivolous. (Laughter.)

THE MINISTER FOR LEGAL AFFAIRS: On another point of order, Mr. Deputy Speaker, since the hon. gentleman has made a personal attack on myself, I submit to you, Sir, that it is entirely wrong and out of order for a Member of this Council in speaking to the Council to misrepresent a statement made by another Member of the Council. (Hear, hear.)

THE DEPUTY SPEAKER: The Member is well aware, as I am, that he must be responsible for his facts.

MR. COOKE: Yes, Sir; I am perfectly prepared to be responsible for my facts and I would say to the hon. gentleman that it is he who first started making aspersions and not myself. (Laughter.) If the hon. gentleman withdraws his aspersions, it might be perhaps good and proper.

Now the second thing that the hon. gentleman said was that opposition by certain die-hard leaders—the suspicion that they would be executed after they had surrendered in spite of Government's clear statement to the contrary—certain die-hard leaders were doing everything in their power to prevent as many of their followers as possible from surrendering. And then he goes on to say that in order to alleviate suspicion that people who surrendered would be at once executed by Government, he says that these people were kept as close as possible to the rebel lines—or to the rebels' habitation. Well, Sir, I am wondering if he is so silly as to believe that the rebels believe that because a man is alive two days after he surrendered he will still be alive two months after he had surrendered. Of course they would not. It would not be any assurance whatsoever. We all know with all due respect to my hon. friend, the law's delay in Kenya and it is quite possible that a man who was alive two days after he had surrendered would be a corpse two months after, and that is another of the simple remarks made by my hon. friend which I do not say are designed, but which are apt to deceive a number of people in this country.

Now the next point that I wish to make is one of the reasons why this wretched business has lasted so long, is the failure of support we have had from others in this Council. I must refer particularly, I am afraid, to the Indian Members. Now, Sir, while the European and African children were being murdered, we were being told in this Council by Indian Members that we were unpatriotic, that we were needlessly criticizing the Government, and that we were being the enemy. That argument was repeated time after time in the Emergency debates that we have had in this Council and I have never heard any of the hon. gentlemen on the other side of Council get up to refute those suggestions. In fact, they were usually accompanied by "Hear, hear" from the other side of Council. That kind of "Hear, hear" which I, at any rate, as an old Member of this Council, pay very little attention to, because I know that the Government benches only "Hear, hear" those who happen to agree with their own policy.

GROUP CAPTAIN BRIGGS: Hear, hear.

Mr. COOKE: Hear, hear, exactly. The question of the argument or anything of that sort does not enter into it, but, Sir, the boot is on the other foot. We had this remarkable statement from the Indian Association the other day. It is signed by Mr. Mangat and it purports to be an expression of opinion by the Kenya Indian Congress. Now I submit that if any European had uttered those words he would find himself inside. My hon. friend ought to take note of this. Here is what Mr. Mangat says—and if this is not a criticism of Government, I do not know what is. If this is not a destructive criticism of Government, I do not know what is: "There is a prima facie case of negligence so culpable and so criminal that it warrants the holding by the Government of a public inquiry. The Indian community, through the Kenya Indian Congress, hereby accuses the Government and its Police Department not only of callous indifference towards the safety of Indians and of gross inefficiency in its functions but also of trickery in withholding the news of the escape from custody of one who may be a desperate criminal. The inquiry commission must find ways and means to terminate this loathsome butchery of the citizens and this sorrowful buffoonery of the police."

Before that, it makes a direct charge against my hon. friend, the Member for Prisons and Police that he was, I think, almost an accessory. (Laughter.) I am reading now from an extract which the weekly paper did not dare to publish. What I have already read is what they published. I should have thought my hon. friend was fully aware of what was published last week, and this is an extract from Mr. Mangat's document circulated and, no doubt, I should have thought that one of these copies was sent to the office of my hon. friend, or that it would have come into the possession of the Criminal Investigation Department. If it is not in the possession of the Criminal Investigation Department, it does seem to me there has been a certain amount of inefficiency somewhere. This is what it says: "It is a shocking state of affairs. The Indian community had begun to feel that the police cared little for the safety of the Indians. In fact

the Asian Elected Members called on the Minister for Defence last week to place before him the fears of the community. Probably, at that very moment when these representations were being made to him, the Minister knew that the suspected murderer had escaped but, evidently, the Asian Members were not informed of this."

Now, if that shows confidence in the Government, Sir, well I do not know that that kind of confidence is worth anything, and I think it certainly shows almost a depth of hypocrisy unparalleled in this country that we, on this side of Council, some of us who dare to criticize Government, should be criticized by people who were opposed to criticism by us. It is, indeed, a sombre thought that these things should go on.

Now I am one of those who is going to tell my hon. friend, the European Minister without Portfolio—as I have told him twice in private—that his only decent course is to retire, or however one expresses it. I think resign is the correct word. Now, I believe, with my hon. friend, the Mover, that more than once he has led us up the garden path. He has, I believe, rightly or wrongly, consciously or unconsciously, time after time, appeared to me to have misled this Council. Now I say to him, he will have plenty of opportunity—

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: On a point of order, Mr. Deputy Speaker, the hon. Member says I misled the Council. Will he give instances.

Mr. COOKE: I said that he appeared to me to have misled the Council. Whether or not the hon. gentleman has misled the Council I do not know. (Laughter.)

THE MINISTER FOR LEGAL AFFAIRS: Specify.

Mr. COOKE: I will specify in a few days. Now 18 months ago, my hon. friend had won, I think, the regard and the certain loyalty of 90 per cent of the people of this country. To-day it is doubtful if he has 30 per cent of the following of this country.

DR. HASSAN: Two per cent.

Mr. COOKE: Two per cent? Well, I do not know whether that means the

[Mr. Cooke]

Indian Members or the African Members or not, but I believe that as far as the Europeans are concerned, that he does not possess anything like 50 per cent of their confidence. I am going to say to the hon. gentleman that it is time that he went. It is not a pleasant thing to have to say to someone I may describe as an old friend, but the fact of the matter is that for three years now, both on the Emergency Committee, and on the War Council, very little progress has been made. We have gone from shame to shame and from ignominy to ignominy, the last being the events of the past few days. And I say this to the hon. gentleman, that in his statement, as I said before last Wednesday, he was not entirely frank with this Council. It is my information—if the hon. gentleman challenges me I shall have great pleasure in giving the source of my information—but it is my information that when the hon. gentleman was assuring this Council the other day, that talks were taking place which might turn out successful—that is on Wednesday evening—is my information—that on that very Wednesday, the troops had already begun to move, and that the military had given up any hopes of any kind of peace parleys. Now that was certainly not the impression which the hon. Member conveyed to me. He may have conveyed it to others, but he certainly did not convey it to me, and the worst of that kind—if I may call it—deception is this, that in *Barzan* of last Saturday, there was published a headline which conveyed the impression that the rebels still had 48 hours in which to make up their minds. In the *East African Standard* of the same morning, it was published that the troops had already moved.

Now, you may say it does not matter what the African reaction to that may be, but it is possible that a great many Africans may say, "we have been deceived again". We are told by the vernacular paper that there were 48 hours in which to surrender, certainly it looks like that to anybody who read *Barzan*, when at the same time, certainly by Friday noon, any talks of peace parley had been abandoned.

Now, I do not naturally blame my hon. friend for that journalism, but I

think it is a pity that such a misconception should arise. But it is a misconception, that is bound to arise when we get statements such as the statement of my hon. friend on Wednesday night which, as I say, to me, at any rate, did not appear to be frank or full. I hope that when my hon. friend does rise, he will give an absolutely full statement as to all the events leading up to the talks, who was consulted, who went into the forests and who carried on the various conferences, because a lot of rumours are going about which should, if possible, be laid to rest if they are untrue, as early as possible.

It is not a pleasant thing to have had to criticize my hon. friend, but I think that it is his duty now to say that he is prepared to resign and to let somebody else, one of his other colleagues on the other side of the Council, to take his place on the War Council.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Are you not enjoying saying that?

Mr. COOKE: I would suggest as well that if and when he does send people into the forests again—there have already been two attempts which have failed—perhaps the next time he will send two of the Unofficials from this side of the Council.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: But I may have resigned! (Laughter.)

Mr. COOKE: I do not think there is any prospect of my hon. friend resigning. (Prolonged laughter.) (Interjection by the EUROPEAN MINISTER WITHOUT PORTFOLIO of "Well done.")

If he will send two Unofficials from this side of Council, I will be very glad myself to be one of them. (Laughter.) (Applause.)

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, a number of points have been raised already in this debate and in thinking over how we might handle it best, bearing in mind the remark that the hon. Member who moved the Motion wished to be constructive, I thought that probably the best thing I could do would be to give the Council a review of the Emergency situation as I see it to-day, including

[The European Minister without Portfolio] places where we have not been successful, places where we have been successful and possibly a look into the future. There are one or two points I would like to make before I begin; they are these. I cannot hold myself responsible, as the Minister on the War Council, for actions which were taken before the formation of the new Government. I did feel that both the hon. Member and the hon. Member for the Coast have been rather involved in means about the past, which I do not believe are entirely profitable.

It is completely unfair to suggest that anyone on the War Council, and, in particular, anybody in military command, has made statements or done actions in the hope of getting temporary acclaim either in this country or from overseas. If hon. Members will cast their minds back and see at least some of the abuse which has fallen upon my shoulders, and only this afternoon a slight cascade upon them, I think they will agree that nobody, at any rate, could accuse me of making a statement in order to get acclaim. (Laughter.)

Now, Sir, it has been stated that respect for Government has been lost. I do not believe that for one moment. I believe that actions have been taken by some hon. Members that may, indeed have lost respect for certain communities and I think they were most undesirable actions, but I think it is illogical to say that the Government has lost respect when often the Government has been accused of actions by people who would have been better to have made no accusations at all.

I cannot agree that the surrender offer was insane or degrading and I intend to return to that when I am dealing with the remarks of the hon. Member for the Coast.

Now, Sir, to start with the review of the Emergency and our planning, I would beg hon. Members pardon if I am a little long and if I say some things which will be knowledge to them, but may not be knowledge to all.

MR. COOKE: I do not know much.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: The hon. Member for the

Coast has interjected, Sir, that he does not know much, and it is true that out of great ignorance cometh great conceit. (Laughter.)

Mr. Deputy Speaker, when the War Council was formed, our first task was the clean-up of Nairobi. That is well known to everybody from the results of Operation "Anvil". We cannot, as a Council, take a great deal of credit for the success of that, because an enormous amount of the planning was done by the present hon. Chief Secretary, the leader of the Council, before the War Council was formed, but there is no doubt about it, that "Anvil" disrupted the supplies of the enemy, both in ammunition, guns, medical supplies, money and recruits to the gangs in the forests. For instance, we know that three months after "Anvil", Kaleb, in the southern area of Mount Kenya, had not received any supplies at all since Operation "Anvil", whereas, in the past, he was largely serviced and kept going by those supplies.

Now, we therefore look "Anvil" first because it was really the supply base and operational command area, as it were, of the gangs in the forests. Many gangs were linked closely with committees in Nairobi who were responsible for providing them with their supplies. Now, we cannot say that the position in Nairobi is 100 per cent cleared up, but we can say that there has been an enormous improvement. I took out one or two facts and figures for hon. Members. In 1954 the, I think what are called, cognizable offences in Nairobi were 8,500, and in 1955 they are running at the rate of just slightly over half that—4,800. In 1954, hon. Members in this Council, generally speaking, placed in the armoury at the entrance to this building a normal amount of nine pistols a day with a maximum of 18 in any one day. Now, recently, hon. Members, despite the prognostications they have made that there has been no improvement in the Emergency, have been placing in the armoury sometimes five weapons and a maximum, on just one day recently, of 10. What it boils down to is hon. Members of this Council are not parking the guns they had a year ago.

Again, Sir, a point that the hon. Member for Aberdare made, and a good one, is a proper system of identity and

[The European Minister without Portfolio] We introduced the pass book system and it has worked effectively. There will obviously be individual cases where men get away with breaking the regulations, but, nevertheless, out of 18,000 which we have checked since the introduction of the pass book system, only 470 were found to be erroneously carried, out of order, or in possession of the wrong people.

Now, there has been in Nairobi, Sir, a tremendous clean-up in the Industrial Area; in the locations and, as a result of that, there has been a deterioration, or rather there has been a movement of Mau Mau gangsters into the residential areas, and we have taken action to deal with that. In particular, we have extended the build-up of administrative control over the residential areas, and hope that very shortly over most of the residential areas, we shall have effective control of all labour in those areas with an administrative organization, a district officer, tribal police and headmen patrolling and looking after the area so that men, who have no right to be there, can be easily and quickly apprehended.

Turning, Sir, from Nairobi, our next task was the reserves and our reason for that—and I mention it because the hon. Member for the Coast has consistently said we should have attacked and assaulted the forest areas first—but we were unable to do so for the reasons I am giving Council. The first course was to destroy the base and nerve centre of the Mau Mau movement—that was Nairobi. The next course was to establish the firmest possible control we could in the reserves, right across from Dagoretti Corner to the north of Meru, and there, Sir, we have been largely successful; I would say in Fort Hall considerably successful, and although it has been said there may be a deterioration here and there, I think hon. Members would be interested to know that for many months now we have had no troops in Fort Hall at all, and we have entirely controlled the area by police and the administrative machine.

MR. COOKE: Would he explain why he took 18 months to deal with Nairobi? It is now supposed to be dealt with, in

spite of warnings that he should have dealt with it in the first few months.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Wel, Mr. Deputy Speaker, I made it quite clear to the hon. Member that the very first thing that the War Council did do was to deal with Nairobi, so I can see no point in the interruption he has made. (Laughter.)

Sir, to go on, in Fort Hall we have had no troops there and have handed it over completely to the police and administration. I thought hon. Members would like to know that last week, 21 gangsters were killed in that area without any military operations at all—merely by administrative and police control when the gangsters were forced out of the forests. We have got a much better control of the Dagoretti/Kiambu area, but it is not as good as in Fort Hall and the reasons for that really are three. First of all, the proximity of Nairobi and the pressure in Nairobi pushes the gangsters out into Kiambu; secondly, the belt of forest which runs across from the Ndeya area and Upi-and area, into which the gangs can go and come out again; and, thirdly, the pattern of the European settled area and African land unit, there which makes control more difficult.

In South Nyeri, right across to Meru, there has been a substantial improvement. Now, I would like to make one comment here on some of the constructive measures that the hon. Member for Aberdare made. We have begun there a very large and comprehensive ditch—right across in the Embu area—specifically designed to carry out the operations which he advanced to this Council. We are now examining the possibility of constructing ditches in the Kinangop and Laikipia area by the use of powerful machines on a contractor basis—with exactly the same objective in mind.

In South Nyeri, we have had an improvement although there is still the odd gangs moving about, locations which feed the gangs and an element of support for Mau Mau. We are taking measures, administrative measures, designed to greatly tighten control of those locations which are still supporting the gangsters.

Our third task, Sir, after the elimination, or at least a large control in

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Nairobi, of the Central Province itself, was the forests, and I would like to say to the hon. Member for Mount Kenya and the hon. Member for Aberdeare that in so far as I was concerned, that was not an easy decision. After we had built up the administrative control which prevented the gangs using, first of all Nairobi as a base and, secondly, the Central Province as a base, we had to make the decision whether we should attempt to take pressure off the farmers in the Kinangop and Nanyuki districts, or whether we should go straight for the gangs in the forests. Now, Sir, for reasons mainly operational and mainly to do with the weather, we decided to take the forests first. As hon. Members know, two operations were launched—one was "Hammer" and one was "First Flute". In "Hammer" we had to develop technique for the use of troops in the forest, and from the knowledge which we gained from "Hammer", we were able to adapt the use of the troops very considerably in "First Flute". I would not say that either of those operations were failures.

The hon. Member for the Coast suggested that the results did not come up to our expectations, but, Sir, the intelligence briefing which was given to the War Council for "Hammer" was casualties around 150 and I believe casualties actually inflicted were 154. Now those casualties, Sir, were about 10 per cent of the terrorist forces in the area concerned in a period of only three weeks. Now those are fairly heavy casualties. I would say, Sir, that the real benefit of "Hammer" to us, was that it taught us how to use the troops in the forests, and that, indeed, it was far better to adopt a technique of command of an area and patrol out from it, than to advance through the area with cordons outside. Those tactics were followed in "First Flute", and the total number of casualties arising in "First Flute" to the Mau Mau were 287. The major factor in those casualties was the placing of companies, or platoons, in command of areas from which they patrolled and were able to dominate the area, thus putting the enemy on the defensive rather than ourselves.

THE DEPUTY SPEAKER: Council will now suspend business for fifteen minutes. Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, when Council adjourned I was dealing with operations in the forests in the first part of this year.

In Operation "First Flute" the total number of casualties inflicted on the enemy was 287 in a period of six weeks, out of probably a total number of 1,800, and again, I think, those are severe casualties in the period at our disposal. We were able to do that, as I was saying, by a new technique in the forest of dominating the area by platoons or companies and patrolling out from them. Thus the enemy had to move, and we were on the aggressive from fixed positions, rather than as in Operation "Hammer", where we were on the move, and the enemy was able to move around his own fixed position. That change in operations has been successful, and was largely learned in the operation of "Hammer".

Sir, I wanted to take this opportunity to-day to say "thank you" to two particular units of the Security Forces, one of which—so far as I know—has never been thanked in the whole of the Emergency. We could not have run "Hammer" nor "First Flute" without the loyalty and responsible co-operation of the Kenya Police Reserve Air Wing. Right from the beginning of this Emergency they have been a real emergency-winning factor—(Applause)—and I feel—looking back on the last two and a half years—that neither we on this side of Council nor hon. Members opposite, either in the person of ourselves when we were over there or in the person of those who are there now, have paid a really proper tribute to the Air Wing. They have flown an immense number of sorties. They have been absolutely invaluable in reconnaissance, in supply and in aggressive attack, and there are many of them—ordinary people from Kenya—who have joined up with the Air Wing for the duration of the Emergency. They have not considered their periods of service. They have not considered their hours and they have not

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considered their hardships, and we owe a great deal to them.

The second group of people to whom I would like to pay a tribute to-day—because I think they have collected a great deal of criticism at intervals, and the hon. Member for Aberdeare touched on some of the deficiencies still apparent amongst them—are the Kenya Police. Sir, from the beginning of the Emergency they have been under an intolerable strain. They not only had a country which was at the time in flames to deal with, but there has been an immense expansion to go through, and they have had very great difficulties in the provision of experienced officers and other ranks, who have not had a long period of training, and sometimes I think that we ordinary citizens of this country are apt to forget that a young police officer in a place like the Kinangop has not an eight-hour, a ten-hour or even a 14-hour day. He was in many cases—especially some months ago, when things were not so good—he was really working a 24-hour day several days a week; and I believe, despite the criticism that has fallen upon them, a tremendous amount of the good work of the police has been overlooked. When they have been on the job, they have often been kicked for the things they have done wrong, and very rarely indeed have they received signal praise for the things they have done rightly and well—they have done an immense number of things rightly and well.

I think I would like to say that because it is an axiom in Parliament in Great Britain that, as far as possible, the police are kept out of the acrimony of debate, and I believe the police have stood between us and anarchy, and it is very unwise indeed for us not to give them all the encouragement and help that we can.

Again, Sir, one small matter may interest hon. Members: in launching "Hammer" and "First Flute", and to-day in the operation of the forests, we were helped by the swift collection and organization and development of a Pack Animal Transport Unit, and we were able in both operations to use animals as high as 11,000 to 14,000 feet, carry-

ing supplies for the troops. Had we not done that—and it really was a considerable work of improvisation done quickly and well—had we not done it, we should have had difficulty in dealing with the gangs in the forests successfully, as we did, for instance, in "First Flute". I should perhaps say "Thank you", Sir, to the hon. Member for Mount Kenya who, I believe, donated to the Pack Animal Transport Company a remarkable—not youthful—but energetic mule. (Laughter.)

Now, Sir, as a result of these operations, we have now got experienced, trained forest combat teams. Hon. Members opposite implied that that was a matter only now forging forward, but it was first begun as long ago as July last year. We have—hon. Members will be interested to hear—go in the army alone 25 specially selected combat patrol teams operating to-day, and they are being expanded to a further 36. In addition, each battalion has had sorted out from amongst its personnel and officers suitable material for the creation of forest companies, who have been trained in a battle school set up many months ago in Nanyuki—trained specially for operations in the forest.

As far as the British battalions are concerned, we cannot get a very high degree of forest training in every rank in a National Service Army. We have the constant problem of men coming out and being released, so that the personnel of a battalion is completely changed over a period of 18 months. We are always having great drains upon our personnel—400 to 500 men at regular periods returning on the completion of their national service. We have tried to get over that difficulty by training special combat patrols from really suitable material in the battalions, and also from the creation in the battalions of a forest company, which operates in the forests, to each battalion.

I thought hon. Members might like to know that, when the Gloucesters left Great Britain and were coming out here by boat, orders for the creation and formation of that forest company were received on the boat, and the initial organization and arrangements were all made before the battalion arrived in this country.

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We are also using, Sir, to-day a training school under a man to whom this country owes a great deal—Mr. Venn Fey of the South Kinangop—and he is taking out officer material and training them constantly in the forest areas. I thought hon. Members might like to know that he has given as his considered opinion that officer material released by the army to him is capable of being trained to the same sort of standard as he himself is accustomed to. That policy of using suitable people of this country to train people from overseas is going to be accelerated and widened.

Finally, Sir, I thought hon. Members again would like to know that we have undoubtedly made an impact on cattle thefts within the Mweiga-Ngobit area and in the Nanyuki district. We have 11 police tracker teams specifically for the purpose of following up cattle thefts and losses. Of those 11, some are in the Rift Valley and some are in the Nanyuki district. It may be of interest to know that, in order to get 11 men of a suitable type for this particular job—and, in particular, I should like to mention the name of Mr. Becker, who has been an outstanding leader in the Nanyuki district—we went through no less than 80 names in our manpower registers recording experience suitable for this work.

Now, Sir, to turn to certain aspects of the Emergency in detail. I should like to speak of stock thefts—they have been mentioned. It is not true to imply that stock thefts have increased. I am glad to say that over the last three weeks—and, in particular, over the last fortnight—measures that we have been initiating have been more successful. Immediately our attack was finished in "First Flute" as far as the major use of troops was concerned we then turned our attention to accelerating the denial of stock to the terrorist gangs, and certainly, although the initial start was not encouraging—and I began to wonder whether we were on the right lines—I am glad to say in the last three weeks—and especially in the last fortnight—there has been a substantial reduction in stock losses. In so far as cattle losses themselves are concerned, I would like to give Council the number lost in the last 14 weeks of 1954 and the number lost

in the first 14 weeks of 1955. In the last 14 weeks of 1954 we lost 1,150, and in the first 14 weeks of 1955 we lost 700, but in the first 14 weeks of 1955, the last three weeks have shown very, very substantial improvement, and it may be now that we are entering a phase where we can substantially control stock losses.

I must warn hon. Members that it will not be possible, with the best will in the world, to entirely eliminate them. There is the problem of the economy of the farmer and the control of his stock to be weighed against the necessity to prevent the gangs stealing the cattle. If we control too heavily, we eliminate the farmer. If we allow the farmer free range, then we feed the gang. We have to strike in between these as good a mean as we can. It is a worrying problem, and has exercised not only the minds of the War Council, but every District Emergency Committee, and we are finding at the moment that we may well be entering a phase of substantial improvement in that regard.

I would like to say, Sir, a word on arms. When I first went on the War Council we calculated that the number of arms held by the enemy were certainly of the order of 1,000 to 1,100. We have no definite proof whatsoever, despite careful investigation, that there is traffic in arms from outside. Those exits and entries which might have existed in the early stages of the Emergency through Tanganyika and Uganda have been effectively sealed off, but certainly either from overseas by sea, or overland from the north, we have no evidence whatsoever of the entry of arms.

Mr. COOKE: Would the hon. gentleman give way? This time last year he put the number of arms at 1,500. Now he says there have never been more than 1,100 weapons. I happen to have it here.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: That is true. We did have an estimate of arms of 3,500, but I think hon. Members will remember that we thought the enemy forces might be 15,000 and, on the basis of ten to one, we put their arms at 1,500; but, Sir, we think to-day that probably that figure of 1,500 was closer to 1,100.

Now, Sir, I thought hon. Members might like to have a progress report on

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arms' losses and recoveries because, after all, if the War Council is to be judged by its results, we must be judged on information. In 1953 we lost 667 reported arms. In 1954 we lost 274, according to the information of the War Council, and in 1955—up to the 28th May—we only have lost 29 arms. That is a tremendous and significant turnover, and it is largely due to the realization of the public of the danger of losing arms—co-operation for which we are grateful—and partly due to the adequate and proper registration of arms, and partly due to an earlier campaign when penalties inflicted for arms' losses were heavy. Total recoveries since the Emergency began have been 1,042.

Now, Sir, it is significant that recently the terrorists have not been using the same fire-power that they used a few months ago. This may be due to one or two or three reasons I will give Council—or may be just one of two. The first is that certainly their supplies of ammunition are certainly not as good or as adequate as they were, as we have done our utmost to check losses of ammunition and to control the places from which it might be obtained. Secondly, we may have overestimated the number of weapons which they had in the first place—which I really account for my figure of 1,500, and my suggested figure to-day of 1,100. Thirdly, after 2½ years, it is rather significant that the use of automatics by the terrorists is not nearly so great as it was even six months ago. That, again, we think is due to either one of two causes—lack of ammunition because they have consumed it too swiftly, or to lack of maintenance. The automatic weapon—especially in the forests—is not an easy weapon to maintain and, after 2½ years, their supply and maintenance problems may have overcome them. I would not like to give Council an estimate to-day of the number of weapons in the hands of the terrorists. I think it is fair to say that it has been very, very substantially reduced from the figure which I gave as an estimate a year ago.

Now, Sir, I want just to return, if I may for one moment, to stock thefts, for I see I have forgotten a point. I think

the likely pattern now will be our attempting to hand over the control of stock away altogether from the military forces. We have—especially in the area of the hon. Member for Mount Kenya—been using substantial military forces in the operation called "Hunger Strike", designed to stop losses, and I think now, by a development of farm guards, home guards and stock guards in those areas, we will be able to achieve exactly the same in the settled areas for stock and homesteads as we have in the Central Province, by the use of Kikuyu guards, with an increasing reliance on the police supporting them, rather than the military forces supporting them. I will return to that, Sir, when I attempt to give Council a picture of the future.

Now, I would like just to make one or two comments on the speeches which have been made so far, Sir. Now, Sir, the hon. Member for Aberdare said that the War Council must take a great deal of the blame for what has happened. He said that the mess we were in was largely due to the War Council—and at least we had the implication that we might expect a change now that the late Commander-in-Chief has gone. I do not believe that one could run an Emergency such as this, with the immensity of its problems, and achieve the striking successes which I have tried to indicate to hon. Members during the last year, without making mistakes, but at any rate I would say this, in so far as my part in the War Council is concerned—I leave it to hon. Members to judge—is it better at least to have tried to do something, or better to have shirked responsibility and stood up and uttered criticisms on every corner of every street? I think that is a question Council must decide. I think, if we are urged to have a respect for law and order, we must consider the suggestions that the Kenya Police Reserve should resign; whether there should be distribution of leaflets or letters to the Commander-in-Chief indicating that trespass was being incurred in "No Surrender" boards being removed; whether actions of that sort are conducive to the generation of respect for law and order in this country.

Mr. COOKE: Is the hon. gentleman in order in raising points that have not been raised in the debate? This is a reply to the debate.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: I was indicating to the Council—and I think perfectly fairly—that respect for law and order can be generated by Government and can be generated by every individual citizen. It has been suggested to me that these surrender terms were shameful and foolish, and that the talks we had with the terrorists were ineane and degrading. Is it the wish of this Council that the killings in the forest—that the misery that has been incurred by this country—that the murders which we experience at intervals—often of young children—the maiming of cattle—and the great tensions which have fallen upon us—is it the wish of this Council that this should continue because men in the War Council refused to indicate perfectly clearly to terrorists what was the basis of their offer on January 18? I have never hesitated, Mr. Deputy Speaker, in my belief that, had we been able to achieve a major surrender, the relief and benefits to the country would have overridden any other consideration. I have no hesitation whatsoever, and I believe that those who called our discussions ineane and degrading are actually closely near to being enemies of the State, because they do not understand the terrible tension still being built up in this country—and which will continue to be built up if this Emergency continues.

Now, Sir, I found some difficulty in listening to the hon. Member for Aberdare in deciding exactly what he had in mind in moving this Motion. For this reason he began by saying that the War Council had made a mess of things, and that we must have changes. Well, already we have had one change, and we might well expect therefore an improvement. Then he went on to say quite clearly these precise words: "that the end was now in sight; that the discipline in many areas was now largely restored; and that more and more effective action was being carried out". I would like to ask hon. Members from whence has sight of that end come? From whence has that discipline been created, and how has more effective action been carried out? It can only have been carried out by the co-ordination and interest of the War Council in the operations under their control.

Now, Sir, just to refer to cattle losses, which he said were larger to-day, I think we must expect, as we put greater pressure on the terrorists—we must expect the danger of more desperate attempts on cattle, because they will have an increasing difficulty in getting food, and they themselves are becoming increasingly desperate. I cannot agree, Sir, that the four months in which we engaged in, trying to get a mass surrender, were four months gain to the enemy. I thought hon. Members would like to know that, during the whole of that time, except for certain small areas which were closed, operations against the enemy continued, and casualties ran to an average of 120 per week during the whole of the four months of those talks with the terrorists in the forests.

The hon. Member, Sir, asked whether Government could give an indication whether the surrender offer would be withdrawn, and why we would wish to give any notice. Now, Sir, all I wish to say on that at the moment is this: it is obvious, I think, that the failure of the mass surrender talks has completely altered the position. The Government has plans already for dealing with the altered situation, including the future of surrender terms. The detailed plans will be announced shortly when the operational situation is clearer. I do not want, Sir, to-day to make an announcement. The Government will be doing so as soon as possible, but the situation is at the moment obscure. Operations are proceeding and, until a little later, we wish to hold up the announcement of plans and penalties which we already have in readiness.

MR. COOKE: Are you waiting for the General Election?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: It would only be to your interests to wait.

MR. COOKE: It will be forgotten.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Now, there are one or two points again raised by the hon. Member for Aberdare. I would say that many of the constructive measures he advanced, the Government are in entire agreement with. They are either being implemented, or will be implemented, according to events. In particular, Sir, I want to give

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a word of warning about a complete purge in the town of Nairobi. There are very great dangers indeed, as indicated by the hon. Member for Nairobi South, in the technique of complete removal of Kikuyu, and the policy of the War Council; and of the Government, is quite simple. It is the selective removal of really bad men; proper administrative control in the area concerned; the lifting of restrictions in good areas; and the recognition of the very great danger which may fall upon us by the unwise removal and placing into camps of persons who have not, in effect, committed any offences. I know that the hon. Member for the Coast, on this one, Sir, will nod agreement with me. He has constantly pointed out the danger of mass removal of the Kikuyu. So, Sir, it will be our intention to purge the town of bad elements, and to continue to improve the control and, in order to make sure that C.D.O.s—Delegated Detention Orders—are selectively used, and not used merely as a means of removing an imagined nuisance, we have suggested that a rather greater control of them should be used, and that they should be placed in the hands of Provincial Commissioners.

I have already dealt with the operation, and the development of tracker patrols. I would like now to turn to the remarks he made about after the Emergency. We have already said, Sir—elsewhere and in this Council—that it will not be the intention of the Government to be stamped into too early and too easy a removal of the Emergency Regulations. I believe the general pattern is that hon. Members can look forward to the lifting of Emergency Regulations, which are now no longer required, and it is our firm intention to retain those which are required, and have a gradual transference of those which are required on a permanent basis into legislation to be placed before this Council for criticism and the help of hon. Members themselves.

We have, Sir, already a good system of identification and registration of every Kikuyu, and we intend to extend that as much as we can with the staff at our disposal to every Kikuyu in employment in this country, and, in any return of

Kikuyu, for instance, in the Rift Valley, where they may be reabsorbed in labour, it is the clear intention of Government that that return—as I said the other day—would only be allowed provided there is control of movement, and control of identity and registration of the people, and where they are working. I think hon. Members can rest assured that we will not remove Emergency Regulations merely for political reasons, unless we are absolutely firmly satisfied that the security situation warrants it.

Now, Sir, I thought hon. Members would like just to have a final word on the general situation in other areas in the country, and the interpretation of what we may expect as a development in the future, and in this, Sir, may I just say one thing? I think that the quotations which were made from General Esikine's speech did not give an entirely true picture when he said that he thought we were entering the end of the phase of the Emergency. He did, at the same time, say this—which has been largely overlooked by the hon. Member for Aberdare, and I suspect also by the hon. Member for the Coast—"The Emergency is not over until all terrorist gangs can be rounded up, and until all passive supporters are completely dislocated. It is not the time for complicity. We must keep up the pressure". He also said that we might in 1953 see Kenya restored to a reasonable state.

MR. COOKE: 1955.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Did I say 1953? Thank you, 1955.

MR. COOKE: The last phase.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Yes, he did, Sir, but he made it quite clear that in that last phase we must not give up, we must not be complacent and we must not relax our precautions.

Now, Sir, I thought I would like to give hon. Members a brief picture of the other areas in the country. It will be brief because, for security reasons, I do not think it is wise, perhaps, to say too much, but, Mr. Deputy Speaker, there has always been a danger that the Mau Mau movement might spread to other areas and I am thankful to say

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that except for an area, for instance, in Masi, where we have Kikuyu gangs operating, that danger has been eliminated. We have had, at various times, since the War Council was formed, areas which indicated a deterioration or which tended to deteriorate and in which a dangerous situation might develop, but in every case, I think it only fair to say, by swift action and by good administrative officers, we have avoided that danger. To-day, elsewhere over the Colony itself, there is a good situation and much harmony prevails. Therefore, a real danger of the spread of *Mau Mau* has been averted in this last year. Now, in that, Sir, it would be fair I think just to say that you—to a very few number of administrative officers who have, by their quality, prevented this beastliness spreading over our country.

To finish, Sir, hon. Members would probably like to have some idea of what I think we can expect in the future. Now, I, Sir, if I may speak personally for a moment, have never indicated that we could expect an easy and quick ending to the Emergency. I do not think that that is possible. We have, Sir, been through a period of very intense darkness. We have had, as I indicated at a speech that was much criticized at Limuru in August last year, a gradual and almost imperceptible improvement. In seeking some figure of speech which would give hon. Members a picture of what I see happening, I feel that we are now in a stage like a man who has come out at dawn from his house and he sees the light gradually coming over the hills and striking the tops of the ranges in front of him. As the sun, the light gradually comes down the mountain mass and spreads over the country side. I think, myself, that that is the sort of picture that we can expect—a gradual improvement in the Emergency, a gradual reduction in incidents. And I must give this warning, there will be continuing sporadic disasters; there will be continuing sporadic disasters. It is impossible for us to guard everybody in this country individually. But, nevertheless, we are getting control rapidly, and the gangs are on the defensive and the picture I see is one of an improvement and of the Emergency gradually going into

the background and the thoughts and ideas of the people increasingly concentrated on the constructive objectives of the future. That, Sir, I think is likely to happen. I think we are likely to see also, in the next six months, a continuous and gradual swing from the military sphere to the civil side, and other speakers on the Government side, Sir, will give some indication to-day of the civil side for the development of the country and the reabsorption of the Kikuyu and the resettlement of that people. I do not believe, Sir, that anybody is perfect, or any machine is perfect. We have made mistakes. We are dealing with human material—men, officers, other ranks—they are only human, and in carrying out their tasks they make mistakes. But on the whole, Sir, we have made, in the course of the last year, immense strides. An indication, if I may go back to it, Sir, is the number of guns which are parked in this Hon. Assembly each day by Members, and I am told by the Clerk—

LT.-COL. GHERSIE: Are not hon. Members becoming, perhaps, a little slack?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Well, that, Sir, is a matter for hon. Members. I have given them my warning. I am told, Sir, that the two peak days were due to the fact that some were being registered on that day so that, in effect, the situation is even better than I thought it was.

Now, Sir, I must just deal with the remarks made by the hon. Member for the Coast and I apologize to hon. Members for the time that I have taken. I think that I have given him an indication of the results of "Hammer," but he did say that I had misled the Council in my statement and perhaps I should make it clear. I do not consider that I misled the Council at all. What I said, Sir, was this: We made the surrender offer. We did not get a number of surrenders and that was definitely because the men were suspicious and we used the few terrorists that were in our hands to go back into the forests to allay their suspicions. Now, it is no good the hon. Member saying that because we held them forward there was no reason why

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they might not be hanged a few months later. The facts of the matter are that we originally held the terrorists well back, and the district officers and district commissioners and Security Forces on the forest fringes urged us to let those terrorists be seen by the people in the districts on the forest fringe, which we did. As a result of that we gradually overcame the suspicions of the terrorists. We did, Sir, get very substantial results in Embu by this use of local and individual terrorists who had surrendered. But the mere use in comparison with the numbers of suspicious men whom we wished to bring in were infinitesimal in numbers.

I just want to refer, Sir, to the remarks he made about Mr. Mangat. I would say that Mr. Mangat, Sir, was probably an extremist and that he was a lawyer and we have had some indication of what they can do and, Sir, undoubtedly in that speech he was probably cashing in politically on the hysteria of an individual moment.

Now, the hon. Member said the only decent course that I could do was to resign. He said he would like to be frank and that it was time I went. He challenged me to deny that when I was making my statement here troops were already moving, and that the military had given up hope that the operation could succeed. It is not true, Sir. The considered decision of the War Council, to which the military gave their views and which was a unanimous decision, was that at that point there was a 50-50 chance of the operation being successful. Troops were not moving in that operation. Troops moved after we had given the 48 hours' notice to which I referred.

MR. COOKE: They did not move on the Wednesday?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: No, not as far as I know. I will check it up for the hon. Member. I am almost certain that they did not move, Sir, on that Wednesday.

Now, Sir, he has called upon me to resign. I have tried to give, in rather a long speech I am afraid, a review of the Emergency situation, dealing with the

steps that we have taken to improve the area, the situation as I see it, where there has been improvement, where we have still got problems on our hands. That, Sir, has been done in something like 14 or 15 months and the hon. Member quite frankly said that he thought it was time that I went. Well, Sir, I would like to give him the policy which I have followed throughout this Emergency, and I leave it to the Members of this Council to decide whether they wish me to go or not. But the policy which I have attempted to follow, Sir, right through this Emergency—either from that side, or from this side of the Council—is to see that the necessary action was taken to deal with the Emergency. The second, Sir, was to use my utmost endeavour to see that this foul disease in our midst did not spread. The last, and in my opinion the most important, was to see that the people of this country, after two and a half years of the most bitter strife, most horrible murders, can still live in harmony together. That has been my policy. I do not intend to depart from it. If hon. Members of this Council wish to ask me to resign then they know the action which they should take.

Finally, Sir, may I say this. It would have been the wish of the Government to have accepted this Motion as it stood, but in view of the remarks which the hon. Member made in regard to shame, degradation, inanity, mess, thanks because one member of the War Council had gone, and impending changes, I feel impelled to move, Sir, a very minor amendment to the Motion. The amendment, Sir, which I wish to move is this: "Leave out all words after the word 'that' and substitute therefor the words: 'This Council recognizes the efforts that are being made to restore respect for law and order throughout the Colony at the earliest possible date, and undertakes to support such further measures as may be necessary to ensure the maintenance of such respect thereafter.'"

MR. DEPUTY SPEAKER: I beg to move my amendment. (Applause.)

LT.-COL. GROGAN: What about the peace terms?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: The hon. Minister for African Affairs will be dealing with that.

THE MINISTER FOR LEGAL AFFAIRS seconded.

Question proposed.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, I rise to support the original Motion and oppose the amendment. I regret that the European Minister without Portfolio has spoken so early on in the debate because there are several points I wish to raise.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: I owe the hon. Member an apology, Sir, but hon. Members on the other side did accuse us of holding back so I thought this time I would come forward. If I can help the hon. Member during his speech, I will do so.

GROUP CAPTAIN BRIGGS: Thank you, Sir. What I was going to say—I was not going to take you to task for it—I was merely going to say that I hope that some of the points which I wish to raise and which call for answers—perhaps if you, Sir, are unable to deal with you will get one of your colleagues to do so.

Now, Sir, looking back over the past year or so and comparing the conditions prevailing then and the conditions that prevail to-day, I do not believe that any fair-minded person could deny that there has been a very considerable improvement. The almost chaotic conditions which existed at the early stages of the Emergency do not generally exist to-day, although there are still too many instances which indicate that there are still some flaws in the machinery.

Now, for this change in the situation we have to thank the Security Forces, the hard-pressed Administration, the Kikuyu, Enbu and Mau Guard—the formation of which I believe was a splendid inspiration and one of the really bold moves that has been undertaken by the Government since the Emergency started. Lastly, I would like to say a word for the settler—that much maligned body of people—(Hear, hear.)—whom nobody loves. In those early days of the Emergency, most of the able-bodied, and a good many of the not so able-bodied and elderly men, joined the Kenya Police Reserve and, to a very large extent, they bore the heat and burden of the day in those early days and were responsible for a very high proportion of

the casualties which were inflicted on the enemy at that time.

Now, those Members of this Council who availed themselves of the opportunity of joining one of the tours which were arranged by the African Information Services through the reserves, know for themselves the amount of outstanding work performed by those young men serving as District Officers (Kikuyu Guard) and other posts in the Administration in the reserves. (Hear, hear.) I would not like to forget those also who are serving in the tracker teams who are doing first-class work, but I was disappointed that the tours that I have referred to did not spend a longer time in the settled areas. I do not think that even now there is a full appreciation of the part played by farmers in the Emergency. (Hear, hear.) If they were not freedom loving and individualistic, they would not have come to this country and settled. That being so, I think it is quite remarkable that they have accepted the degree of regimentation which has been necessarily imposed on them as a result of the Emergency. There are, of course, a few—a very few—farmers who have not given their full support and co-operation, but they are very few indeed and for such people, I am bound to say that I have very little sympathy, because they are prolonging the Emergency, and also prolonging the sufferings of everybody else. Nevertheless, there is an undue tendency, I believe, for Government to pass the responsibility which should rightly be borne by Government on to the shoulders of the farmers. I do not believe that it is realized the amount of additional work imposed on the farmer as a result of the working of the various Emergency Regulations—the denial of food regulations and one thing and another—quite apart from the number of things he is asked to do by way of co-operation, which are not, in fact, backed up by actual Emergency Regulations.

I do not think it is entirely realized also the amount of financial hardship suffered by the farmer as a result of all these regulations, and the amount of expenditure he is called on, very often to incur out of his own pocket in order to carry out Government orders. Now, my hon. friend, the European Minister

[Group Captain Briggs] without Portfolio, mentioned that it may be possible in the near future that forces will be withdrawn from the protection of livestock—not that they have been employed in very large numbers, except for a very short period—but they might be withdrawn and replaced by stock guards. Well, I hope that that is going to be done and that the cost of those stock guards will be borne by the Government, because I heard of a case the other day of a farmer who lives only a few miles north of me and I happen to know that he is running his farm at a very serious loss as a result of the denial of food regulations—it was, otherwise an extremely good farm and it always has been an extremely good farm—and I heard the other day that he had been told that if he wished to graze his whole farm, he would have to employ 10 stock guards and an assistant European manager as well. Now, Sir, I do think that is entirely wrong. I believe it is the duty of the Government to maintain law and order and I do not believe that it is the duty of the farmer or any individual to have to enlist and pay for a private army. (Hear, hear.)

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Will the hon. Member give way? Mr. Deputy Speaker, I asked the hon. Member to give way because I felt that the way he interpreted the words I have used in regard to stock guards might cause some alarm and despondency to his constituents. We would not wish to remove all military control in the area, but what I wanted to imply was that our intention was to build up a strong control by other forces in the area so that the military can be used mainly in an assault on the forest. He can rest assured that we will do our utmost to help his constituents.

GROUP CAPTAIN BRIGGS: I thank the Minister without Portfolio for his remarks.

But, Sir, the fact that there has been such a considerable improvement in the state of the Emergency, particularly in the reserves, or parts of the reserves, gives no grounds for complacency. The fact that European boys can be foully murdered within a few miles of Nairobi, that Africans are still murdered from time to time in the reserves, and Asians

murdered in the streets of Nairobi, shows that we still have quite a long way to go.

I would now, Sir, like to turn to matters which I believe must be dealt with if the Emergency is not to be prolonged unduly. The first of these concerns the measures which must be taken, I believe, to combat the harm that has been done by the so-called surrender talks. I say "harm" because it must surely be clear to everyone that every time the *Mau Mau* leaders need a respite and a rest, they give some indication that they would like to talk about surrender and make arrangements for mass surrender or something of the sort. Every time the Government fall for it. It was stated many months ago that the *Mau Mau* were broken up, that they were no longer co-ordinated, that their communications had gone and that there was no sort of central leadership. It is quite clear, therefore, that as a result of the protracted discussions with the avowed object of arranging surrender terms that the *Mau Mau* have been given a most valuable opportunity to reorganize and restore their lines of communication; and from private sources I have heard that actual recruitment has been taking place through the neutral zones that have been established in connexion with the talks.

Government statements suggest pain and surprise that the *Mau Mau* leaders should have mistrusted their good faith and excuses the protracted talks on the grounds that it was necessary to dispel that distrust. Now, can the civilian members of the War Council never learn from experience? Have they forgotten already the results of the "China" negotiations? Do they honestly believe that it is possible to negotiate with people of that sort—people who have only a background of brutality, treachery and low cunning? Now, Sir, I am not being wise after the event because I said very much the same thing as this after the "China" talks.

Furthermore, it is very difficult for the ordinary member of the public to understand how talks could possibly take place over such a length of time—between three and four months, I believe—purely on the question of arranging surrenders. It is very difficult for them to believe that there has been no discussion of terms at all, and that there has

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has no coming and going and reference back and so forth, and, if, indeed, the whole of these talks was confined to actual arrangements for mass surrenders, it simply does not make sense to me.

Now, in regard to the remarks I have made, I would like to make a very clear distinction in this case between the military and civil members of the War Council; because our new Commander-in-Chief is obviously not involved in any way because he has only so recently arrived in the country. Indeed, the forthright simple statement he made in regard to his intentions is what one would have expected of a soldier of his record and general background. I believe his statement will do more to dispel the gloom that has been spread as a result of these so-called surrender talks than anything that has happened for a long time. I only hope that he will not be impeded in carrying out his ideas for the prosecution of the Emergency by the element of appeasement which seems to prevail in the minds of some of his colleagues in the War Council. (Hear, hear.)

I would like to say here that none of my criticisms are directed in any way against those members of the Security Forces who actually conducted the talks in the forest. I think they carried out their orders at very considerable personal risk to themselves and I think they showed courage of the highest order. (Hear, hear.)

Now, Sir, no one desires a speedy conclusion to the Emergency more than I do, but I do not believe in the policy of peace at any price. I am firmly of the opinion that the lack of judgment shown by the War Council in conducting the surrender talks will have the effect of prolonging the Emergency. We have heard from the Commander-in-Chief what his intentions are, but it is very necessary that military action should be combined with administrative civil action against the passive wing of *Mau Mau*, and particularly in those parts of the reserve which are still badly infested and who are actively feeding and aiding *Mau Mau*. I do not wish to anticipate another Motion, but it is clear that, included in that action, there must be forfeiture of land. The present regulations in regard to the forfeiture of land are entirely

ineffective, they do not work in practice, and it is my personal opinion that they were never intended to work and they were merely produced as a sop to public opinion.

Now, it is obvious that the surrender terms announced last January must be withdrawn at once. I do not believe that it is necessary to give more than at the most a fortnight's notice of their withdrawal. I hope that that will be done. The hon. Member referred to that and, of course, he was perfectly right and the European Minister without Portfolio when he was speaking also touched on the subject. I furthermore believe that those who fail to surrender during the intervening time should be outlawed.

Now, the next matter I wish to deal with is the instructions issued by the Legal Department with regard to the inadmissibility of the uncorroborated evidence of accomplices. Presumably the underlying reason for issuing instructions to the effect that the uncorroborated evidence of accomplices must not be accepted in regard to *Mau Mau* offences, is that an innocent person might possibly be convicted. But is it seriously suggested that, apart from those Kikuyu who have actively come out and demonstrated their loyalty, there is such a thing as an innocent Kikuyu? It was stated in this Council towards the beginning of the Emergency that over 90 per cent of the Kikuyu had taken the *Mau Mau* oath. Results of screening I believe suggest that that figure is, in fact, higher. Can you describe such people as entirely innocent? What is, in fact, happening is that hundreds of murderers are getting off scot free for fear that some less guilty, but not necessarily guiltless, Kikuyu, might be punished. Yet by some curious, and to the layman inexplicable twist of the law, the evidence of *Mau Mau* witnesses appears to be accepted against the members of the Administration and of the Security Forces.

Now, I have heard it frequently said in this Council that not only must justice be done, but it must be seen to be done and it appears to me that in this particular case this is a negation of justice. I may say that the instructions issued recently to the screening teams on the same matter have virtually had the result of bringing screening operations to a

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standstill in my own constituency. The screening operations were working extremely well and the procedure was that after a farm had been completely screened, the magistrate visited the farm, and all those against whom there was evidence of guilt of minor *Mau Mau* offences were charged before the magistrate and were bound over to keep the peace. Probably bound over for the sum of Sh. 300 or something like that. Well, now that has had most salutary effect on the farms on which it has been done and I think it is a most retrograde step that should now have been stopped, because it virtually means that the work of the screening teams has been rendered completely abortive.

Now, Sir, turning to the future, I listened with great interest to the Minister for African Affairs the other night talking on the subject of villagization and to the future policy of the Government towards villagization. It was very much perturbed to hear that it is contemplated that at some future date, villagization may cease. If this is, indeed, the case, I believe that close administration, which is generally thought to be desirable and very necessary for the future, will become impossible. History has proved time and time again that the village system is essential to the maintenance of law and order.

My hon. friend mentioned that the Kikuyu people suffering inconvenience as a result of having to walk a couple of miles or so to their *shambas*, the result of being in villages. That, Sir, I contend, is nothing to the inconvenience to which the country has been subjected by the Kikuyu and, to my mind, it is an entirely insufficient reason for abandoning a system that I believe is entirely necessary to maintain law and order and which, I might add, has been adopted in practically every civilized country and has been found absolutely necessary in every uncivilized one.

I do not believe that either the Emergency or the peace, which we hope will follow it, will be won by measures of appeasement, and I do not see how the policy clearly contemplated can be regarded in any other light.

Now, the next point I would like to raise is this; Government has, from

time to time, given assurances that those classed as irreconcilables will not be allowed to return either to the reserves or to the settled areas. I hope that Government will now say precisely how they intend to implement that assurance and how they are going to decide who is reconcilable and who is irreconcilable. I think that is a most important point for the future and I think it must be settled now.

I would also like to ask Government how they propose dealing with the backbone of *Mau Mau*—that is the Kikuyu women. So far, despite their crimes, little punishment has been meted out to any of them and I have not yet heard of a single Kikuyu woman being hanged, however bloodthirsty and wicked her crime has been.

I would like to say a word now in regard to the position of Unofficial Members of the Provincial and District Emergency Committees. When I accepted appointment to the Central Province Emergency Committee, I understood that I and the other Unofficial Members would be full members of that committee in exactly the same way as the other members, and we would share the same access to information and the same rights as other members of the committee. Now that, Sir, I regret to say, is not happening. There is, for instance, an invidious and, I think, rather offensive distinction between the Official and Unofficial Members in regard to the distribution of minutes. For instance, I, as a member of the Central Province Committee, do not receive the minutes of the War Council. The other Official Members, that is the heads of police, army, and administration, all of these get copies of those minutes. The District Emergency Committee level—the two Unofficial Members there do not see the Provincial Emergency Committee Minutes. The result is that, like myself, they have to go to the committee meetings without having been able to give prior thought to the matters which have to be discussed in those committees.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, the hon. Member had a word with me and I spoke before him. I will give him an assurance that I will look into this matter. The War Council Minutes go

[The European Minister without Portfolio] personally to the Provincial Commissioners in the affected areas, but do not go to the Provincial Emergency Committee. Now, Sir, in regard to the Minutes of the Emergency Committee, I am in entire agreement with the hon. Member and I will see that the necessary action is taken.

GROUP CAPT. BRIGGS: I thank the hon. Member for his assurance.

There is a matter of principle that arises out of this matter, and that is that the issue was raised in the District Emergency Committee, passed through the Provincial Emergency Committee and was submitted to the War Council Secretariat, and the reply from the War Council Secretariat was a blunt refusal. I mention this because I have a fear that possibly the War Council Secretariat may be acting as a sort of filter perhaps a rather too effective filter between the Emergency Committees and the War Council. Sir, I hope the hon. Member will look into that.

Now, Sir, in the course of what I have said this evening, I have had to make some criticisms, but it is not fair to blame the hon. Members opposite too much for, after all, their decisions are, I am afraid, and their actions, somewhat conditioned by political considerations in the United Kingdom, and I fear that it is quite impossible to deal realistically with an Emergency of this sort from an office chair many thousands of miles away.

Mr. Deputy Speaker, I beg to support. (Applause.)

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: Mr. Deputy Speaker, I had intended to reply more fully than I shall now do to the hon. Member for Aberdare, but, somewhat surprisingly, his second motion is unnecessary for me to reply to the earlier part of his speech. There are, however, one or two points which I would like to deal with having been, since its initiation, a Member of the Rift Valley Provincial Emergency Committee and one of the things he mentioned was that screening had, very largely, stopped. It is true that screening has been slowed down in the Rift Valley because the situation has

changed and screening has always been a double-edged weapon, valuable as it has been. Furthermore, some of our best screening teams have been removed, and quite rightly removed, in my opinion, to do more important and vital work in screening in the camps. It has become now a matter of extreme urgency to get the prisoners in these camps screened at the earliest possible moment in order that they may be moved as quickly as possible from detention camps to work camps, or, alternatively, be put in those camps where the irreconcilables have got to go. I think the hon. Member will agree with that. Most hon. Members on the other side of Council have raised this repeatedly—the vital necessity of that particular work.

One other point I would mention briefly is; he has suggested, in the latter part of his speech that we should fence the forest areas off in the Kinangop side. This matter is being considered by the Provincial Emergency Committee and by the War Council, but I mention it for one particular reason; that fences and defences in all the world's history have—only been useful if they are manned, and the ditch now being dug in Embu is a somewhat different situation to that pertaining in the Kinangop, because there it is readily and easily manned by the population who have joined the Home Guard and, therefore, it can be done without enormous cost and difficulty to Government.

Now the real thing on which I wish to speak is the remarks made by the hon. Member for the Coast on the European Minister without Portfolio. To my way of thinking his demand for the resignation of the European Minister without Portfolio is one of the most unfortunate things that I have heard in this Council in the years that I have been in it. (Hear, hear.) (Applause.) It is in the tradition of all democracies, particularly when they are as small as this one is, that any leader of the people will be shot at and it may also be said that in any country the unpopularity of the Government starts from the moment that it takes on power. That, of course, has undoubtedly been true of the European Minister without Portfolio. In his criticisms of him, he has criticized one particular thing—being one on which he holds strong views—and I realize that

[The Minister for Forest Development, Game and Fisheries] many people will hold strong views in criticism of this particular action—an action, I may say, which is not only his action, but is the action of the whole body of the War Council. To my mind it is tragic that the European Officials of this country will endeavour together to pick immediately on their sole representative in the most important Council of State at this time. It is not in their interest, and it cannot be in their interest, to take that sort of action. Moreover, in this case it is not a justified action, for in the speech made by the hon. Member for Aberdare, and in the speech just made by the hon. Member for Mount Kenya, it was made perfectly clear that they admitted that great progress had been made in the Emergency, and no credit for that has been given to the War Council. I submit, however, that giving all due credit that has been given, and rightly given, to the Security Forces, to the police and all those subordinate forces who were fighting in the Emergency, and, indeed, to the farmers themselves for their patience, nevertheless the War Council must be given the credit for having achieved a very great deal. I might add this; I have been on the War Council and I know the difficulty of the decisions that have to be taken and I also know that on that War Council—the hon. Member for the Coast may laugh at this—but nevertheless it is true, that the European Minister without Portfolio has been the invariable champion of the farming communities who are suffering most in the Emergency.

MR. COOKE: Well, naturally, yes.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: The hon. Member says "naturally" and yet his object is to remove him on a disagreement of a major policy of the War Council which I do not propose to discuss, but it seems to me a most fantastic action to take and can lead to nothing but disaster from the point of view of the European community. It is perfectly right to attack a Government, but it is wise to attack a Member of your own side who has taken on an exceedingly thankless job of being your representative—your representative—in the

Supreme Council during the Emergency.

MR. COOKE: The hon. gentleman is completely distorting what I said. I criticized the hon. Member from the very start of his handling the Emergency, not merely this latest, fantastic peace-term talk which happened this year.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: That is, of course, perfectly true; the hon. Member has always criticized the European Minister without Portfolio, but it is to-day, in particular, that he has gone much further than criticism—he has demanded his resignation and that is the matter with which I particularly wish to deal.

One final point I would mention, because I do not think, despite the statement made by the European Minister without Portfolio, that it has been made clear to this Council, and that is that during the surrender after discussions, operations did not in fact let up. A very small neutral zone was made where these people could be met, but, in fact, they did not get a respite from operations in the course of those talks. I have been asked to say this by the Minister without Portfolio as he has already spoken, and I consider, myself, that it is a very important point—that it should be made and reiterated that in fact no amnesty for peace talks was given to the terrorists.

Mr. Deputy Speaker, I beg to support the Motion. (Applause.)

MRS. SHAW: Mr. Deputy Speaker, Sir, although the Motion went forward as a group Motion, I, with some of my colleagues, made it quite clear that while supporting the terms of the Motion, I might not be able to subscribe to everything that has been said in the course of this debate.

For instance, I could not support the remarks made by the hon. Member, who has just been referred to in the last speech, and obviously who relies so much for his opinions on statements and articles in the Press. (Laughter.)

I consider that the War Council, since it became a Council, has achieved some very valuable and solid results, and that although the end may not be just around

[Mrs. Shaw] the corner I think the review which we have just heard from the hon. Minister without Porifio was the most heartening. I very much agree with the remarks made by the hon. Minister who has just spoken.

Apart from what was said by the hon. Mover about the War Council, I can support wholeheartedly the very excellent speech in which he moved this Motion. I do not wish to go to-night, as many Members have before me, into sins of omission and commission of the Government. The accent was put by the hon. Mover, and I think rightly put, on the future—on what he called the restoration and period of consolidation. The period of violence just ahead, he told us, might be a period of great danger and with that I concur. It may be a period of great danger as far as our personal safety is concerned and, therefore, I behave everyone, particularly in the affected areas, not to relax their precautions, but I consider that the real danger lies in the next phase—the phase after the shooting war is over. That is when the real danger, in my opinion, will arise. The danger is that the Government will relax their vigilance, give way here, give way there, until the advantage we have gained is lost and we are back where we were in what some people called the good old days of lax administration.

It is a psychological fact that human beings, and particularly those of the British race, are apt to forget the bad and remember only the good in life. We have seen our nation between two wars sink back into complacency and, as a result, we are hardly ever ready for the next war when it comes, but the forces of evil are not complacent. They are not lulled to sleep. For once the shooting phase is over, there is a very real danger that this rebellion will go underground; for the forces of evil do not fear the darkness—in fact that is where they breed, and the forces behind the *Mau Mau* are only part of a pattern—a pattern that we see all over Africa and, indeed, in other parts of the world to-day; a pattern of fostering discontent, fermenting riots, strikes and revolutions as a means of disruption of the democratic world. That is why I want to give this warning. The hon. Member for Aberdare said *"opris moi le déluge"*:

but I would say that it is better described possibly as "Give us peace in our time, O Lord" which was too often the attitude of some of our civil servants in what was known as the later "happy savage era".

To-day I believe that attitude is not true of our Government, but I beg of the Government to continue to make closer administration of reality and not just a façade; not to give way to pressures, pressures from overseas, pressures of world opinion, but to go forward fearlessly with the measures which we, and they, know to be necessary to rid the Colony of the horror of *Mau Mau* and to restore law and order and good government.

Mr. Deputy Speaker, I beg to support the Motion.

THE MINISTER FOR AFRICAN AFFAIRS:

Mr. Deputy Speaker, I propose to confine myself largely to events relating to the recent discussions on surrender, because this is a subject that I was deputed to handle personally. My instructions from the Governor were that I was to handle these discussions with the terrorist leaders and in this I had the assistance of General Heyman, Chief of Staff, who had instructions from the operational side from the Commander-in-Chief, because, indeed, in discussions such as this or any arrangements concerning surrender that we might have had to make, the operational consideration would have been of the greatest importance and was, in fact, in the forefront of our discussions. My instructions were that we were to arrange a surrender in discussion with the terrorist leaders whom we met and that we were to arrange this on the basis of the terms given out on 18th January, and that in no way were we to exceed these although we had attitude in allowing the terrorists time to consider it and to make arrangements for the surrender should we agree to a date, but there was to be no exceeding of those terms of 18th January. There was, therefore, Sir, no question of negotiation. We had discussions with these terrorist leaders, but throughout I would assure hon. Members that there was no negotiation on those terms. I would like to make this doubly clear, Sir. It has been suggested by an hon. Member that General Lathbury arrived late in the day and was not,

[The Minister for African Affairs]

in fact, in on these discussions: I would like, Sir, to dispel that illusion. General Lathbury arrived during these discussions and was in full agreement and consulted at every point up to the last moment, Sir. It was the duty of the Special Branch officers who assisted us to make contacts and to arrange the meetings and to organize the security of these meetings and I do, most heartily, endorse the comments and the praise given by the hon. Members opposite for the courage and devotion to duty of these officers. (Hear, hear.) If I remember rightly, I met terrorist leaders on some eight different occasions and on most of these occasions I had with me, listening in and advising me on several occasions, Senior Chief Muhoya of Nyeri district, who is well known to hon. Members, well known for his courage and the fight that he has put up as a leading loyalist against *Mau Mau*. I mention this, Sir, because I was particularly anxious throughout these discussions at every point that in the long run there should be no misunderstanding on the part of the loyal Kikuyu who have fought with us against *Mau Mau*. Chief Muhoya on several occasions was able to give me valuable advice, Sir. He has also since then had discussions, as I have, with the Kikuyu Advisory Council and explained these matters to them and he has talked to them on the Kikuyu radio as I also have. I can assure hon. Members opposite that we have the support of the loyal Kikuyu and the Advisory Council at Nyeri who were unanimous in understanding and expressing appreciation of our efforts in having these discussions with the terrorists, and our efforts to bring about a surrender which, had it happened, would have altered the complexion of this debate completely.

Hon. Members referred to the length of time that these discussions took, and I can only say, Sir, that it did take a considerable time to gain the confidence of these terrorist leaders with whom we had discussions. It is difficult to describe their mentality or to describe the conditions under which they have been living. Many of them in comparative isolation in the forest for a long time. It is a popular opinion that many of these terrorist leaders float about the

country organizing murder, but, Sir, I do not believe that to be true. It is their henchmen that do—Sir, they are, maybe, organized, and sent out into the forest; but the main terrorist leaders, in my opinion, and on the information we have had, have been living in this curious isolation in the forest. There they have organized a life of their own; they have—what they rather grandiosely call—"Kenya Parliament" sitting in the Aberdare; they have their Generals; their Field Marshals; their K.C.B.s and so on and so forth; their Spears, possibly; they have certainly their Secretary of State for the Colonies who was despatched to us in our talk with Kahinga, although he admitted that he had no colonies as yet—(Laughter.)—but this, Sir, is the curious setup with which we had to deal in this very curious mentality. Chief Muhoya, interestingly enough, said to me, "You must realize that these people copy you most slavishly; that they have their armed forces in the forest, and they have their Secretariat in Nairobi". (Laughter.) This, Sir, was certainly borne out by the information we achieved during the course of these discussions. These leaders who came in to see us, Sir, first of all—one had a lowish level and the level gradually grew and increased, as we continued our discussions and they became more and more convinced of our genuineness over our discussion. I would not disguise, Sir, that we had to shoot down a good many ridiculous arguments that came up. The type of thing that was said at an earlier meeting was this sort of thing, "We cannot understand why you have not proclaimed martial law; we believed that nobody ever achieved independence without martial law. Are we not good enough?" (Laughter.) Well, Sir, this is the type of mentality we had to deal with. We had to discuss the future of the Kikuyu, our plans for them, what we would do if this failed. We spent a great deal of time in discussions, Sir; they had spent months and years themselves with their ridiculous ideas in the forest; we spent a matter of hours over several meetings in trying to define these ideas, and, in fact, I think; we achieved a certain amount of success in this.

It is now known, I think, that many of our meetings were in the first place held in Nairobi, which hon. Members

[The Minister for African Affairs] said about inanity, degradation, all these expressions and possibly certain people may think these things, and I am sure they do if they cannot believe—that any single person in this Council has not a sense of admiration for the men, among whom the Minister for African Affairs is outstanding, who took part, at very considerable risks to themselves (Hear, hear.) in those negotiations. It cannot have been a very pleasant task to deal with these brutes. It must have raised every hair on their necks, but at the same time, Sir, I cannot help but take off my hat to the four men who did, in fact, carry the heat and burden of the day, some of whom went right into the forest at great personal risk. I shall never forget that.

Sir, I do ask Government again to think about this amendment. (Hear, hear.) I repeat, I do ask Government to think again about this amendment. There is nothing offensive in the Motion; it expresses an intention which I believe Government, if it has not got it, they should have it, but I believe Government has got this intention, and I hope, Sir, that instead of asking us mildly to recognize their effort, they will agree with us that those efforts should be intensified.

I beg to oppose the amendment. (Applause.)

Mr. COOKE: Mr. Deputy Speaker, in opposing the amendment, I must join issue with the hon. and gracious lady who endeavoured to rebuke those who made intemperate speeches because the hon. and gracious lady was fully aware after the meeting last night that there were going to be speeches which were going to be strongly critical to the gentleman on the other side of the Council. It was then that the hon. and gracious lady should have made her protest.

The other reason why I am standing up is also to join with her, especially as an old administrative officer, in saying how much we admire the Chief Native Commissioner for his magnificent efforts which unfortunately failed.

LADY STAW: Mr. Deputy Speaker, on a point of personal explanation, I never

suggested that I did not know that intemperate speeches were going to be made. I said I thought it was perfectly ridiculous that Government also should not have known that intemperate speeches were likely to be made. It is quite a different thing.

ADJOURNMENT

THE DEPUTY SPEAKER: It is now two minutes to a quarter past six. It is convenient to take the adjournment now.

Council will now stand adjourned until 9.30 a.m. to-morrow.

Council rose at thirteen minutes past Six o'clock.

Friday, 27th May, 1955

Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Deputy Speaker, I beg to move the following Motion:—

That on Tuesday, 31st May, Thursday, 2nd June, Tuesday, 7th June, and Thursday, 9th June, business shall not be interrupted under Standing Order No. 10 at 6.15 p.m., but shall be suspended at 6.15 p.m. and resumed at 6.45 p.m. and that the time for the interruption of business under Standing Order No. 10 shall be postponed until 9.30 p.m. on those days.

The purpose of this Motion, Sir, is to enable Council to sit in the evenings on Tuesdays and Thursdays of the next two weeks from 6.45 p.m. until 9.30 p.m.

Mr. HARRIS seconded.

Question proposed.

The question was put and carried.

MOTION

RESTORATION AND MAINTENANCE OF RESPECT FOR LAW AND ORDER

Debate resumed.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, when Council adjourned last evening, the hon. and gracious lady Member for Ukamba had urged the Government to ignore the critical implications of the main Motion and to accept it; to do so would, she said, establish the Government as strong and determined and of such a digestion that it could stomach any degree of insult, ridicule and censure.

Now, Sir, the hon. and gracious lady was so convincing in her arguments and, as usual, spoke with such compelling good sense, that I almost answered her appeal with an "Amen", but, Sir, "Amen" stuck in my throat. We, on this side of Council, are men who carry heavy responsibilities and we are no less determined than hon. Members opposite that this wretched business shall be brought to an end as soon as possible.

(Hear, hear.) We could have, perhaps, accepted the implied censure of the opening of the original Motion, but, Sir, we should be a craven set indeed if we acquiesced in the allegations of ineptitude, shameful behaviour, degradation, foolishness, apathy, ignorance, time-serving and faintheartedness. (Laughter.) Sir, what name would hon. Members oppose have for a man who accepted insults of this sort and then fawned upon those who reviled him? And what confidence would the Colony have in a Government which timidly agreed to a Motion in which they had been execrated in such terms, and showed themselves as avid to kiss the rod? No, Sir, it will not do. The Government will not accept the original Motion. But the hon. and gracious lady had sense on her side when she complained of a certain lack of resolution and decision in the terms of the amendment and, in order to meet this valid point of criticism and, at the same time, to avoid an acceptance of the invective uttered by the hon. Minister for the Coast—

Mr. COOKE: Minister! (Laughter.)

On a point of order, Sir, is the hon. gentleman in order in accusing me of being a Minister? (Laughter.)

THE CHIEF SECRETARY: Sir, I am extremely relieved to say it was a slip of the tongue. (Prolonged laughter.)

I propose, therefore, Sir, to move an amendment to the amendment in the following terms—"that the word 'recognize' be deleted and that there be inserted in place thereof the words 'urgently'". Let me appeal to hon. Members on the other side of the Council to absent themselves from the felicity of blackguarding the Government and to accept this Motion. I do assure them with all sincerity that for them to do so will be for the good of the Colony as a whole. (Hear, hear.)

May I now, Sir, deal with some of the points raised by hon. Members opposite. The hon. Member for Aberdare, after his rough, rude opening, and his somewhat unclassical—I might even say gothic—approach to the whole matter, suddenly began to roar as gently as any sucking dove. Indeed, Sir, he roared as 'twere any nightingale.

MR. COOKE: You are roaring like a lion now!

THE CHIEF SECRETARY: Accepting his less vituperative mood as a true representation of his views, I will do what I can to explain the Government's appreciation of both the near future and the more distant prospect. In neither case, Sir, is the Government complacent. It fully realizes the very difficult task which lies in front of it and the time it will take to accomplish it.

The end of the shooting war, according to the hon. Member, may be in sight, but, Sir, it is not close at hand. Discipline has been restored in the reserves, and there has been an improvement in the other areas, but the country still faces many dangers. Let me mention some of them—in particular those referred to by the hon. Member in his opening speech. First Nairobi. Nairobi is the nerve centre of *Mau Mau*; the main depot for ammunition, medical supplies and recruits. The Government has no accurate knowledge of the location of the powerhouse of this subversive movement, but my own bet is that it is to be found in Nairobi; and that it is run by men of experience, skill and lack of scruple. Sir, let me dispose of this *canard*—a small French duck—(Laughter.)—that there are no men of education in the movement. It is inconceivable that an organization of the size of *Mau Mau* should be run by a lot of failed Kenya Preliminary schoolboys. (Laughter.)

Now, Sir, although the enemy strength was broken last year, there has been a continual process of regeneration; and the Special Branch of the Kenya Police is continually discovering and removing additional limbs which have sprouted from the old body; it is the policy of the Government that action taken in the town must be individual and must be selective and, indeed, as fresh sources of infection are detected by Special Branch or by the Administration screening centre at Embakasi, so steps are taken to cut them out.

LT.-COL. GROGAN: Would the hon. Minister inform us whether this is an official admission that this is a war?

THE CHIEF SECRETARY: Sir, it is a very serious struggle. A thing cannot be a war without a declaration of war.

MR. COOKE: Is it a rebellion?

THE CHIEF SECRETARY: Sir, I refuse to be drawn by these old Hyde Park tricks. (Laughter.)

To continue, Sir, with the question of Nairobi, if the population were as diligent in their own protection as the Kenya Police are in guarding them, there would be far less cause for apprehension.

Next, Sir, the forests. However many men are killed and however many surrender, there will always be—there will invariably be—a hard core of forest men; and as their number decreases, so will the task of finding and destroying them become more difficult; and, as they lose hope, so will they become more desperate. Even a small body of men can impose its wrath upon the local peasantry and upon farm labour and, in this way, assure itself of supplies. It really is of the greatest importance that all precautions should be continued, both in the reserves and on the farms, for some time to come. There is no need for complacency there.

Amongst these men, living partly in the forests and partly in the towns, there will be a hard core of semi-urban gangsters and, until these gangs have been hunted down—and I have no doubt whatsoever that the police assuredly will hunt them down—they will represent a serious threat to Africans, Asians and Europeans in the towns. These men too are desperate men, and the Government realizes the possibility of a "mad dog act", or, as the hon. Member for Aberdare called it, the final act of desperate men. Those who "are in blood stepped in so far that to return were tedious as go'er".

I have referred to the danger of boredom and apathy, for feelings of revulsion are bound to arise against the drugery and the discipline of maintaining security and it is important that this should not be allowed to happen. If I may borrow the figure of speech adopted by the hon. Member for Aberdare, we have a long and arduous road in front of us—one which will demand steady, quiet and tireless seamanship—not one which is going to be relieved by a lot of hysterical tens with the cox shouting invective from the stern. (Laughter.)

[The Chief Secretary].

Now, Sir, there are a dozen or so specific points made by the hon. Member, most of which have been answered by my hon. friend, the European Minister without Portfolio. But I think I might go over some of them again. First was the immediate withdrawal of the surrender offer. As my hon. friend announced, a statement is shortly to be made. Secondly, a purge of the towns; I have already explained the selective basis upon which we are working. Thirdly, the need for another "Anvil" operation and for increased detention. Sir, I confess that my thoughts first turned to the need for another "Anvil"; but I do realize that looking at the larger picture, it would not present a solution. What would it lead to? It might result in the detention of another 20,000 or 30,000 men, most of them of unproved guilt; and to an appalling burden—a burden which we could not sustain—in regard to buildings, water supplies, communications, protective measures and warders. It would not be difficult to reach a stage in which we had 100,000 men in detention, and, quite apart from the financial consideration, on all grounds of humanity, prudence and good sense, it is of the greatest importance that we should prevent a situation of this sort arising.

If I understood the hon. Member aright, he then dealt with the need for more repatriation from the settled areas to the reserves. Now this, Sir, is a point on which the hon. Member for the Coast has spoken with—the only point I think—with consistency and sense. (Laughter.) The Government shares his views that to enforce, even to allow further movements of Kikuyu back into the reserves, would be the greatest folly. For at present there is neither land, nor work, nor food for them.

The next point raised by the hon. Member for Aberdare concerned land forfeiture. Now, Sir, I admit that the existing Ordinance has achieved little. I cannot say more at present than that its inadequacy has been recognized and that the Government has not been negligent about preparing a more suitable enactment.

May I, at this point, answer the inquiry made by the hon. Member for

Mount Kenya about Kikuyu women. It must be admitted, Sir, that this is one of the toughest problems facing us. It is not one which the Government can handle by prison sentences, or by detention, or by convictions, or by imposing further restrictions and hardships. We are convinced that only in two ways can we deal with the problem. First of all by increased emphasis on the education of the girls, and secondly, by an approach to the women through their children. We are convinced that only by understanding and help, by suitable welfare work, and by the exercise of kindness and charity, can any impression be made on these bigoted, obdurate and often degraded creatures. I hope that my hon. friend, the Minister for Community Development, will be able to tell hon. Members opposite precisely what is being done.

Next, Sir, may I refer to some of the inquiries made by the hon. Member for Aberdare about Government's intentions for the future. Of all the problems which are before us now, and which will flow over into the post-Emergency period, there is none greater than that of resettlement and reabsorption into the ordinary life of the tribe and of the Colony of those Kikuyu who are now in detention or who are in the reserves, but are without land and without work other than that provided by the various relief projects.

As the hon. Member will realize, it will be a task of colossal size and really prodigious difficulty. There are no untapped reserves of good land and we shall, therefore, have to fall back on intensive measures of agriculture in the Kikuyu districts and on the opening up of areas which, for one reason or another, have hitherto been regarded as being marginal.

The first move towards resettlement is a screening process which is carried out in the main reception centres of Manyani and Mackinnon Road. After a detailed and individual inquiry, based on the man's past record, his behaviour in the camp, a knowledge of his associates; and any confessions he may have made, he makes his first move towards release. If the inquiry is satisfactory, he is transferred to a works camp in the Central Province where he is again under

[The Chief Secretary] scrutiny, and where, again, further inquiries are made—this time by men, if possible, from his own location—into his record and his behaviour. Once again his behaviour, and the assistance he gives to the Government, will determine his future progress. Whilst in the works camp, he will work on projects of local importance in the district. When he is judged fit for release from the works camp, and I should emphasize that the authority for this judgment rests entirely on the District Commissioner, he is passed on to an open camp or guarded village. He still remains under the authority of the works camp staff, and is still subject to supervision, but, by this time, if he has shown an increasing degree of co-operation and willingness, he has a considerable measure of freedom, and if he has no objection which he can return, he is engaged on paid labour on local agricultural work.

I apologize for going into detail on this rather tedious subject, but the hon. Member was anxious to learn the precise steps which are taken. (Hear, hear.)

As for the man's final settlement, I think I can best describe the courses in front of us as projects within the native land unit and projects outside the land unit. Inside the land unit we are relying upon increasing the carrying capacity of the land partly through the Swynnerton Plan, and partly through the consolidation of present fragmented holdings; in addition there will be opportunities resulting from the growth of the village system. Further, the opening of the high bracken areas will provide a livelihood for some thousands of families. In addition, there is the prospect of the colonization of the sparsely occupied parts of Meru and Embu. But when all the potentialities have been assessed, we are still faced with enormous problems. They are these—and I do not attempt to minimize them in any way; the disposal of 20,000 families of repatriated Kikuyu for whom there is no room in the reserves; the reabsorption of urban types and the future of those men who, if law and order is to be maintained, must not be allowed to return to any place where loyal Kikuyu live.

For the solution of these problems we have to turn to projects outside the

native land units. The repatriates we propose should be absorbed, in so far as possible, in employment on the farms, in forest development schemes, and in major irrigation projects such as those which some hon. Members may have seen at Mwea and Tete in the Embu district. When I speak of re-employment on the farms, I realize that it is a complicated business fraught with difficulty and that we must draw a happy medium between the continual doubts of some Members and the facile optimism of the hon. Member for the Coast—(Hear, hear.)—who, for some reason, compared the issue with that of the Matabeleland rebellion.

MR. COOKE: It was your own side who did that in the last debate.

THE CHIEF SECRETARY: Urban workers of good record, Sir, must ultimately return to the towns and my hon. friend, the Minister without Portfolio, has already explained to the Council the arrangements being made for a more comprehensive pass book system and has set out the control measures which it provides. The Government is determined, Sir, that the Kikuyu should not again secure that domination over the City of Nairobi which made 1953 a year of confident violence and publicly condoned hoodlumism.

The figures are of interest. In 1948, out of a total of 30,000 adult males, there were 17,000 Kikuyu, Embu and Meru. In 1951, the total had risen to 50,000 and the number of Kikuyu, Embu and Meru to 32,000. By 1953, there were 45,000 Kikuyu, Embu and Meru out of a total of 60,000 and hon. Members will remember the desperate straits in which the city was.

Now, Sir, for those who may not return. The most solemn assurances have been given that the irreconcilables will never be allowed to return to the areas where the loyal Kikuyu live. This, Sir, is the policy of the Government. The Government has been working for the past year on the problem of the disposal of these people, and its plans are well advanced. In finding remote settlement areas, there are, of course, a number of practical problems which have to be solved. I refer to questions such as security, communications, public health, the proving of the land

[The Chief Secretary] and similar matters. These aspects of the problem are being worked upon at present, but there is no doubt that we shall strike a number of unforeseen difficulties. Irrigation work is new to us here and, although we have sound advice, the technical problems vary from area to area and I cannot promise that all will be plain sailing. There will be excellent avenues for the hon. Member for the Coast to explore. (Laughter.)

Let me repeat, Sir, that we cannot face the post-Emergency period with half a million sullen, disillusioned, unoccupied, dis-spirited Kikuyu. The irreconcilables will be prevented from re-acting the mass, but those who come back into normal life of the Colony must be given a chance to re-establish themselves, either in employment or in the reserves or in suitable development schemes such as those I have referred to.

There remains one last point from the hon. Member for Aberdare's introductory speech: It concerns the policy of 'the Government' in re-establishing political organizations. Sir, it is our policy that there should be proper channels of African political expressions and the Government has recently agreed to the formation of district political associations; my hon. friend, the Minister for African Affairs, will shortly be making a statement on this subject. The Government welcomes the establishment of these district organizations, but what it cannot allow is the revival of a central political association organized, financed and administered from Nairobi. (Hear, hear.) Such a body would inevitably fall under Kikuyu domination. The old machinery is there, and the old pattern of subversion, masquerading as a free, democratic expression of opinion, is waiting to be revived. The central organization would inevitably fit itself into the old tram tracks which were laid down by the Kenya African Union; and just as inevitably the new tram would disappear underground, like those trains between the Embankment and Kingsway which used to delight the souls of Londoners. (Laughter.)

Now, Sir, I come to the contributions made by the hon. Member for the Coast. Sir, the hon. Member, as he himself

has modestly indicated to Council, has a certain undistinguished but real talent for vituperation. (Laughter.) He is entertaining enough, Sir, although sadly unsubstantiated by fact, but it is distressing that a man of his years should continue to mistake this small bent for incentive for constructive thought. Sir, there is nothing upon which I need comment in his speech.

LT.-COL. GROGAN: If the hon. Minister is in order in reading his speech—(Hear, hear.)—would you kindly ask him to address the Chair so that the senile Member of this club can hear what he is saying? (Hear, hear.)

THE CHIEF SECRETARY: Sir, I suffer from a certain myopia and I fear I do give the impression of reading a speech; other Members of Council may be better equipped and able to glance coyly at their papers; I confess I do have to peep from time to time at my notes.

MR. COOKE: Mr. Deputy Speaker, can we have a ruling to that effect? It certainly looks from here as if it is a written speech and the hon. gentleman is referring to it frequently?

THE DEPUTY SPEAKER: The hon. Minister may refresh himself from notes.

MR. AWORI: Mr. Deputy Speaker, at least I know one person on this side of the Council who reads his speech. (Hear, hear.) (Laughter.)

THE CHIEF SECRETARY: Sir, let us conclude this embarrassing figure. I have nothing to add, but I would like to remind the hon. Member for the Coast of an observation which was addressed to me by my tutor many years ago. He said, "Mr. Turnbull, you must disabuse yourself of the impression that epigrammatic comment constitutes valid criticism".

Sir, my last point concerns villages. The matter was, I think, raised by the hon. Member for Mount Kenya. It is the intention of the Government that the future of the Kikuyu districts of the Central Province should be based upon a village organization and that village life should become the normal and not the exception. The future security of the districts, and development in the way of education, public health and local

[The Chief Secretary] government will be based on villages. There will, of course, be exceptions; the farmer with a planned consolidated holding will naturally wish to live outside the village and, indeed, he will ultimately form a small village of his own upon his holding, but he will have to seek special authority to do so. I think I can safely say that the days of the small, widely scattered groups of huts which were so apt for detestable rites and the brewing of sedition are over. (Hear, hear.)

In conclusion, Sir, may I remind the Council of one of the opening remarks of the Member for Aberdare. He said that the restoration of respect for Government and for law and order will be the ending of the Emergency. With this I entirely agree. Unless this respect is restored Kenya will revert to what it was before we came here 70 years ago. "No arts, no letters, no society; and, which is worst of all, continual fear and danger of sudden death; and the life of man solitary, poor, nasty, brutish and short."

Sir, I beg to move. (Applause.)

Question proposed.

THE DEPUTY SPEAKER: The amendment to the amendment is now open for debate.

MR. COOKE: Mr. Deputy Speaker, as the hon. Minister wished to restore confidence in Government and to restore, perhaps, a better feeling in this Council, he certainly went the wrong way about it. Instead of making a constructive speech he indulged in a lot of petty sarcasms in which he is a past master. (Interjection: "You cannot take it.") We can take it quite well and we are going to show how we can take it. The best way of taking it is to hit back.

Now, my hon. friend, I do congratulate him on what he said about screening because I feel that to repeat this mass "Anvil" operation, there I differ, I know from one or two of my friends on this side of the Council—would not be wise. I think, as my hon. friend said, that there must be a master-mind behind all these goings on and I think it is to much preferable that it should devolve all the power, yes, have in this country, to capture that master-mind or one, two,

three or more master-minds and that would certainly avoid the tremendously bad feeling which is growing up on account of the mass arrest of what inevitably must be a number of innocent, or, at any rate, semi-innocent people. And even if they have only got a small degree of guilt, I think to detain them for many months, many years, in a detention camp is not quite the British way of doing things.

The hon. gentleman referred to semi-urban gangsters and there I also entirely agree with him. I think what we have not realized in this country, I think General Erskine did realize, he certainly mentioned it to me one day, is the number of old lags that must be amongst the rebels. Now, those old-lags will never give in because there is no amnesty for them, and rightly no amnesty for them; and there must quite easily be many thousands of them, either in the forests or in Nairobi, those old lags; many of them were supervisors, as my hon. friend well knows, before the outbreak of hostilities and many of these had never reported for years, so there must be a great many of them—I do hope that my hon. friend will see that attention is given to these people because they are out and others who are entirely irresponsible and who are entirely determined not to surrender. My hon. friend made—

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: On a point of order, Mr. Deputy Speaker, this is the second amendment, Sir, an amendment to an amendment. Your ruling, no doubt, on the original amendment was that the debate would continue as on the original Motion. Does the same thing apply to the amendment to the amendment so the hon. Member for the Coast has three opportunities to have three different speeches?

THE DEPUTY SPEAKER: I think that what is before the Council now is specifically that the amendment be further amended by deleting the word "recognizes" and inserting the words "urges War Councils still further to intensify". Hon. Members should stick to this amendment otherwise, I think, we are going to have three speeches on the amendment to the amendment, on the amendment and on the original Motion.

MR. COOKE: Mr. Deputy Speaker, if I may say so, I entirely agree—(Laughter.)—but the point is that that the hon. Member has tried to win us over by this amendment of his and I am trying to point out that the best way of doing this is not by his sarcastic remarks or by his rather false allusions which, Mr. Deputy Speaker, if you will allow me to use this one, he is very naughtily, if I can put it this way. The hon. gentleman accuses us of having used the analogy of the Matabele Rebellion when it was first used by the hon. gentleman on the other side of the Council to enforce their arguments, and he cannot expect us to accept his amendment, at least myself, at any rate, if he indulges in a series of inaccuracies. (Interjection: "It was not inaccurate.") The hon. Minister says it was not inaccurate; I defy the hon. gentleman, I do not want to continue this, but I know all about the Matabele Rebellion because I have read about it in several books and I know exactly what has happened. My hon. friend perhaps later on—

THE DEPUTY SPEAKER: Would the hon. Member address the Chair?

MR. COOKE: I thought I said the hon. Member, did I say "you"? I apologize. I was looking, Sir, at the hon. Minister, but if the hon. Minister would be more accurate in his speech he would certainly attract more support for this side of the Council but when he takes advantage of an amendment to make attacks on individuals on this side of the Council, well, he cannot blame anybody but himself if he gets the very mild castigation he is receiving at the moment. He, of course, gets great support from my hon. friend, the Minister for Commerce—whether his giggles are from joy or not I never know—but he seems to burst into rounds of laughter or giggles whenever my hon. friend, the Chief Secretary, says anything. (Interjection by THE MINISTER FOR COMMERCE AND INDUSTRY: "Because there were good cracks.") Good cracks, is that it? I did not hear any good cracks.

In spite of what I have been saying, I think that the amendment is an excellent suggestion and I congratulate my hon. friend for having, as it were, amended the amendment; and he certainly has courage in doing so, although

I am rather surprised that the original amendment was proposed; it must bear, I suppose, the collective responsibility of the other Ministers—so when they decided on this further amendment somebody has obviously been let down and the person who has been let down is the very person upon whom most of our criticism has been levelled. So it appears that the Government rather agrees with us in our criticism of the hon. Minister without Portfolio! (Cries of "Slame.")

THE DEPUTY SPEAKER: Before other hon. Members rise on the amendment to the amendment, I would be grateful if they would strictly confine their points and their speeches to what is actually before the Council at the moment.

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, I do not like this second amendment, although I will not go so far as to say that I oppose it. The suggestion made by the original Motion was that the Government had not done enough and that more needed doing. The first amendment repudiated that suggestion, but in my view this amendment, now before the Council, reintroduces this idea of the original Motion that more needs to be done and that the Government have not done sufficient in the past.

MR. USHER: Mr. Deputy Speaker, Sir, my intervention is really directed towards the restoration of the original Motion which, I think, had force and would be far more impressive both at home and abroad. I thoroughly appreciate the position of the hon. Leader of the Government in this matter and, in fact, I was nearly cozened by his wit into succumbing to the suggestion contained in the Motion which is now under discussion; not quite, however.

Now I do appreciate the fact that going, if I may say so, quite outside the terms of the original Motion, my hon. friend, the Member for Aberdare, jeopardized it in quite an unwarrantable manner. He has been spoken of having put forward his views in a glib manner, but I would rather say that he brought back to me in the better parts of his speech an echo of Demosthenes. I should say straight away that I do not impute to him the weakness of character that that great orator who sold his

[Mr. Usher] country to the Macedonians. Nevertheless, he put forward personal views which other Members, perhaps stronger, refused, he used language about surrender terms which personally is quite unacceptable to me. I do not know how he would like it if I were to say that his views and those of the people who think like him were immoral, irrational and utterly selfish; but that is, in fact, what I do think. (Laughter.) I defend his right to say it, but I challenge his wisdom of bringing it into a debate of this nature and, I believe, if he could find a way to expunge, as it were the early part of his speech from that, I think the Government could well accept the original Motion.

There, of course, was my hon. friend, the Member for the Coast; it was not part of the original Motion to call for the resignation of a Minister and I feel sure that he could with his national wit and his infinite capacity for speaking several times in every single debate find a way to withdraw what he then demanded. I would also appeal to his national and personal generosity to do so.

Sir, I cannot accept this amendment with a good grace at all; even if these conditions were fulfilled I would still call upon the Government to accept the original Motion.

Sir, for the moment, I beg to oppose.

LADY SHAW: Mr. Deputy Speaker, apart from the last speaker who has just made his own individual point, I have been asked by the remainder of the European Elected Members to say that they are prepared to accept the amendment believing as they do that it may achieve the object of the original Motion. (Applause.)

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, speaking to this amendment only, I should like in view of what my friend, the Member for the Coast, has said to repudiate any suggestion that it represents any rift in the Government ranks at all. The purpose of putting forward this amendment was to meet the views—the more conciliatory views—of the other side of the Council which indicated, which is perfectly true, that the substance of the original Motion was, and would have

been, wholly acceptable to the Government had it not been that by reason of the speeches of the Member for Aberdare in moving it and the Member for the Coast, it came to be identified with very grave censures of the Government and with a virulent personal attack on a particular Minister of the Government. Since it became identified with those sentiments it was unacceptable and remains unacceptable to the Government so long as those sentiments remain on record in relation to that Motion in this debate. For the reason that those sentiments had been expressed and that the Motion, although acceptable in substance had become identified with these unacceptable sentiments, the original amendment was moved and, as I say, in the course of debate a conciliatory attitude became apparent; the censorious sentiments were shown to be personal to those speakers who expressed them, though they yet tainted the Motion from Government's point of view. But in order to meet the views expressed by the hon. Member for Ukamba, this amendment to the amendment was moved and it was moved with the entire concurrence of the Minister without Portfolio, who moved the original amendment.

I beg to support the amendment. (Applause.)

MR. CROSSKILL: Mr. Deputy Speaker, while supporting the amendment to the amendment, I do so regretfully that Government has not seen fit to accept the original Motion, because I did think that it expressed very well indeed the sentiments which I believe are held by almost everyone in this Council. I feel rather that perhaps pompous Government is splitting hairs. I got the impression yesterday, Sir, also that certain Ministers opposite were perhaps taking too seriously the criticisms which were levelled at them yesterday. I feel that that is the duty of this side of the Council and I do say in extenuation to some of the remarks made by my hon. friend, the Member for the Coast, that I think it is very valuable Parliamentary practice to call for resignations at certain times. I believe in this case that that was made as a spur, and I believe as such it has been successful. I would certainly by no means, Sir, support that

[Mr. Crosskill] application for resignation myself because I am a great admirer of the work which has been carried out by the Minister without Portfolio on the War Council. I think perhaps that when the delegation from this Council goes back to the House of Commons at Home, they will hear more perhaps vicious interjections than we are accustomed to in this Council over here. (Hear, hear.) I think perhaps that they might also take a course in the French House of Commons where perhaps the word "resign" will be heard more days than not and I think perhaps we are normally too quiet and too friendly over the floor of this Council.

I was disappointed, Sir, also that the Minister for Forests, Game and Fisheries took the matter so seriously as to make the speech he did, because I cannot feel really, Sir, that one dissentient voice on this side of the Council is symbolic of the decline and fall of the Europeans in this country. (Hear, hear.)

I think all are agreed, Sir, with regard to the situation in general that Government has a strong stranglehold on the situation and, although *Mau Mau* may be an unconscionable time in dying completely, I think that Government has the situation well in hand. I think we, on this side of Council, Sir, were, as also loved by people in the country, very relieved by the statement made by the Minister for African Affairs yesterday with regard to the recent negotiations for surrender. I think there was a fear that perhaps negotiations had taken place on the question of other terms than those which had been published and, I think, we were very relieved and grateful to hear that was not so and never contemplated. In the circumstances, my personal views are that not to have accepted discussions on the manner of surrender would have been unthinkable. The matter was put forward to Government and Government had to accept that and did, quite rightly, in negotiating on the manner of surrender but not as he assumed us on the conditions which were laid down by Government on 18th January.

THE DEPUTY SPEAKER: I regret having to interrupt the hon. Member, but I did ask hon. Members that they should con-

fine themselves strictly to the amendment to the amendment. There will, of course, be an opportunity later for speaking to the Motion if amended.

MR. COOKE: Mr. Deputy Speaker, on a point of order, I thought it was the custom of this Council to allow, for the sake of convenience in order to save time, a Member to speak widely on the amendment and then not speak on the original or amended Motion later on. That has certainly been, rightly or wrongly, the custom of this Council and, if followed it would certainly curtail ourselves.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: On that same point of order, Sir, it is the custom when there is only one amendment, but this is the second amendment and it was, you, Sir, I think, ruled and allowed yesterday hon. Members to speak to the main debate on the original amendment. We cannot go forever speaking to the main debate on different amendments.

MR. COOKE: May I remind the hon. Member who has just spoken, that this is the first time the hon. Member for Mau has spoken. He did not speak on the first amendment. I think he is entirely within the right of this Council, with all due respect, Mr. Deputy Speaker, in airing his views.

MR. CROSSKILL: On a point of order, Sir, is this situation not cleared now since the amendment to the amendment has been accepted by this Council?

THE DEPUTY SPEAKER: No, the amendment has not yet been put and if hon. Members agree, I think the best method would be to put the amendment to the amendment now. I am sorry for interrupting the hon. Member but he will have an opportunity of continuing his speech later.

I will now put the amendment to the amendment. The question is that the words proposed to be omitted from the amendment to the main Motion stand part of the amendment.

The question was put and negatived.

The question now is that the words of the amendment to the amendment—that is the words " urges the War Council to intensify " be inserted in the amendment to the Motion.

The question was put and carried.

THE DEPUTY SPEAKER: Now, for the convenience of the Council I will put the amendment as amended which is as follows: To leave out all words after "that" and substitute therefor the words "this Council urges the War Council still further to intensify the efforts which are being made to restore respect for law and order throughout the Colony at the earliest possible date and, undertake to support further measures as may be necessary to ensure maintenance of such respect thereafter." I will put the question as required by Standing Orders 48 and 49. The question is that the words proposed to be omitted stand part of the amendment.

The question was put and negatived.

THE DEPUTY SPEAKER: The question now is that the words of the amendment be inserted instead thereof.

The question was put and carried.

THE DEPUTY SPEAKER: The debate will be now resumed on the Motion as amended.

MR. CROSSKILL: Mr. Deputy Speaker, I rise to support what remains of the original Motion. (Laughter.)

Earlier in this debate, Sir, I had talked about the surrender and I said that I felt that Government were bound to answer the request which had been made. I think, however, that we must learn lessons from the conduct of those negotiations towards the potential surrender and, I think, one lesson which we must have learned is that there are no real leaders as such of *Mau Mau*. I think at any future talks that must be realized and the first thing that must be demanded by Government is an actual surrender. It is quite obvious that the leaders, the *sub-dominant* leaders, have no influence, at any rate, over any very large number of *Mau Mau* adherents. I think the whole situation must be described as a complete *opéra bouffe* which will be quite obvious after hearing the most interesting speech by the Minister for African Affairs.

With regard to the future, Sir, I am glad to note that many Members on the opposite side of this Council have stated that we are not still through the wood. I think that is very obvious and very clear. We shall not be through the woods for many a moon perhaps and I feel that there are certain steps still which must

be taken before we can say we are clear and before we can say there is no danger of recrudescence of *Mau Mau* throughout the country. I firmly believe that the punishments that the steps we are taking so far, are inadequately deterrent to guarantee that there can be no such recrudescences.

This question of land has been mentioned by other Members on this side of Council and I again would just like to mention that although it is to be debated shortly in this Council under a separate Motion. But I feel that punishments such as detention are not deterrent; even punishment such as the death sentence are inadequately deterrent and fail to provide any guarantee that there will not be continuance of passive resistance, continuance of *Mau Mau* talks and always the possibility of active recrudescence; but there is one penalty, the possibility of land forfeiture which alone could prevent recrudescence or any continuance of this trouble.

As already has been said, Sir, so many times to-day and yesterday during the debate, Nairobi, of course, is the key. I believe, to the *Mau Mau* movement. Although the hon. Minister who spoke last said that he did not feel that a second "Anvil" would be to the advantage generally of operations against *Mau Mau*. I must there disagree with him. I feel that since "Anvil" conditions have deteriorated very, very considerably and I believe that a second "Anvil" should be carried out. He spoke of the tremendous task of confining the thousands of people who would be "picked up" but, I believe, he would find that it would not be such a great task as he obviously envisages. I think that the numbers would be considerably smaller, infinitely less, than during the major "Anvil" some months ago and I do believe that the heart of *Mau Mau* still is in this City and I think the time has now come for, what he called, another selective purge. He says that he hopes it would not be necessary but I believe that it may well be necessary and it may indeed be that the situation may become dangerous if steps are not taken very soon.

The question of vagrant children has been dealt with during this debate and in a previous one when we were debating the Education Vote. At that time no

[Mr. Crosskill] actual solution was put forward by Government but I believe they are dealing very inadequately now with this situation. I would be grateful if a statement could be made about it. I think, one would probably be right in saying, that the number of such children who are roaming vagrantly through the City, potential criminals, now amount to several thousands and it depends now on how we deal with the situation; whether we shall be harbouring an increasing problem which will be an appalling one to settle in the future, or whether we shall lay the foundations of happier social life in Nairobi in the future. (Hear, hear.) I believe that that problem must be solved. Possibly, these children could be dealt with by a system of camps run on boy scout principles in which trades and artisan classes would be held and they would be taught the elements of citizenship and so forth. I believe that is being done but I shall welcome a statement by Government showing us that that large problem is being dealt with on an adequately large scale. (Hear, hear.)

With regard to the future I am sure we are all grateful on this side of Council for the very clear statement of future policy by the hon. Chief Secretary who told us in very great detail how Government proposes to deal with this tremendous problem. I was very gratified to hear of his emphasis on the continued need for land rehabilitation and also the question of reorganization of land tenure. From the small view I have had of that in the reserves, I do feel that there lies the key to successful reorganization of society in the native reserves. Although it is a very costly process and a long process, I sincerely hope that without flinching we shall continue until it is completed, not only in the central area reserves but in others also. We shall then build up a more happy society than we have ever had before.

At the present time, I think, we can say that the country is suffering from a too rapid social evolution. The degree of evolution which took us maybe 100 years is now being demanded in a matter of two or three years. It is obvious

that there is social indigestion and it is a very difficult problem to cope with.

I was relieved also to hear from the hon. Minister for African Affairs that the question of villagization is to continue and is not to be abandoned as soon as the Emergency may be declared to be over, because I feel that without that we shall not be able to have the necessary close administration nor the happier social life which we must expect and must provide for in the future. I do hope that he will, as soon as possible, arrange for a prototype village which is not the fortress type of village, which perforce we must adopt at the present time, because the greatest need is security, but a village which will demonstrate the benefits of village life which people have enjoyed in England from many hundred years ago to the present time. (Hear, hear.) In which trade, and artisans will thrive and instead of the fear and unhappiness which is the keynote of life unfortunately at the present time, they will see the benefits which can derive from village life. They are, the Africans, a gregarious and sociable people and I feel that in such villages they will find a happier life than they have had in the past. I do hope that as soon as possible, therefore, the hon. Minister will start a prototype village which will demonstrate what can be done.

Mr. Deputy Speaker, I beg to support. (Applause.)

MR. GIKONYO: Mr. Deputy Speaker, Sir, I rise to support the amendment. I have a few points which I want to raise in connexion with what has been said in the debate.

First of all, hon. Members on this side have been very critical of what Government has done and particularly in connexion with the surrender terms and the negotiations which have taken place during the last few weeks. Personally, I would like to say that I support all what the Government did because I know they did it with the greatest interest of the country. They agreed to try and achieve a mass surrender and, if they succeeded, too rapid social evolution. The degree of evolution which took us maybe 100 years is now being demanded in a matter of two or three years. It is obvious

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I feel very sorry that this did not succeed. It is quite obvious that all of us want peace at the earliest possible moment and I do feel that every effort directed to this direction is necessary and should be supported by everyone. We now know where our enemy is—in the forest and it is there that he should be hit hard; also some in Nairobi. If these people in Nairobi, who support these terrorists, know that these fellows are being killed they will know they will have nobody to support, and I feel that in addition to any measures that may be taken in Nairobi, every effort should be made to kill these fellows in the forests. We know where they are, they are in the forest, and it is there that they should be hit hard and then their passive supporters here will see that there is no future for them.

The question of a second "Anvil" has been raised in Nairobi. I do not support that a second "Anvil" should take place in Nairobi. What I do support, and very strongly support, is the question of selective detention. As soon as somebody is known to be a passive supporter of the *Mau Mau*, he should be picked up and detained and I think here is the work for the Special Branch; they should work hard to get the information directed towards that end.

The other thing which I very strongly support is that every possible effort should be made to see that the gangsters do not come back into Nairobi. These two things, I am sure, will be far better than a second "Anvil". As we have already known, "Anvil" did pick up some very good men.

A suggestion has been raised in this Council that the Africans have doubts as to the ability of the Government to govern. I very strongly oppose that suggestion; it is not true. The Africans in this country do know that the Government is here to govern and they have respect for the Government. They have this respect and I am sure I am speaking for a very large number of Africans—to say that any suggestion that the Africans have no respect for the British Government is entirely untrue.

I want to touch upon the question of these Kikuyu in the reserves.

A suggestion has been made, Sir, by the hon. Member for Aberdare that these Kikuyu should not be allowed to go back to employment. I think that that suggestion is most unfortunate. When you have a large number of Kikuyu, Embu and Meru not in employment, it can be very dangerous. It is very easy for them when they have no money, no clothes, no food and no work to do—it is very easy for them to go into the forest, and I feel that it is much better to get them employment, and it is far easier to control them by any methods—by registration, which has been suggested—than by leaving them free in their reserves, and I know it is possible and very easy for them to join the gangsters in the forest, and this will prolong the struggle, because they know—when in the forest—they know it is possible to force people to give them food—they can steal it, and so on—and therefore they will be far happier in the forest than in the reserves, and that is my very greatest fear.

The question of villagization has been raised. As everybody knows, it cuts right across the Kikuyu custom, and I would not like to speak much about it now because, whatever people may say, it is very essential from the security point of view, but when the Emergency is over it is a point that should be examined. It is very serious when you bring Kikuyu together in a village like that, because you give them an opportunity to organize, and whatever closer administration you bring, they can go on doing evil things. It is much easier when a family lives on its own piece of land, and the father and mother can bring up their children decently. Whenever you bring them together, the influence of good and bad families can bring explosions all over the country. I do not like to speak about this now, but I am sure it is a point the Government will have to consider. We have seen it in Nairobi when Kikuyu collected together in places like Bahati. The position was very dangerous. The police were there. Home guards were there, Sir, but all sorts of atrocities were taking place, without anybody discovering anything. It is a point, and I want to give Government a warning on it, but at the moment I feel it is essential for security reasons—apart from the opportunity

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afforded to them to organize either for good or for bad; the question of disease is serious, and I think in the event of an epidemic it will be very serious.

The question of political organization has been raised here, and I want to take this opportunity to ask the Government to make this statement which the hon. Chief Secretary said that the Minister for African Affairs is going to make, because it is important that people should be afforded an opportunity to express their views. It is very dangerous when people do not express their views publicly, because they can very easily go underground, and, although it may not be possible to have political organizations all over the place, because of the present conditions, at least in the non-troubled areas people should be given full opportunity to express their political views publicly, and I feel it is a matter of the greatest importance that the Government should make this statement as quickly as possible, because I am sure it will relieve quite a large number of Africans.

In conclusion, Sir, I want to once again say that I was very, very much appalled to hear that there is still a secretariat of *Mau Mau* in Nairobi, and it is a matter that worries quite a lot of people to hear, and I want to urge the Government to do everything possible, through their Special Branch, to exterminate this secretariat that exists in Nairobi. Everybody in Nairobi would very, very much hate to see the conditions which were here before, and I am sure the Government would have the support of every good citizen in Nairobi in this effort.

Mr. Deputy Speaker, I beg to support. (Applause.)

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, this debate shows that sometimes people have the same object in view, although the reasons for supporting that object are quite different.

Now, Sir, the point that has been stressed by most speakers is that respect for law and order should be restored as soon as possible. I give my wholehearted support to that aim. So far as the Asian community is concerned, Sir, we have always felt that peace and progress are essential for this Colony's

future. We are also convinced that there can be no progress unless there is peace. The situation in which our community, at the present time, exists, Sir, is such that we stand to suffer most from any breakdown of law and order, but it is not for selfish reasons that we support measures for reintroducing respect for law and order in this Colony. We sincerely believe that, from the long-term point of view and from the point of view of all people of the Colony, it is essential that the lawlessness that has prevailed in a big part of the Colony for the last three years should disappear as soon as possible and, unless it does disappear, there is no chance for the survival of civilization in Kenya. The Asian community has—with other communities—suffered very greatly from the lawlessness. A large number of lives have been lost—most of them in Nairobi. For that reason, Sir, Nairobi is important to control, and we support the Government in the measures that it considers necessary for the control of crime in Nairobi.

It is not only the loss of life that has distressed us. Trade in many places has been at a standstill.

Now, Sir, several specific matters have been commented on by hon. Members who have taken part in the debate. On the subject of villagization there does seem a conflict of opinion between Africans and some Members of the non-African communities. I do think, Sir, that there is need to convince the African community of the advantages of villages. I think that, as soon as the Emergency is over, advantage should be taken of persuading the Kikuyu people to accept villages as a permanent system of rural life. If necessary, Sir, representatives of the Kikuyu tribe should be sent to other countries to see how villages work there, and how life can be improved if we have villages in Kenya. Schools and hospitals are easier to provide if people are living in reasonably large numbers in one place. I am convinced, Sir, that if members of the Kikuyu tribe are taken to other countries, and given opportunities of studying village life there, they will be persuaded to support the idea of villagization in Kenya; but I must emphasize, Sir, that it is important to carry African opinion with us in this matter.

[Mr. Chanan Singh]

The other subject that has provoked considerable controversy is the surrender terms. So far as this matter is concerned, Sir, I am prepared to be guided by the experience and knowledge that the Government has of the situation in the Colony. I support the surrender terms, and I also have confidence in the ability of the Government to choose the right moment to withdraw the surrender terms.

There is one other matter, Sir, on which I wish to comment. The hon. Member for the Coast complained of lack of support from the Asian Members of this Council. That was not so bad, but he went on to say that, when African and European children were being murdered, Indian Members called the hon. Member for the Coast and his colleagues "unpatriotic". Well, Sir, I should have thought that he would quote chapter and verse for that, but instead of doing that he quoted from a statement made by Mr. N. S. Mangat. Mr. Mangat—as is well known—was a Member of this Council for some time, Sir, and he is now the President of the Kenya Indian Congress, but he has not been on this Council during the Emergency. There is, therefore, no question of his having joined us in calling the hon. Member for the Coast unpatriotic.

I myself do not recollect having ever used the term "unpatriotic", nor do I recollect that any other Asian Member of this Council ever called my hon. friend or his colleagues unpatriotic. I am sure it is wishful thinking on his part!

Now, it is difficult to see what the suggestion was, Sir, when he referred to the murder of African and European children. It is unthinkable, Sir, that any Asian—let alone the Members of this Council—would ever glory in or in any way like the murder of African or European children. Far from it, Sir, we condemn the murder of African and European children just as much as we condemn the murder of Asian children. As I have already stated, Sir, whenever conditions of lawlessness exist, we—the Asian community—stand to suffer more than the other communities, and it would be sheer folly on the part of any Asian at all to condone the murder of mem-

bers of other races, knowing full well that we would certainly suffer more.

Now, Sir, he also—as I have stated—complained of lack of support. It is not known what he meant by "support"—whether he expected support from us for his own views, and the views of his colleagues.

MR. COOKE: Will the hon. gentleman give way? The hon. gentleman has obviously misunderstood what I said. My criticism is that, when we were criticizing Government, as we did—and as we have done, we Europeans, since the Emergency—we were frequently—and, indeed, daily—attacked by the Indian Members—not the Muslim Members, because they dared not criticize Government—and the whole of HANSARD—I did not quote any instance—but the journals of HANSARD are full of attacks by Indians on the Europeans on this side of Council.

Now, I say the boot is on the other foot; and the Head of the Indian Congress is attacking Government, in terms far more violent than those in which we attacked Government, because there have been murders of Indian children. I did not say he ever condoned the murder of European children, but he did not take sufficient action to "ginger up" Government; and, for that reason, the Indians are suffering the same way as we for long suffered. (Applause.)

MR. CHANAN SINGH: I am grateful to the hon. Member for the explanation he has given, but that explanation does not take us any further. Our attitude throughout the Emergency has been, Sir, that we should not make it appear to the outside world that there is any question of lack of confidence in the Government, and that has been the sole point of previous debates. Wherever there has been any attempt on the part of our European colleagues to show lack of confidence in the Government, we have stated that the Government deserves the support and the confidence of the entire population of Kenya, and it was wrong—and it is still wrong—to say that the Government does not carry the confidence of the people.

Well, Sir, apart from that, we have never attacked the hon. European Members of this Council.

THE DEPUTY SPEAKER: It is now Eleven o'clock, and time for the usual break. Council will suspend business for fifteen minutes.

Council suspended business at Eleven o'clock and resumed at fifteen minutes past Eleven o'clock.

MR. CHANAN SINGH: Sir, I also wish to remind this hon. Council that the Asian Members themselves, without any suggestion from the other side, made an offer of Asian help in bringing the Emergency to an early end. It was we who stated that Asians should be enlisted in the fighting forces of the Colony. Although our offer was not unconditionally accepted, we fell in with the wishes of the Government. Our own view is, Sir, that all races of the Colony should be associated with the armed forces of the Colony on a footing of equality; that Asians and Africans should be admitted into the Kenya Regiment. I am sure, Sir, if all races are allowed a full and equal part in the armed forces of the Colony, the handling of situations like the one through which we are passing would be easier.

Now, Sir, there are one or two suggestions that I wish to make. First of all, the Government should, in my view, consider what more can be done for the protection of Asian areas in Nairobi. Secondly, Sir, is the question of the issue of firearms. When a gangster thinks of attacking somebody, he knows that, if he attacks a European, the European is likely to be armed; and he also knows that, if he attacks an Asian, the Asian is not likely to be armed. I think, Sir, that policy should be looked into. I mean the policy of issuing the permits for firearms. If a person, irrespective of his race, gives an undertaking that he will look after the firearm properly and that he will be in a position to make use of it, he should be issued with a permit, unless, of course, the Government has some inside information about the character of the man.

My second suggestion is, Sir, that while it is necessary, in conditions like the present to put restrictions on the liberty of people, everything possible should be done to see that people who are, in fact, peaceful are not unnecessarily and unreasonably restricted in their movements and activities.

The same should be kept in view with regard to measures to be adopted for times after the Emergency. It should not be necessary to antagonize a section of the population without cause. While I agree with the Government that it will be necessary to restrict the movement and activities of people who have a record of violence or against whom there is well-founded suspicion, everything should be done to make it appear to people that it is not intended to punish those who are on the side of law and order.

With these words, Sir, I support the Motion as amended.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, I should first like to deal with some points that were raised by the hon. Member for Mount Kenya yesterday. Unfortunately I overlooked the fact that he has other important engagements on a Friday and that he would not be here this morning, but no doubt he will acquaint himself with my replies to the points which he made.

The first point with which I am required to deal is that the Legal Department had issued instructions that the uncorroborated evidence of accomplices should not be admitted. There is a misconception here, of course, Mr. Deputy Speaker, because it is no function of the Legal Department to prohibit the admission of accomplices' evidence, whether corroborated or not, in a court of law. The position with regard to accomplices' evidence is that in the matter of strict law a conviction is not invalid if founded on the uncorroborated evidence of an accomplice, or of more than one accomplice. However, with the wisdom of centuries, a rule has developed which, although not a rule of law, is a rule of practice which closely approximates to a rule of law, whereby the evidence of an accomplice is treated by the courts with suspicion, and a court will rarely convict on the uncorroborated evidence of an accomplice. That, as I say, is a rule of practice adopted by the courts; it is not embodied in statute or, for that matter, in common law, but it is a rule which requires the court in every case in which accomplice evidence is led to examine the evidence with the utmost care and caution and ordinarily to require that it be corroborated by

[The Minister for Legal Affairs] independent evidence implicating the accused person in the offence. If, however, having directed the jury, assessors or itself as to the dangers of accepting uncorroborated accomplices' evidence, the court is, nevertheless, fully satisfied that the evidence can be safely accepted and a conviction founded thereon, it is open to the court, in law, to convict on that evidence.

The hon. Member went on to say that hundreds of murderers are getting off scot-free. I do not know where he gets his information from on that score, presumably he implied that it was on account of the fact that the Legal Department had excluded accomplice evidence; but, as I have explained, it is not a question of the exclusion of accomplice evidence, without corroboration, it is wholly a question of credibility. That also applies to the point which he developed that the evidence of members of the *Mau Mau* had been accepted against Security Forces. That, again, is not entirely true, in the sense that there have not been many cases in which the evidence of established terrorists, for instance, has been accepted, but in any event it is all a question of the court assessing the evidence and deciding whether or not, on the case as a whole and the evidence as a whole, the guilt or otherwise of the accused person has been established to the standards which the law requires.

The next point which the hon. Member made was in relation to instructions recently issued, he said, by I think the Legal Department to screening teams, or in respect of screening, which had had the effect of stopping screening. Now, again I think, with respect to the hon. Member, he has got his facts wrong. Just over a month ago I issued a directive regarding prosecutions of persons following screening. A practice had been developing whereby persons who had been screened—and let me hasten to make it quite clear, properly screened—and had, by interrogation, been induced to incriminate themselves, were being put up in relatively large numbers on criminal charges on no other basis than the induced self-incrimination—in effect, on confessions induced by interrogation. Now, confessions in those circumstances

—and again I make it quite clear that there was no question of any physical violence, it was a question of interrogation—are not regarded—and naturally not regarded—as voluntary confessions. These people were being put up, as I say, in relatively large numbers with a view to their pleading guilty. In the few cases in which they did not plead guilty, the charges were promptly withdrawn because, of course, there was no admissible evidence with which to sustain them. The large majority of persons who were convicted on pleas of guilty were certainly bound over, but there were some who received varying terms of imprisonment—some even up to 10 years. Now, I think it will be clear to the Council that that form of approach to the judicial processes is wrong. It involves the introduction, on a purely courageous basis, of judicial sanctions into the latter part of what is an executive process—that is, screening. It involves an attempt to mix the process of screening and the obtaining of information and confessions and self-incrimination, through screening, with the application of judicial sanction by the courts. Now, that is neither right nor proper, nor will it conduce to the respect and confidence in the courts and in the processes of the law which, as I think the hon. Member for Aberdare will agree, is one of the institutions—if not the main institution—on which the whole structure of our civilization is founded and respect for which is vital to maintain and preserve to the utmost in our efforts to restore and maintain respect for law and order. (Hear, hear.)

It is for those reasons that I felt bound—and I am confirmed in my opinion now—to issue instructions that persons were not to be put on criminal charges before courts of law on the basis only of confessions obtained by interrogation in screening. I am satisfied in my own mind and conscience that it was right that those instructions should be issued and that they should be complied with. (Hear, hear.) It does not follow that, because those instructions have been issued and are, I trust, being complied with, screening has stopped or that the work of screening teams has, as the Member for Mount Kenya suggested, been rendered abortive. Screening, and the detention of persons for the purpose

[The Minister for Legal Affairs] of screening, is an Emergency expedient—a necessary Emergency expedient—and unless, either as a result of screening or from extraneous sources, admissible evidence is available to establish a criminal charge, which can thus be proved in a court of law if the accused person claims to be tried on that charge, unless those conditions are present then the sanctions, if any are required, that follow screening, the executive process of screening, should be themselves executive. Now, those sanctions exist and are available under our Emergency legislation. We have powers of detention; we have powers to suspend orders of detention on certain conditions if a lesser degree of control of the individual than confinement will suffice; and we have powers of restriction—restriction to areas, again with conditions, requiring the individual to report his movements, etc. So there are available under Emergency legislation, the necessary executive sanctions to follow up the results of screening to such extent as may be required and it is those sanctions which should properly be applied where there is not the evidence required for a proper, full and fair trial in a court of law on a criminal charge.

I trust, therefore, that it will be understood by the Council, and particularly by my friend from Mount Kenya, that the instructions which I have issued have been issued for those objectives which I have described and in no way for the purpose or with the objective of impeding the necessary process of screening, neither do they have the effect of impeding screening, which is directed towards separating those who are on our side from those who are against us.

The hon. Member for Mount Kenya also raised a point regarding Kikuyu women and said that no Kikuyu woman had yet been hanged, however blood-thirsty her crime had been. Now, relatively few cases of conviction of women on capital charges have arisen. In the terrorist organization, the functions of women are not ordinarily, or not to a very wide extent, on the what I would call the active side. They are followers and supporters and assistants, and they have certain other functions.

MR. SLADE: Decoys.

THE MINISTER FOR LEGAL AFFAIRS: Possibly, decoys, but I was not thinking of that particular function. The point I want to make is this, Mr. Deputy Speaker, in regard to the decision which has to be taken in every capital case, whether it is a man or woman who is involved, whether or not the sentence of death is to be carried out—the point is this, that every case is, and must, of course, be, examined and considered with the utmost care and in the light of the circumstances of that particular case, and that there is no principle or bar or impediment to the execution of a woman if convicted of a capital offence and sentenced to death and if the circumstances of the case are such that it is right and proper in the opinion of the responsible authority, which is the Governor, in exercising or in considering the exercising of the prerogative of mercy, that it is right and proper that the sentence of death should be carried out. There is no bar or impediment but, of course, as hon. Members will appreciate, there are certain physiological differences between men and women and, of course, if a woman under sentence of death be pregnant at the time, that would obviously be a circumstance to be taken into the most careful and close consideration. It is, so far as I know, entirely without precedent for a pregnant woman to be put to death.

I think I have dealt with the points raised by the hon. Member for Mount Kenya so far as they concern me. There are one or two other points arising from the debate with which I should like to deal, Mr. Deputy Speaker. I entirely agree, as the Chief Secretary has already stated as far as he is concerned and the Government is concerned, with the remarks of the Member for Aberdare as to respect for Government and for law and order. Now, in regard to respect for law and order, perhaps one of the chief objects of respect and confidence must be the police. My hon. friend, the Minister without Portfolio, has already paid tribute to the police and I should like to join in that tribute because, particularly, my department works in very close association with the police and of the total police force, particularly with the Criminal Investigation Department. I should like to pay a

[The Minister for Community Development]
parents in Nairobi who had accommodation and were established in their employment were allowed to come back to live with their parents and to attend classes in the schools. Those that were found to be absolutely without any care or attention and so on were dealt with differently. A very large number of them were sent back to the reserves when it was proved that there was somebody there who would care for them or when there was an organization in existence that might take them under its care.

That refers to the ordinary children, but quite a number of them were passed through the courts if there was a charge against them. Real vagrants or criminals who were passed through the courts do come under my own Portfolio in connexion with the approved schools. As I said, when dealing with the Motion on my own Head of Estimates, there are two approved schools already established in the Colony to take these vagrants or criminals. Yesterday I spent some five hours inspecting for the first time these schools which were only transferred to me a few weeks back. I am glad to say that the work which they are doing under their new organization is very commendable indeed.

The schools exist at Kabete and Dagoretti. The one at Dagoretti takes care of children who are passed through the courts from the ages of seven or lower to 13. They are much younger. They are put into this school for a term of no less than three years and while they are there they are cared for by officers of these schools. The daily work of bringing them round consists, first of all, of ordinary discipline from day to day, of getting them to obey orders and to move about smartly, and so on; scouting goes on; literacy is taught and they are carefully watched and, as far as I could see, the progress which they are about to make, or are beginning to make, is quite good.

At Kabete you have criminal youths of 14 to 17, and probably ranging on to 18, but strictly speaking it is 17. This school has, at the moment, 250 such children or youths and they are being dealt with in very much the same way as those at Dagoretti. It is a much more

advanced type of school in that the youths who are here are people of mature intelligence and who can learn a lot more things than the children below the age of 13. At Kabete they are not only taught or taken in the process of primary education, but they are also taught carpentry, masonry, brick-making, blacksmithery and sign-writing. They seem to be making quite a headway there.

Now, that only refers to children that are passed through the courts, but what of the others that are just sent back to the reserves? What of the others that are neglected or left loose about in the reserve? As I said before, the African area is not my sole responsibility and I share with everybody there. The organization that I look after at the moment is that one known as the youth camps and I have already in the Central Province three established youth camps, which take care of these people whether they were from the forest or from Nairobi or from anywhere. Of course, it is much better for Nairobi and for everybody else that wherever children of that kind were found, that could not be properly looked after anywhere here, should be sent out of Nairobi and the tendency has been for them to be sent back and, therefore, the camps have not lacked recruits.

Now, it is obvious that these three camps are not adequate for the needs of the people, and other camps are in process of being established to do exactly what those camps are doing now.

Mr. Deputy Speaker, Sir, those are the only points I have to make. I beg to support.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Mr. Deputy Speaker, I rise only to deal with an allegation made by the hon. Member for Central Area about discrimination in the issue of firearm licences. The criteria for the issue of firearm licences are not racial. They are the need for self-protection, and the personal suitability of the applicant to be in charge of a lethal weapon and to safeguard it. The hon. Member and his colleagues came and saw me recently about this and other matters. He made the same complaint that day. The Commissioner of Police, who was with me

[The Minister for Internal Security and Defence]

at that time, showed him figures which wholly refuted it. Had I thought that he would raise it again despite having been told the facts, I would have copied the figures and brought them with me and refuted it here again more publicly.

DR. HASSAN: Mr. Deputy Speaker, Sir, the speeches made by the Members on both sides of the Council, have dealt with almost all the points. I have only one or two points on which I will speak.

First of all, a Member of this Council, a friend of mine, suggested that the Asian Elected Members were not co-operating with the other Members. Well, this is the first time I have heard this blame on us since being a Member for the last two and a half years; we have never non-co-operated with the other Members on this side of Council in almost all the matters that they thought we should put before the Government; with the exception that we never agreed with the views expressed, chiefly the ruthless attacks on the Government and individual Members of the Government.

There have been views expressed outside this Council from an Indian, Mr. N. S. Mangat, President of the National Congress. I entirely disassociate myself from the views and the criticism which he levelled at the Government. (Applause.) I agree that constructive criticism and complaints put up in a constructive way to the Government is the ideal that I follow, and I do not remember a single occasion when the Government Members have ever failed to give sympathetic consideration to any point which has been brought before them. There is no doubt that the Asian community is not similar to the European as far as defence is concerned. We have a large majority; I do not think they are even capable of defending themselves even if they are given arms; they are not accustomed to face dangers and some of them, they hate taking life. They need protection and I feel the Government ought to provide protection to the Asian areas by placing extra police to protect such people. We have communities among the Asians quite capable of protecting themselves, and to make use of arms if necessary. I should have expected that when the two combat units were

disbanded, they would have been very usefully employed to look after the Asian parts of the town.

Regarding a second "Anvil" operation, for Nairobi, I am afraid it will have to be done one day, and the authorities are fully aware that there is a focus of those who are leading the *Mau Mau* trouble in the country, and it is not very easy to pick them out from Nairobi. If we are to wait until after the murder is committed and pick up a few, it may take us a long time to clear this town. I am of the opinion that the "Anvil" operation should be repeated every three months, until we clear up the element which is keeping the lawlessness alive and killings of peaceful, innocent people.

Several Members levied criticism at individual Members and at the Government as a whole. I am not going to defend the Government in this respect, but I must say that the Government to-day is our Government, and I would like to point out to the Members on this side that we had no less than 10 Members sitting on the opposite benches who were the best brains of our Opposition Benches. They were carrying the confidence of the masses, and they were considered fit enough to be allowed to represent their interests on the Government side. We have quite a few Nominated Members—most intelligent brains—who have proved their worth to the public, and did so much excellent work, and we have a few Government Members. Those Government Members have risen to the highest level by their hard work, initiative, merit, ability and so on. It is not easy from among the Civil Service for a person to distinguish himself from among thousands of civil servants, and rise to the highest level. But to-day, as the Government is composed, it is our Government and composed of the best brains that we can possibly find in Kenya, and, so far as I am concerned, I feel we should be very proud of this Government. Constructive criticism, with a view to helping them to deal with this Emergency, which is playing havoc with the country's finance to-day, is quite in order, but to level destructive criticism is merely to disprove that we have the ability to govern this country ourselves.

[Dr. Hassan]

The Government has the responsibility for what individually the Members are doing. They further carry the responsibility of the lower ranks which are working under them. They have the greater responsibility of the British taxpayers, who are helping to run this country to-day, and, further, they are also responsible to the watchdogs on the opposite Benches.

Ever since the Emergency started, I do not think the Government has declined to take advice from this side on almost every view and proposal we have put up to them. Work has been progressing fairly satisfactorily and the line of action the Government took is showing its results. I know, Sir, we have to wait for the day, when peace will appear in Kenya.

Regarding the reference of my hon. friend to Mr. Mangat's speech, I must say he is not the only one who levelled the most bitter attacks at the Government. We have at least two individuals from among the other groups. How to muzzle them up, it is up to the Member for Law and Order, for I think the Government has a remedy and probably it will help if they offer them the junior posts of the Parliamentary Secretaries.

I support the Motion.

MR. OKWIRY: Mr. Deputy Speaker, Sir, I have listened since yesterday with a very deep regret to the remarks made by some of the Members who spoke in this debate yesterday. As a person who was born in a very disciplined home, and a Christian home, I find myself, during this debate, that I am sailing in a wrong boat. Some of the remarks made by the hon. Members opposite, Sir, were entirely unnecessary and very dangerous to a growing society like ours. It is wrong to assume, Sir, that the loyal Africans have lost faith in Government. It is very wrong. As one of the loyalists, I would like to make it quite clear here that the loyalists endorse every effort that the Government has done and is doing to end the present struggle. Before I sit down, Sir, I would like to appeal to the Members opposite, that a debate of this nature does not help us at all in this Colony, and I think that every Member in this Council should go together with

Government; it is very important that we should go together and find means and ways by which we can bring the end of the Emergency quickly.

THE MINISTER FOR WORKS: Mr. Deputy Speaker, there is only one point, Sir, I would like to deal with arising out of the remarks made by the hon. Members opposite. That arose, Sir, out of an allegation in the letter of Mr. Mangat where it has been suggested that the Minister for Defence, when we, the Asian Elected Members, met him, did not tell us of the escape of one of the suspected murderers of the Indian boys.

Now, Sir, when that letter was received by the Minister, he did contact me, Sir, and convinced us that at the time he was having the interview, neither he, nor the Commissioner of Police, who was present at that interview, had any knowledge of that escape, and, therefore, there was no question on his part of not telling us what had happened during that day. I think it is very necessary to dispel that idea that the Minister deliberately withheld the information which was at his disposal when the Asian Members called upon him.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I feel, Sir, that the great pity about this debate has been that the aspect of criticism, which was introduced only on a very few particular points, has clouded the fact that there is, indeed, so much agreement between both sides of this Council on many of the salient and important points of how our present situation should be dealt with, and I believe, Sir, that when the report of this debate is read, it will be found that the interchange of views, and the expression of opinions which has taken place, has contained much that is of value, obscured, as I say, by that element of personal or general criticism which, unfortunately, crept into the debate at the very beginning and which has, I think, largely disappeared in its later stages.

My hon. friend, the Member for Aberdare, in the original Motion that he framed, included the words "that in this 31st month of the present State of Emergency, the War Council is urged to do..." so-and-so, and so-and-so. I know my hon. friend for Aberdare, and I have known him for many years, and I know his intellect and his ability, and

[The Minister for Finance and Development]

I am quite sure, Sir, that my hon. friend would agree with me that there is in those words an implied criticism of the War Council and that that, indeed, was his intention from the very beginning. Recognizing that, Sir, he would also know that it was impossible, therefore, for the Government to accept the Motion in its original wording, I do not believe that my hon. friend, the Member for Aberdare, would for one moment try to cloud that particular fact. And he made that increasingly evident, Sir, in his speech when he spoke about such matters as a change of personnel on the War Council. But when that element has been brushed on one side, what has been left, I think, for this Council to consider, is of very great value indeed.

We have listened to some interchange of opinions of importance, and my hon. friend, the Member for Aberdare, raised, I think, a very important point when he dealt with closer administration, and the hope that the cry of "economy" should not again bring us back to that state where with a thin police force and the thin administration the present situation was allowed to emerge. I, for one, Sir, welcomed that because already there are rumbles of requirements of economy, already there are rumbles of requirements of reduced taxation in order that economy shall also be effected, and I am certainly at one, and I believe the whole of this side of the Council, as on that side of the Council, is at one, with the hon. Member in underlining the danger that economy should be directed at this very vital point of our structure of law and order. But, of course, Sir, we are also at one on the question of the respect for law and order. It is important and it is the foundation of any developing or civilized society. But I am sure that my hon. friend, the Member for Aberdare, never meant to convey any impression which could, indeed, at times have been taken from parts of his speech, and, knowing his sincerity and integrity, I am sure he never meant that that respect for law and order should be based on fear or repression because that is likely to be a very insecurely based respect for law and order. Thus, when we talk of closer administration, we do not mean, Sir,

closer administration purely for the purpose of control—we mean closer administration for the purpose of guiding, directing, encouraging and educating the people in the functions of the society into which they must emerge, and I am sure that my hon. friend, the Member for Aberdare, will agree with me wholeheartedly on that particular point.

We have also, Sir, had, all the time, to have regard to the two points that he raised—the short-term policy and the long-term policy—and from the very beginning of this Emergency, the attention of the Government has had to be directed to the fact that time and again steps, that might seem desirable on a short-term basis, might indeed ruin the long-term policy completely. For the long-term policy must surely be, as enunciated by my hon. friend, the Member for Aberdare, the return of a situation—he said restoration—of a situation where peace, harmony, law and order prevailed, and where all the races could, indeed, work together. It has not been a very easy task, Sir, because at times the measures that have been asked for on the short-term basis, have been measures which might well have endangered that position. Let us face, Sir, the danger at the beginning of this Emergency, when, indeed, the whole of the Kikuyu tribe with a very few exceptions might have swung actively against us; when, indeed, this struggle, and I am sure the hon. African Representative Members will agree with me, might well have canalized itself into black versus white.

MR. COOKE: Dangerous, never!

THE MINISTER FOR FINANCE AND DEVELOPMENT: The hon. Member for the Coast says "Dangerous, never!", but I think, Sir, one of the great achievements of the Government in which my hon. friend, the European Minister without Portfolio, has played no little part, has been the restoration of the confidence of the African peoples in the intention of the Government to do what they can to develop the African on a genuine basis. I believe that that played a very great part in the alteration of the basis of the troubles through which we now pass. I believe that the great achievement that this policy has had, and the results, can be shown by the statement

[The Minister for Finance and Development]—
made by my hon. friend, the European Minister without Portfolio, when he pointed out that the danger of the spread of this disease into other areas has now practically passed, and that the disease has been confined within a particular category. That, Sir, is no mean achievement for the short-term policy, but we have, slowly, perhaps, because we have had to have this regard in mind, arrived at a point when my hon. friend, the Member for Aberdare, can rightfully and truthfully say he believes that the end of the phase of violence may well be in sight. But we have achieved it, Sir, in the full knowledge that the great proportion of our population are not prepared to have anything to do with this particular disease which has emerged from one particular part of our people. Not only that, Sir, but we have had definite proof, proof in the sacrifice of many thousands of lives, and Christian lives amongst them, that by the patient policy of the Government, by the work of the Government in getting the confidence of those people amongst the Kikuyu tribe who are known as "loyalists", we have now arrived at the stage when amongst the spearheads of our attack against this beastly disease is an African and a Kikuyu spearhead. That, Sir, I think can be claimed as an achievement for the Government and for the War Council, but it makes it possible to face the long-term policy for the future about which my hon. friend, the Member for Aberdare, spoke with some confidence in the basis on which we can move forward.

The long-term policy, Sir, is also a very difficult one. In the supply debate, Sir, on the Prisons Vote it was pointed out that from the Emergency Fund today, the cost of detention of detainees outside the prison range, is some £3,750,000 a year. That is what it is costing us even at the present level of detention, and what we have to consider is the economic impact of that fact and of the fact that whilst, as my hon. friend, the European Minister without Portfolio, said, there is no intention at the present moment of a second "Anvil", nevertheless there is a continuing selective detention of people connected with the *Mau Mau* movement. My hon. friend, I think,

made it perfectly clear, although I believe that one or two hon. Members opposite did not understand him fully, that this is a continuing process; it has never stopped, it has gone on from the moment the Operation "Anvil" was completed, and it will go on until the Government is satisfied that the key people inside Nairobi of this movement are put where they can do no further mischief and cause no further trouble to the population of this town.

ADJOURNMENT

THE DEPUTY SPEAKER: The time is half-past twelve. Council will adjourn until 2.30 p.m. on Tuesday.

Council rose at thirty minutes past Twelve o'clock.

Tuesday, 31st May, 1955
Council met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Supplementary Estimates of Expenditure of the Colony and Protectorate of Kenya—No. 7 of 1954/1955.

Supplementary Estimates of Expenditure of the Colony and Protectorate of Kenya—No. 8 of 1954/1955.

Development Supplementary Estimates of Expenditure—No. 6 of 1954/1955.

Supplementary Estimates of Expenditure of the Colony and Protectorate of Kenya—No. 1 of 1955/1956.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

Department of Agriculture Annual Report, 1954.

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES)

The Kenya Police Annual Report, 1953.

(BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE)

MOTION

ADDITIONAL DAYS FOR SUPPLY

LT. COL. GHERSIE: Mr. Deputy Speaker, Sir, in the absence of my friend and colleague, the hon. Member for Nairobi South, who is absent from the Chamber on very urgent business, may I have your permission to move the Motion standing in his name?

Sir, I beg to move that five additional days be allotted to the business of the Annual Estimates for the year 1st July, 1955, to 30th June, 1956.

Sir, I believe provision is made for the subject of this Motion in our present Standing Orders and therefore there is nothing I need add to the Motion which I now propose.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

MOTION

RESTORATION AND MAINTENANCE OF RESPECT FOR LAW AND ORDER

Debate resumed.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, when the Council adjourned on Friday I had, I think, reviewed the question of the wording of the Motion, the short-term policy and its impact on the long-term policy and also the question raised in the Motion of respect for law and order and the basis on which that respect must be rested, expressing the opinion that it was not possible for respect for law and order to be based on force alone or on fear, and nor, indeed, do I believe my hon. friend, the Member for Aberdare, meant any such suggestion in his speech.

Now, Sir, I think it must be emphasized again that the talks on surrender possibility, were talks and not negotiations; that there was never any question of any alteration in the terms which had been placed publicly before the terrorists on 18th January, and that the talks which were taking place were talks on the manner, and not on the conditions, of surrender. Since the failure of those talks, operations have been going forward and it might interest hon. Members to know that in Operation "Gimlet" already some 49 terrorists have been killed, 37 of those terrorists being killed in the forests, which shows that the intention to go into the forests and winkle them out, defeat them on their own territory, is paramount in the ideas of the War Council and the Government.

MR. COOKE: But it was made so late.

THE MINISTER FOR FINANCE AND DEVELOPMENT: But, Sir, I still, nevertheless, think it necessary that we should emphasize the tragedy of the failure of those talks. As one who was on this side of the Council at the time of the failure of the "China" negotiations, I do regret from time to time the failure of those negotiations of that time, because there can be little doubt that if

[The Minister for Finance and Development] those negotiations had succeeded many lives which have been lost since then would have been spared. It is the duty of the Government to see that every possibility that opens to end this Emergency before the bitterness goes too deep should be seized. Whilst some Members opposite may use intemperate phrases and violent words which get us nowhere, I think we have got to face this in the spirit of reality and, with all due respect to my hon. friend, the Member for the Coast, solemnity, because, when my hon. friend laughs at this, he is laughing at a failure which has cost many people dear.

MR. COOKE: Whose fault is that?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I could, of course, say that it is very largely the fault of gentlemen like my hon. friend, the Member for the Coast. If they had not destroyed the confidence of the terrorists in the intention of the Government, we might have seen those talks succeed.

MR. COOKE: They have confidence in you, I suppose; not in me.

THE MINISTER FOR FINANCE AND DEVELOPMENT: The confidence that the people have in the Government was very well expressed by my hon. friend, the Government Nominated Member, Mr. Okwirry, who strangely enough found it possible in a speech to point out that the Africans of this country had still confidence in the Government. That was supported from the other side of the Council by my hon. friend the African Representative Member, Mr. Gikonyo. One of the reasons why we have been at pains, Sir, to emphasize what is the real basis of respect for law and order, and not that brandishing of the whip which some speeches in this Council would seem to indicate, and the need for confidence in the intentions of the Government, is that I think the intemperate phrases used by certain hon. Members on the opposite side of the Council are doing grave damage to the future of this country. (Hear, hear.)

My hon. friend, the Member for Mau, said something about the Government taking criticism too seriously. (Hear, hear.) Well, I am perfectly sure that my

hon. friend the Member for Mau would not like us to do otherwise than take criticism seriously; we may not agree with it, but we have always regarded it as the duty of Government to take the criticism of hon. Members opposite seriously and to investigate and review our policy in the light of reasoned criticism, and we have done it from time to time. But reasoned criticism does not mean that an expression of opinion in violent terms must, of necessity, be accepted.

Now, Sir, the debate has had, to my mind, two aspects, in so far as the people of this country and this Colony are concerned. It has rendered, I believe, a grave disservice to the country when it has gone into intemperate language and criticism based largely on emotion. It has rendered this Colony a service when it has underlined different points of view. It has underlined, I believe, unanimitly in one thing and that is the determination of all Members of this Council—in whatever terms they may have expressed themselves—to do everything necessary to end the present position and to keep in being the basis of the economic and general development of this country. I would remind hon. Members of the economic side of the burden we are bearing. Indeed, had any of these talks succeeded in their object, the economic burden on the country would have been lessened fairly quickly. It must be remembered that this struggle can be defeated by force, of that there can be no question; but if in the process of that defeat the Colony and the European community in particular is left so economically weakened, then indeed, the long, protracted struggle could be regarded as something which has done very great damage to our future. That is why, again, I say that in the emphasis of the short-term policy the Government has always had to have regard to what will happen after the Emergency and what is the long-term impact of the measures to be taken. It has always had to have regard that in the final issue a Government rules with the consent of the people.

LT.-COL. GROGAN: Rules? Rules?

THE MINISTER FOR FINANCE AND DEVELOPMENT: And that is the people as a whole. My hon. friend, the Member

[The Minister for Finance and Development] for Nairobi West, apparently has not learned the meaning of the word "rules"—I will say govern and can only govern with the consent of the people. In the final issue, again, it must be sure that the people have that respect for law and order which my hon. friend the Member for Aberdare, has stressed in his Motion, even as now amended. But it must be a respect which is based upon a recognition and confidence in the intentions of the Government. I believe the Government has proved to the majority of the African population in this country that its intentions are directed towards their welfare. I believe that to-day, in the words of my hon. friend, the Member for Aberdare—I think he said the end of the violent phase is in sight—to-day we can say we are passing beyond, although it may take some time, the stage of violence into the stage of restoration and because of the policy of the Government, during these years of trouble, we shall end this present Emergency in a position where we can go forward with the economic and general development of this country, with the support of Her Majesty's Government and provided that support and the support of the people of Britain is assured. (Hear, hear.) (Applause.)

LT.-COL. GROGAN: Mr. Deputy Speaker, Sir, the implication of this Motion seems to have been misunderstood. It is quite clearly in effect a Motion which represents a vote of no confidence in the present Government of Kenya and the War Council, otherwise it could not possibly ask, after two and a half years backed by a division of troops, for an intensification of effort.

Now, this debate, in so far as I have heard it, seems to have gradually dispersed into an unbelievable state of reciprocal osculation and that surely is not the atmosphere in which a debate of this importance should disappear. (Hear, hear.)

Well, now, Sir, I propose, if I may, to attempt to add a little note of realism to it. I listened with the greatest interest and admiration to that tornado of statistical verbiage to which we were treated the other day by the hon. European Minister without Portfolio. The purpose,

quite obviously, was to deflect interest from the gravamen of the Motion. To that extent, or to some extent, it appears to have been more or less successful. Now, really, to get back, as we will do to-day—after all this has gone on for so long—that many people have got used to these fantastic conditions—but if we go back to the beginning of this Emergency, it is quite obvious, as it was pointed out at the time by some of us, that the strategy was wrong. Now, if you are faced with bad strategy, it is a well-known principle, both in politics and in war, that there is no easy tactical remedy and it appears to me, and I think it appears to the vast proportion of the sentient members of this community, that the whole atmosphere of Government has been defensive and apologetic. (Hear, hear.) It was quite obvious what the proper action should have been as soon as the gravity of the position was recognized. Action should have been immediate and positive and without any form of hesitation.

Now let us deal with the matter in detail. When it came to the arrest of the supposed inner council of this revolution, we will remember that the police acted with extraordinary efficiency and the alleged inner circle was promptly arrested. Well, that was the beginning. Now what did Government, in fact, do? Instead of using the common law of the land and charging these fellows with treason, which would have been easy to prove under those circumstances, they danced off into this fantastic absurdity of charging them with being members of an unlawful society. Now, that could not have had any sense whatsoever in the reaction of the outside world. What does an unlawful society mean to England? All sorts of things are unlawful societies in all sorts of countries and, therefore, it had not the slightest effect upon the great bulk of public opinion outside. If these rascals had been charged with treason against Her Majesty the Queen, then everybody would have understood what was the meaning, the basic meaning of this problem with which we are faced to-day. What, in fact, did the Government do? They drifted into that almost unbelievable legal catastrophe, the Kapenguria trial, which lingered on month after month, month after month, month after

[Lt.-Col. Grogan] month, and it has got to the stage now when the historic record of that trial, quite properly presumably to try and hold together the prestige of this Government, is not allowed to come into the country. Not only had they got the common law of England to deal with treason on a grand scale but they also had the local law which enabled them to give that subversive tribe the psychological shock which it needed while the position was still localized in that they had the necessary powers conveyed in the warning, clause 69 of the Native Lands Trust Ordinance, which I do not propose to elaborate upon to-day. But the net result of it all is to-day we are meshed in a veritable jungle of legislation, rules and regulations which nobody understands, most of which are unenforceable and which is creating a sense of horror in all the legalistic pedants of the world.

Now, I want to give one or two examples of this defensive and apologetic atmosphere of which I complain. Right at the very beginning, even the senior civil servant found it, or thought it, advisable to send his domestic staff up to be doctrinated or reintroduced, or whatever the appropriate term is, by some medicine men with their ordinary equipment, snake skins, bat droppings and heaven knows what. Now that could not possibly give a very good impression on the public as a whole, and the thing that struck me at the very beginning as the greatest possible error and lack of knowledge of psychological factors involved, was when you walked down Government Road, mark the term Government Road, the first thing one saw was the Central Police Station in the middle of Government Road surrounded by a vast tangle of barbed-wire with sandbag revetments, everything that indicated that the police at that time were expecting an artillery attack from the Kikuyu people. Now imagine what could have been the effect upon the ordinary unsophisticated African walking down the main street of Nairobi to see the headquarters of police in a state of defence.

Another point which struck me at a very early stage, was that no less a figure than the European Minister without Portfolio who, at that time, was held

to be the leader of the European population. He was to be seen at night in his club protected by a white bodyguard, a ferocious-looking gentleman, bearded like the bard, smothered with lethal weapons, watching him minute to minute possibly to see that the Kikuyu waiters did not pour hot soup down his neck. (Laughter.) Now I submit to you, Mr. Deputy Speaker, that that is not conducive to the atmospherics necessary to suppress a major revolution. (Hear, hear.)

Now it seems to me that practically everything that has ever been done all the way through and is still going on is to magnify the significance of *Mau Mau*. Still you see in the Press and, to my mind, this is a fatal mistake, you see references to "generals", "brigadiers", "colonels" and heaven knows what supposed titles attaching to pitiful little savages who have reverted to their normal habits. Now think of the effect of that upon the passive element when they see these ignominious miserable little rascals referred to in the Press as "generals"—naturally, with the ordinary lack of sense of proportion which is always a characteristic of our African friends, they really think that these people are, in fact, "generals", and I understand that in the last suggestion of a peace offer made by them to this Government, they have suggested that they should be allowed to retain their rank in civil life. (Laughter.) It seemed also to have conduced to the minimization of the prestige of this so-called Government. I think probably the final ignominy to which this Government has ever sunk, I thought they had sunk as far as it was possible to go, but they outraged my imagination the other day when about two or three weeks ago when those two little European children were murdered quite close to Nairobi, the broadcast programme was interrupted and it was announced that the forces of the Crown with a division of troops had succeeded in capturing eight baboonoids, and I use the term "baboonoids" deliberately because baboons, which is a further stage of evolution towards the humanoids, do not disembowel their females, nor do they tear to bits their young, but the amazing part about it was that having interrupted this programme to announce this

[Lt.-Col. Grogan] great victory, it was actually followed by playing *Rule, Britannia* twice. Now can anybody imagine that any Government could possibly sink lower than that and, of course, ever since everybody has been asking who in this particular case is "Britannia". It certainly could not be the senior civil servant, because he had already stated in public that the only people who could defeat this rebellion were the rebels themselves. It certainly could not have been number two in the War Council and, it certainly could not have been the General, even if it had been his last pzoan of victory before he left the country and, therefore, it could only possibly have been the hon. Minister without Portfolio. His outlines, of course, do to a certain extent, if he will allow me to be a little personal, portray the recognized classic figure of "Britannia", but I do sincerely suggest that that is one of the very worst things that ever happened in the whole history of this lamentable campaign, because it is the very bottom rung of ignominy to which any Government could possibly descend.

I will come to this much vaunted War Council. Of course, it is a grossly misnamed body. It was only necessitated by the fact that in the disturbance created by this multi-racial intervention, it was obviously quite impossible, everybody knows it was quite impossible, to carry out any important affair of State with a multi-racial Ministry unless you had an inner circle of mono-racial people and that is quite obviously the origin of this misnamed body.

Now, it is a difficult thing to say, Mr. Deputy Speaker, but after all this a place in which these things have got to be said, and there is, without any question, throughout the whole of the European community a sense of great sympathy for the senior civil servant of the country, who came here at a most unfortunate period when the country had been badly let down by his predecessor and after an interregnum where an Acting Governor, naturally, could find it very difficult to take positive action and everybody appreciates the charm of his character and so on, but it is generally believed, generally believed, and I share the belief, that medically and temperamentally he is un-

fitted to deal with the position which requires brutal positive treatment. (Hear, hear.) As far as his number two is concerned, nobody yet has ever explained what his function is. We only know him, only know of him, as a person who was efficient and likeable but an inconspicuous civil servant. His outlook on life, his capacity to deal with these major happenings, of course, may have been extended by his transfer to the great centre, that nerve centre of international happenings, the Seychelles, but the only possible conclusions that the public can come to of what his function is, it never has been explained, is that it consists very largely of gracing with his presence, the minor social occasions of this country. As far as the other gentleman is concerned, we all admire him, we all like him, but we have always got to remember that he has, in fact, even he attempted to get out of it the other day—been intimately concerned, not only with the War Council, but with the prenatal War Council which existed from the very beginning of the Emergency and, therefore, the responsibility of this present catastrophe must rest very largely on his shoulders and, I think, the general feeling is, that as much as we all like him, much as we all respect these cited individuals, the public is of opinion that three civilians motivated by all sorts of inappropriate, inopportune and very attractive ideologies, hanging on to the Sam Browne belt of the G.O.C. whose function it is to clean up the mess, the mess, the unthinkable mess, created by misadministration do not give him a chance.

Another thing frightens me: When I look at the smug complacency that suffuses the faces of the so-called Government officers, I am startled to find that relatively intelligent people in whom we have a considerable amount of belief, as soon as they join that hallowed rank seem to be infected by this complacency; it seems to be one of these contagious diseases like polio which you used to call infantile paralysis. Now, the net result, it is no good bogging the position, the net result is this, the public as a whole, and I can claim, I think, with some reason to be fairly closely in touch with the general opinion, certainly the European population of this country, the general feeling to-day is one of despair.

[Lt.-Col. Grogan]

Quite obviously the native feeling is one of contempt, because they could not possibly at this late stage, after two and a half years supported by a division of troops, they could not possibly pretend to be an alternative Government and offer the most ignominious terms of peace, to gentlemen sitting opposite. It is perfectly obvious that the natives to-day hold the Government in complete contempt, they realize that they are incapable of ruling and that defiance of Government is not only easy, but is also profitable. I cannot pretend to express the alarm that is spreading through the whole of European Africa who realize quite clearly that if this sort of thing continues very much longer, we may very well set the whole of Africa in flames.

Now, we may ask what is the remedy? The remedy seems to me a difficult one admittedly and that it is to disperse this War Council, all Members of whom I am sure have alternatives and much more appropriate spheres of social utility and, if it were dispersed and the G.O.C. were confided with the whole task of unquestioned control over the whole of the disturbed areas and it were left to him to attempt at this late stage to remedy the mistakes that have been made by the Administration in the past, then he might have some chance. Failing that, I see no alternative but an appeal to the Union of South Africa. The Union of South Africa twice has come to the salvation of this Colony and, as I understand, they have also accepted the responsibility in the event of another war in supporting this country. It stands to reason that they are much more likely to be able to find somebody with the long hundreds of years' experience of African psychology to handle this position with some chance of success. (Applause.)

Mr. COWIE: Mr. Deputy Speaker, having grown up in this country I acquired certain rules, one of which was to respect my elders and seniors, but I think there are occasions on which, although younger, I have every right to throw back at my elders something with which I disagree.

Now, Sir, the question of responsibility of Members of this Council: I

listened with some alarm, I must admit, to the speech just made by the hon. Member for Nairobi West because, Sir, I can remember back longer than most people in this Council to the days when the hon. Member was a great leader of this land. I have respected him always, and I still respect him, but I think it is unfortunate that he should stand in this Council and try to degrade, not only officers that are responsible in this Government, but also to degrade the Government in general when he does not realize to what extent those remarks will do harm. This is my point, Sir. I would hazard the guess that there are at least 10,000,000 people living in East Africa that consider Members on the opposite side of this Council are just as much part of this Government as anyone sitting on this side of the Council. They do not appreciate the difference and there it is not party-Government. Criticism by all means, for I think it is right and healthy and I am one that has levelled some in the past as I regard myself as an impartial member of this Council. But remarks such as we have heard to-day, and we heard last week, can only downgrade the whole standing of the European cause in this country. It will not do the slightest good, either here or overseas. I would like to challenge the hon. Member for Nairobi West, with all respect to his seniority, and I would say that he is entirely wrong in his assessment that the Africans of this country have no confidence in the Government. I believe the position is exactly the reverse. I think there are certain Africans that condemn the Government and condemn officers of the Government, like we all do; for there have been mistakes, and there have been many mistakes, but to make a generalization like that is quite unfounded and it only indicates that the hon. Member is now completely out of touch both with the feeling of the Europeans and of the Africans in this country.

My next point, Sir, is the question of these surrender terms. I am prepared to accept two things. Firstly that the terms recently discussed are the same as those offered on 18th January. In other words, that there has been no material change. Secondly, I am prepared to accept that there has not been any relaxing in the

989 Motion—

[Mr. Cowie]

campaign against the terrorists during that period except in one small area. Those were statements made—Sir—I will not give way for a moment—by hon. Ministers of this Council, Sir, and I am prepared to accept them.

GROUP CAPTAIN BRIGGS: I thank the hon. Member for giving way, but would he regard an area spreading roughly from Mweiga to Fort Hall on the east side of the Aberdares as a very small area?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: On a point of order, Mr. Deputy Speaker, that is an exaggeration of the area.

MR. COWIE: Mr. Deputy Speaker, I do not think the size of the area is very important; what matters is whether there was a general armistice or whether there was not. My information, and I am prepared to accept it, is that there was not a general armistice. That is what matters.

Well, Sir, in view of those two points, what is all the criticism of these recent talks for? What does it mean? My opinion is that it has practically no meaning at all. Analyse for a moment the position of a terrorist, and I do hope in this particular theme, Sir, no hon. Member of this Council could ever be heard to sympathize with or to support or to condone the acts of a terrorist. I do not want to be misunderstood in what I am saying, but for one moment examine the position of a terrorist. What is open to him? If he surrenders merely to hang, what is the object of surrendering? Surely it would be better to stay as he is. There must, therefore, be some inducement to surrender. In those terms of 18th January there was an inducement, I, therefore, believe, Sir, that the results justify the act. The hundreds of terrorists that have surrendered prove to the world whether or not that action was correct, and the talks now are merely a revival of what has already been done. So a great deal of this criticism is quite unfounded and unnecessary.

Lastly, Sir, I come to the position of the attack on members of the War Council and in particular the hon. Minister without Portfolio. Well, Sir, I am not here to defend anyone, I am merely here

to try to pass an opinion which I believe is impartial, but having had the opportunity of seeing some of the workings of the War Council through being concerned with another duty, I have also had the opportunity of knowing to what extent decisions are considered beforehand. I think, Sir, that it is quite unfair and unreasonable for Members on the opposite side of this Council to attack one member of the War Council in particular for decisions which are very largely those of many people combined together—(Hear, hear.)—whether by advice or by responsibility and, as for sinking so low as to criticize the hon. Minister for going about with a body-guard I do resent that, because I know, Sir, it was not his wish and it was forced upon him by decisions of other people. Whether it was right or wrong, other people must decide, but to criticize the hon. Minister himself for that particular feature is not only mean, but I would say childish. (Hear, hear.)

Now, lastly, Sir, back to the surrender terms. I would like to add my support to what has been done. I have grown up in this country, used to people being brought up through a *ki-boko* and, therefore, I am not in favour of any pussy-foot nonsense, but I do believe you have got to stand for something. We, in this country, stand for a decent Christian Government and, by saying Christian, I do not wish any offence to my Muslim and other friends. I mean a decent way of life in its widest sense and, by endeavouring to arrange for a greater number of terrorists to come in and surrender and to bring this Emergency to an end sooner, I believe it is in line with that decent Christian way of Government. (Applause.)

There will be a day, Sir, when people will look back on this position, as they have looked back on similar situations in other parts of Africa, and they will say, "At the time the Government stumbled and they had troubles and they had a lot of criticism, but, in spite of that, they did what was right and what has since appeared to be right". Whether it wins through at this particular moment or not is less important than whether or not the Africans of East Africa and the people of the world will respect this way of Government. That is much more important. (Hear, hear.) In view of that,

[Mr. Cowie]

Sir, I do hope the hon. Member for Aberdare in exercising his right to reply continues in the constructive theme in which he introduced this Motion, leaving out what I call his futile and unreasonable criticisms of various Members of Government or of Government as a whole. It is one of the few speeches I have heard recently, Sir, which was in part entirely constructive. I do beg the hon. Member for Aberdare not to go delving into further attacks on Members and using epithets which will only be flaunted round the Press of the world much to the discredit of the hon. Member himself; because, Sir, I must return to where I started; and that is that every Member of this Council has a responsibility. The hon. Member for Nairobi West has had an opportunity of moulding the course of this country for a very great number of years, and if he to-day disagrees with the way it is being done, he must accept responsibility for that because he has had a greater opportunity of moulding the destiny of Kenya than has any other hon. Member of this Council.

The same applies, Sir, to the hon. Member for Aberdare; that is, if he is going to embark upon these criticisms which, I believe are wholly unconstructive, he will only be bringing discredit to himself as well. (Hear, hear.) I do hope, therefore, Sir, we can end this debate on the note that we are standing for something which we believe, and that is a decent form of Government, whether we make mistakes or not. I am not trying to defend the Government or anyone else, but I am trying to defend one thing and that is we must stand for what we believe is right, and right in the long run.

I support, Sir. (Applause.)

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, in supporting the Motion now amended before Council, I am awfully glad that Government saw fit to change their minds in this connexion. I think they showed the right spirit really in producing an amendment which had some resemblance to the original Motion. Now, Sir, I do not propose to repeat what previous speakers have said and, therefore, I am reduced to a very few points. Also realizing, as I do, Sir,

that most Ministers opposite have now spoken and perhaps will not have an opportunity of replying, I hope what I have to say will be reviewed from a constructive point of view and will at least be considered.

Now, Sir, during the course of the Budget debate, I made a reference to these remand schools, and I think it was the hon. Minister for Community Development who said that he had visited these schools and he was, I think his words were, "quite satisfied with the position there". Well, Sir, I have no doubt he was amply satisfied, but it should be remembered, Sir, that on those occasions when a Minister, or anyone else, visits any organization—never mind an approved school—it is the considered intention of the individuals in charge there to see that he is amply satisfied; regardless of that, I believe that the atmosphere there is not good, that the discipline leaves a lot to be desired and, as far as security measures are concerned, again they are anything but adequate.

I believe, Sir, that there is one lad in particular who has escaped from this school quite recently on three occasions and only last night we heard over the wireless that another three escapes had taken place from one of these reform schools.

Now, Sir, one of the objects of this Motion is to make provision for respect for law and order in the future and I do believe, Sir, that if we are going to obtain that respect, one of the things we must direct our attention to is this particular subject, namely the discipline of these younger people—more particularly those who are in these reform schools.

Now, Sir, another point, in view of the continual emphasis on rounding up suspects, and I believe that the police will have their hands full in the very near future, and as I understand the position, the police have only the right to detain an individual for 28 days. Now, Sir, I would suggest one or two alternatives; either that period is extended, or alternatively that the Governor's detention order, or the issue of the Governor's detention orders, should be expedited; otherwise I am afraid that with these continual roundups, there will

[Lt.-Col. Gherisie]

be so many suspects held by the police, that there will be insufficient time in which to either interrogate them or screen them properly, and they will be released before the police have had that opportunity. What is more, Sir, where there is a known bad criminal, he should not be sent to an ordinary detention camp. He should be sent to one of these island camps, Sir, where it is practically impossible for him to escape. We have had certain experience of that recently, which I have no need to relate.

A further matter, Sir, and that is the question of these *Mau Mau* people who turn Queen's evidence. Now may I suggest, Sir, that they should not be put into the ordinary detention camp; neither for that matter, Sir, should they be set free, as I imagine they would be promptly liquidated. I believe Government must consider very seriously putting them in isolation and affording them some measure of protection.

Now, Sir, finally, I do not want to harp on this subject but I do believe, Sir, that Government, their attempt to bring about a mass surrender has been misunderstood by these *Mau Mau* leaders. The Emergency, as we know, has gone on for two and a half years and I honestly believe that they have interpreted this as a sign of weakness on the Government's part. They feel there is the anxiety on the part of Government to end the Emergency; it also suggests the inability on the part of Government to defeat the *Mau Mau* by force of arms. Government have been encouraged by the surrender of some 500-odd *Mau Mau*; well, if I may suggest, Sir, they are the mere rank and file. I think it has been the exception when other than the rank and file have surrendered and it has also been the exception if any arms have been surrendered. Is it suggested for one moment these 500-odd bodies were actually fighting in the Aberdares or Mount Kenya and not in possession of arms? I believe at this stage Government has got to show some determination; that they are determined to end this rebellion, that they will withdraw the present surrender terms and they will declare and treat all *Mau Mau* adherents as rebels.

Sir, I support the Motion. (Applause.)

MR. AWORI: Mr. Deputy Speaker, Sir, it was not my intention last week when this Motion was moved to speak at all, because over and over we have had these Motions on the Emergency and criticism of Government by Members on this side of Council, but for one reason and another I feel that I should say a word.

In the first instance I would congratulate the hon. Nominated Member, Mr. Cowie, for the most constructive speech he made. (Hear, hear.) I believe that what he said is exactly what, if any other person had said, I would believe.

There is one particular point which I would like to raise before this Council and this concerns the mass surrender which failed and was a great disappointment to every one of us in this country.

A point which I would like to raise deals with one particular problem and it is already rumoured among the Africans why the mass surrender failed. They were expecting that Labour would come into power—(Laughter.)—and were expecting to see who would come into power first. Now this deals with a cartoon which appeared on the cover of a paper called *Comment* and on this matter I would like to know the opinion of the hon. the Attorney General on this matter. (Interjection by Mr. Cooke: "He has already spoken.") Well, then, somebody else from the legal side would be able to speak for him. I feel that most Africans who saw that cartoon believed it—that Labour has got sympathy with *Mau Mau*. I mean anybody who saw that cartoon, it had Mr. Attlee and Mr. Eden; Mr. Attlee was embracing a *Mau Mau* fellow with a big mouth with atrocities written on it; I do not remember the proper caption but it was something like this: "When we come into power . . ."—that was *Mau Mau* speaking to Mr. Attlee—"forget all the lies that they have said about us". Now, psychologically, I feel that this is detrimental; most Africans who saw that believed that there is a Government in Britain which succumbs to all the atrocities in this country and I feel that these sort of things should not have been allowed to be published.

Throughout all these struggles with *Mau Mau*, I believe that it is a battle of nerves. It is a psychological battle and

[Mr. Awori] until we can deal with and convince these people, all the physical battle will come to nothing. The Kikuyu and the other Africans have been accused of passive resistance to *Mau Mau*, but there is also a section in this country which is assisting *Mau Mau*, through these sort of publications. In this Council the matter was raised about these publications. Personally I have nothing against it; in fact I enjoyed seeing that cartoon, but the ignorant masses who look at it, what will they feel? They will feel that the Government here, and the Conservative Government, are not doing anything for the progress of the Africans.

Now, when we are fighting these passive people in this country, I feel that the extremists among others, whether it be Africans, whether it be Europeans or whether it be Asians, they should be told that they are going too far, and particularly during this time of the Emergency there should be a halt to this sort of thing.

Now, Sir, I was not among those people who participated with the *Mau Mau* in negotiations, but I know very well, mixing with my fellow Africans in Nairobi and elsewhere, that one thing that was responsible for the failure of these mass surrenders was this propaganda which is being spread—that if Labour had come into power, they would have been able to give Africans their freedom, their land and everything. I believe that is wrong, but then what is Government doing about this sort of propaganda? Already we have been told that that publication has been warned four or five times and up to now the legal people do nothing at all about it. Sir, I feel this sort of thing should be stopped, because, if it is not stopped, I do not think this physical battle alone will be able to end the Emergency.

Mr. Deputy Speaker, I beg to support the amendment to the Motion. (Applause.)

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, the hon. Minister for Finance in the remarks he made earlier this afternoon expressed his view that in debates of this kind speakers could contribute a lot and help

this Council and also the country; on the other hand, speakers could do untold harm.

I have no hesitation whatever in saying that the hon. Member for Nairobi West has done untold harm by the way he has spoken this afternoon. (Hear, hear.) The hon. Member may think it humorous, but it is not humorous. I question very much, Sir, whether, in a country of this kind, especially in Africa, it is a compliment to anybody's long experience to openly attack the Queen's representative, either this one or the last one—both in their ways very distinguished persons. I do not believe, Sir, that lends to the African mind any respect for Her Majesty's representative or adds to their respect for Government. Nor do I think, Sir, it is very sensible, in principle, if I may say so, to suggest that it was unwise for us, rather at a late stage to my mind, to defend police posts, be they in Nairobi or be they elsewhere. We had a sad enough experience in Naivasha, to quote only one instance, of an undefended police post.

Lastly, Sir, I do not think it is awfully wise in Council to attack individuals. Attack Government as much as you like, but I think it is unwise to attack individuals.

Now, as to the hon. Member, the Minister without Portfolio—I do not always see eye to eye with him—but one thing I am quite convinced of and that is that he has spared himself in no way in carrying out his duties as the Minister without Portfolio and as our representative on the War Council. (Applause.) And, Sir, I have great admiration for the way the hon. Member has carried out those duties and the enthusiasm he has shown in doing what he thought was the right thing.

Sir, of course, we all make mistakes; Government, no doubt, has made mistakes, but I would sooner make mistakes on this side of Council than sit on the other side and criticize and criticize while never taking any responsibility yourselves and that applies at least to two of the Members on the other side of Council. (Hear, hear.)

Mr. COOKE: You did it yourself once a few years' ago.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: And I took responsibility for carrying into effect the purpose of my criticisms, hence my presence on this side. (Hear, hear.) I have not always been purely a critic as some hon. Members are; it does no good to be always a critic if you cannot sometimes provide those who do shoulder their responsibilities with serious and considered suggestions for bettering things.

Mr. COOKE: Will you give way?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: No, I am not going to give way.

Mr. COOKE: Because you are frightened. (Cries of "shame, shame.")

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I am not giving way.

LT.-COL. GROGAN: Is the hon. Minister suggesting that we have no sense of responsibility on this side of Council?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: If you had, all I can say is that you personally had a very strange way of showing it this afternoon. (Hear, hear.)

Sir, the hon. Member said that Government was defensive and apologetic and on this occasion, Sir, when I am neither defensive nor apologetic, certain Members do not seem to appreciate it. (Hear, hear.) Well, Sir, I am perfectly prepared to admit, as is every single Minister on this side of Council, that Government has made mistakes, and so would any Government under the same circumstances with which we have been faced during the last two or three years. I am also, Sir, perfectly prepared to admit that a debate of this kind can do a tremendous lot of good, but I do not believe, Sir, that it serves this country one bit for people to viciously decry everything that Government has done, suggest that they are entirely complacent and irresponsible, which is not true, and I repeat, Sir, to attack the Queen's representative in this country.

LT.-COL. GROGAN: On a point of explanation, Sir, I never attacked the Queen's representative. I merely gave a general opinion of the suitability of the senior civil servant, and if only the Council would remember that the senior civil servant is only the Queen's representative on a very few occasions, very rare occasions, we should be very much nearer talking sense than the Minister is talking to-day. (Hear, hear.)

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: That, Sir, is a legal quibble, but it remains, Sir, that I consider the Governor of a Colony is the Queen's representative. The only time he is not necessarily the Queen's representative, is when he sits as President of this Council, which he does not do nowadays.

Well, Sir, I have very little to add except that I would just say one thing in regard to the accusations made about a certain book being barred as being a record of something of which Government should have been ashamed. Government has nothing to do with the administration of justice; according to British ideas, the Judiciary is a separate thing to Government, and it is a very wise system which we have evolved over the centuries. The book that was barred was alleged to have been an account of the trial—it is not a record of the trial.

Lastly, Sir, a great deal of play has been made about some wireless broadcast which was interrupted and an announcement made that one or two rascals had been captured and that *Rule, Britannia* was played thereafter. I was not there, and I very seldom listen to the wireless. I very much doubt whether my hon. friend, the Member for Nairobi West, listens very frequently to the wireless. I therefore would like to suggest, to find out, Sir, whether this really happened or whether it did not, but, even if it did happen, which I rather doubt, all I can say, Sir, is that it is not—

Mr. COOKE: Is the hon. Member in order in imputing to the hon. Member for Nairobi West that he has not told the truth? He has definitely stated, and we have been told, that a Member is responsible for what he says on this side of Council.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: On this particular occasion what I said was, and I will repeat it, that I cannot help being somewhat doubtful whether in fact *Rule, Britannia* was played after this particular announcement. If it was, Sir—

LT.-COL. GROGAN: On a point of explanation, Sir, I did not listen-in on this occasion, but I was told that this had happened and I thought it was unbelievable, that they were pulling my leg, and I asked a large number of people and no less than six people told me that they had, in fact, heard it.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Well, Sir, I repeat, if that was the case, I would only add that Government is not responsible for the programmes, nor does Government put those sort of things across. It is done independently, as the hon. Member is fully aware.

Sir, in conclusion I would again explain that the only reason I have ventured to intervene in this debate, which I certainly did not mean to do, was because I do honestly feel, and we have had a good many of these debates during the course of the last two years, that they can do a tremendous lot of good. If I was on the other side of Council, I have no doubt I would speak and be very critical of Government on a lot of counts. But, Sir, when these criticisms and debates develop into unbridled abuse of Government and take certain lines to which I have already alluded in the last few minutes, I think, Sir, that they probably do far more harm than good and do more to encourage those whom we are trying to put down—the movement we are trying to put down—than most of the mistakes that Government may, or may not, have made. (Applause.)

MR. J. S. PATEL: Mr. Deputy Speaker, I rise to support the Motion before the Council. I do it sincerely from the knowledge that people, when they really assume responsibility, talk quite differently than they otherwise do. Before us we have the example of the European Minister without Portfolio, who, when he was on this side of Council, in course of

his criticism, often said that the Government in those days was doing too little and too late. Now that he is on the other side of Council, and now because he has assumed responsibility, he knows the full facts of the present situation and he has assured us that he is satisfied that everything possible is being done. The trouble with this Council to-day is that the hon. Members on my right have a partial knowledge of the events in the country, and the Members on my left, including myself, have got no knowledge. Partial knowledge, Mr. Deputy Speaker, Sir, is more dangerous than no knowledge and it is better to have no knowledge. (Laughter.)

Everybody in this Council and outside wishes to bring an end to this Emergency and there are two ways of doing it. One is the continuously appreciated democratic British way of Government, and the second is that of the Gestapo system. I am sure, Sir, we are not going to adopt the Gestapo system: I am convinced that the Government opposite is doing everything possible, even though it may sometimes appear slow, but I am convinced that it is on sure foundations, and that is the reason why I am supporting the Motion before the Council.

Before I sit down, Sir, I would like to congratulate the Minister for Finance and Development for his definition of closer administration; and if that definition of closer administration is understood by all, and the administrative officers throughout the country, I think it will bring an end to this Emergency quicker.

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

MR. SLADE: Mr. Deputy Speaker, Sir, in replying to this debate, I should like to deal first with what one might term the critics of criticism. I have heard, Sir, during this debate, what was to me a somewhat strange proposition from several Members on both sides of Council, to the effect that critics of Government were enemies of the State. Gentle criticism of State affairs is, I understand, allowed; but never, never criticism of people, collective or otherwise. This proposition was put forward right at the start of the debate by

[Mr. Slade] the hon. gentleman who seconded me. That surprised some people. It even surprised me a little in its inconsistency, remembering that the same hon. gentleman had only a few weeks ago said something very rude in this Council about the outgoing hon. Member for Legal Affairs. However that may be, allowances must, of course, be made for that hon. Member, because it must be very difficult to support criticism of a Minister who happens to be the leader of your own party. So for him we must make allowances. But it was not only from the hon. seconder; it was not only the hon. European Minister without Portfolio who was speaking of "moans about the past"; it was not only Ministers trying to defend themselves and their colleagues; it came also from other Members, on both sides, who are perfectly free from obligations of this kind, and whom, I may say, Mr. Deputy Speaker, I respect and regard as very sincere people. Now the burden of their song, as I understood it, was this; that confidence in Government, which, of course, we all desire, which, of course, is essential to the welfare of this country, confidence in Government is dependent on no officer of Government ever being openly criticized. But, Mr. Deputy Speaker, the meaning of that, of course, is that you must at all times pretend that all is well. Given the worst possible administrator, from the Governor downwards, we must never say so. We must try to make others believe, anyhow, that we are all friends together all the time.

Mr. Deputy Speaker, Sir, it is a very serious matter. It is, to my mind, symptomatic of an illness of the political thinking in this country at the present time. (Hear, hear.) It is the illness of thinking in terms of "peace in our time", and "peace at any price" which has led to the aspects of the handling of this Emergency which we have criticized so deeply.

Let me make it quite clear, Mr. Deputy Speaker, that that is not my idea of our duty in this Council—nor, indeed, in any other place of duty—that you refrain from criticizing when you think that criticism is necessary, even though it be criticism of an individual. What are

we here for, Sir? Is it just to play a pretence—to indulge in what my hon. friend, the Member for Nairobi West, calls "mutual osculation" of Members opposite? Or is it to make a contribution to the good government of this country? The good government of any concern, Sir, be it colony, be it business, be it ship, depends first and foremost on good governors and good staff. I acknowledge, Sir, that our duty on this side of Council is to be constructive. I do submit, Sir, that we must not shirk the least attractive, but sometimes the most constructive, part of our duty here—that is, to ensure that we have the best men in supreme responsibility. (Hear, hear.) I would say again, Sir, as I have had to say before, that you must sometimes destroy in order to rebuild.

Before I leave this subject, Sir, I would deal with one or two particular observations that were made in answer to criticism in general. The hon. European Minister without Portfolio said—and, just now, the hon. Minister for Agriculture said something of the same sort—"It is better to try to do something than to criticize". Those, I think, were the precise words of the hon. European Minister without Portfolio. Of course, that implies that we, on this side of Council, do not ever do anything—either in this Council or out of it. It goes a great deal further. It implies that those we represent do not do anything. After all, what are we here on this side? We are people of no importance in ourselves. Our only importance is that we are the spokesmen in this Council of a great number of people outside this Council, and what is said of us is said of them, and I resent that suggestion—that those whom we represent have done nothing but criticize throughout the Emergency.

Now, there was another curious approach to this question of criticism by the hon. Chief Secretary who, having struck out boldly—as he should—against those who criticize, appeared to rebuke those who having moved over to what I me for having moved over to what I believe to be a more constructive line, and described it as "roaring like a suck and very hard to please everybody, is it not? I am more fortunate than some others, perhaps, in not being particularly

[Mr. Slade] anxious to please the hon. gentlemen opposite.

Now, the hon. Minister for Finance, I think, got the critical aspect of this Motion precisely in perspective. It was intended primarily to be a constructive Motion; but it was intended also to have an element of criticism in it, in those first few words referring to "this the 31st month of the Emergency". I only regret that Government had not the strength and self-confidence to accept even that criticism, and to acknowledge that really to be now in the 31st month of the declared Emergency, and in the state in which we are with so many British battalions on our side, and so miserably an enemy is something of a disgrace—and something that even Government might perhaps recognize as such.

Before I leave this question of criticism, Sir, there is one more point I must make clear. Because I recognized that there was improvement in certain respects, and because, for a change, as hon. Members opposite suggested—for a change—I was not criticizing all the time, the immediate deduction is that I admit that the War Council has performed miracles. Does it occur to hon. Members opposite that there might be an improvement in spite of the War Council? I would suggest that in this 31st month of the Emergency hon. Members opposite should not be quite so hasty in jumping to conclusions.

Sir, as I have emphasized several times over in moving this Motion, the burden of my argument is respect for Government, and for law and order, and I am, Sir, most gratified—or I should say grateful—for the universal recognition by hon. Members on both sides of this Council of that objective. My only remaining anxiety is whether hon. Members opposite really understand what it means. Do, for instance, the hon. European Minister without Portfolio, or the hon. Minister for African Affairs, really regard respect for law and order as consistent with an offer of complete indemnity from judicial process to murderers? With talks of four months' or five months' duration, during which Government runs after these murderers trying, without success, to induce them

to accept that offer? The hon. Minister for African Affairs tells us that the part which he had to play in the recent talks did not make him feel in any way inane or degraded. Well, for his sake I am very glad to hear it. It may be that he was able to feel so clear of worry when he was simply carrying out orders, particularly the orders of the Governor. But what of the Government that he was representing then? Can he really say in his heart of hearts that he felt, even on behalf of Government, no inanity or degradation in this procedure?

Now, Sir, I do suggest that perhaps to understand respect for law and order Government has got to understand a little better the meaning of self-respect, just as the European community has to show they understand the meaning of self-respect, and have done certain things that Government resent in consequence. It is the first step towards securing the respect of others. And if what I am saying now, or what I said previously in this debate, is termed "intemperate"—a word we have heard several times in this debate, as meaning something you should never say in this Council—I would only remind hon. Members that many people more distinguished than anyone here, and many people believed to be more responsible than anyone perhaps—or certainly more responsible than me—have used quite as intemperate phrases. I might remind hon. Members once again of what Lord Milverton said recently in the House of Lords. I might quote the words used by *East Africa and Rhodesia* in commenting on these surrender terms—"abject abandonment of moral principles, naked expediency an abhorrent transaction". And again, Sir, as regards these talks that followed that offer—I do ask hon. Members to think once again very seriously about the implication of talks of that kind. It is nothing less, and nothing more, than pandering to a vicious and undisciplined and utterly disorganized enemy. I say disorganized, because I have been told so by Government many times. (Hear, hear.) How can Government believe in what they say—that these people are disorganized—and yet treat these so-called leaders as if they are organized, Mr. Deputy Speaker? They are only making fools of themselves. It is all very well to say that meanwhile operations

[Mr. Slade] continued. I question that, Sir. I want to know what ~~the~~ area up in the Aberdares, above the North Kinangop, was a sanctuary to *Mau Mau*—the very *Mau Mau* who were coming down and raiding our cattle. We laid off them, but was there any agreement that they should lay off us? None that we saw.

What about troops stood down? What about companies having nothing to do? What about a long line from Nyeri, or even North of Nyeri to Fort Hall along the forest, which troops were not allowed to enter during these four months? Is that operations continuing?

Well, Sir, we are told that the failure of these surrender talks has completely altered the situation. Well, if that means that it has also altered the attitude of Government to the situation, there is hope yet: but the worst feature, Sir—the worst feature of this offer, and of the talks which followed, is the continuing insistence—insistence by Ministers, and insistence by some hon. Members on this side of the Council—that a major surrender resulting from this offer and these talks would have caused great relief. I say, Sir, categorically on behalf of those I represent—that the great majority of those whom I represent—that it would have done nothing of the sort.

THE DEPUTY SPEAKER: In accordance with the Order Paper, it is time for the interruption, and I do not know if the hon. Member is just about to finish.

MR. SLADE: No, Sir, I have quite a lot more to say.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XX—AFRICAN AFFAIRS

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

Debate resumed.

MR. AWORI: Mr. Deputy Speaker, Sir, last week when this vote was discussed the adjournment came when I was speaking, and I was dealing with administration. When the Council adjourned on Friday, I hurried to get back to my constituency—or my dis-

trict—and I had discussions with most people concerned, both in the Local Government and in the Central Government and private people, regarding the question which I raised here of the split of North Nyanza into two districts. There was, however, a difference of opinion presently, and a number of them did not support that question, particularly if it will affect Local Government. If Government were to accept that North Nyanza becomes a province, we would have two districts—that is, Bungoma and Kakamega—and that would mean that you have two African district councils. There is Bungoma—that is, north of Nzoia—which is a much richer area, and south of Nzoia is a poorer area—therefore you would have one area poorer. Although I raised this matter, and I did it on the grounds that the people concerned have raised it, and when Mr. James Griffiths came here as Colonial Secretary, they gave him a memorandum in this respect. If the Minister for African Affairs or the Minister for Local Government, Health and Housing are not able to give me proper replies now, I have given an assurance to my people that it would be a much better thing if it would be discussed with some prominent people from the area concerned before any action could be taken.

I would like to support, Sir, the point which was raised by the hon. Member for Nairobi South regarding the work of chiefs in Nairobi. At least I could say that I am proud to say that one of the chiefs was my own employee—employed as a clerk—and the Administration have paid great tribute to the good work he is doing.

I do not agree with what the hon. Member for the Coast said about pass restrictions to people going to Mombasa or at the coast. It is well known that most of the labour at the coast comes from up-country—particularly Nyanza. In the past there was a pass restriction, but so far now I do not believe it is there except in respect of Kikuyu, but then, if the people from Nyanza were to be restricted, I feel that the labour in Mombasa would suffer a great deal, so I would ask Government not to take into consideration the question of a pass restriction system for people going into Mombasa.

[Mr. Awori]

The other point, Sir, which I would like to raise is the question of Africans who visit Britain, particularly chiefs and other people in prominent positions. There is some dissatisfaction in a number of areas that they are not being given this chance. In my own area of North Nyanza there is some dissatisfaction that Government is not giving them a chance to visit Britain as they are doing in other areas, I would like Government to consider that when the next trip comes some prominent people from that area should be given that opportunity.

The hon. Mr. Gikonyo raised the question of appointing an African as a district commissioner. I feel it is high time—I would like to support him on that point—it is high time that an African with the necessary integrity and calibre should be appointed in one of those districts, and let us see how much he can do. Before the Lyttelton Plan, many people did not think the African could take up responsibility. I remember the tribute that His Excellency the Governor paid to the first African Minister when he laid the foundation stone of the Jeanes School at Maseno, and many people believe that he is perfect, so I feel that Government should start now to experiment by appointing one of the district officers whom we have got as either acting district commissioner or as a full district commissioner.

I have got two other points to raise before I sit down. One is the question of co-operative societies. I think—if I can understand rightly—the hon. Minister for African Affairs mentioned that Government was tackling this problem, and I would like them to encourage more and more co-operative societies, and train more Africans to be officers in this branch. I know in my own area many Africans are interested in co-operative societies, and they would like to be encouraged by having officers to fill these posts.

The last point, Sir, deals with tribunal courts. Many people—Africans—are not too happy with the way the African tribunal courts are run. It might be an allegation, but they feel that there is too much corruption in the African tribunal courts. I would like the Government to set up an inquiry into this matter. At the

same time I would like to see the Government train the elders and the presidents of these courts, so that they can know the native law and custom properly and, at the same time, the African law and custom in the various areas should be studied and written down, so that when the elders are listening to these cases they would be able to know exactly what the implication is.

I am not too happy to see that Government has made the elders of tribunal courts permanent. They should be given a certain time limit—say three years, as it used to be—and then other people should be appointed in their place. Recently, since last year, they have been made permanent—unless they are sacked for some reason or other—and I think Government should see that we go back to the old system—that of making the court elders of these tribunal courts on a basis of three or four years, and then other people should be appointed in their places.

Mr. Deputy Speaker, I beg to support.

Mr. OKWIRRY: Mr. Deputy Speaker, Sir, I support wholeheartedly everything said by the hon. Minister for African Affairs, and congratulate him on the very clear picture of our Administration that he gave. It is true, Mr. Deputy Speaker, Sir, that if any department has done well since the beginning of the Emergency, it is the Administration.

Now, Sir, while supporting everything said by the hon. Minister, I should like to draw attention to one or two points. The first point I would like to draw attention to is that prevention is better than cure. (Hear, hear.) It seems that we are paying much attention to the troubled areas, and doing very little for the less-troubled areas as far as closer administration is concerned. My worry, Sir, is that there are some districts in Nyanza Province which are too big, and I think that it is time to divide them into two districts. This district of North Nyanza, where I come from, with a population of 600,000, scattered over 2,442 square miles, to my mind is too big for one district commissioner, and I think the district should be split into two for closer administration.

There are also some locations, such as Alego and Gem, in the Central Nyanza district, with a population of

[Mr. Okwirry]

55,000, covering over 200 square miles, these locations are too big, Sir, for one chief to manage, and they should also be divided into two locations for closer administration.

Mr. Deputy Speaker, Sir, I would like to see a proper closer administration started in Nyanza. It is true that the people there are law-abiding citizens, but prevention is always better than cure.

The second point I would like to raise is about the power of our chiefs to-day. It is obvious that the power of the chiefs has been taken by the African courts, and also some was taken by the African district councils, and, to my mind, Sir, this is the cause of the present trouble. The chiefs at present are nothing but glorified *niaparus*—

AN HON. MEMBER: Shame!

Mr. OKWIRRY: And the same to you, probably. I should like to see some of their previous powers and authority restored, if possible.

LADY SHAW: Hear, hear.

Mr. OKWIRRY: It must be realized, Sir, that an African chief or an African ruler who cannot even handle a juvenile is of no use to the African public. (Hear, hear.) The power which is given to the African chief under the Native Authorities Ordinance is jeopardized by the African courts. When a chief accuses a well-to-do African in the native courts, the result is always negative, and that alone, Sir, is quite enough to deprive the prestige of the chiefs. The atmosphere, Sir, between presidents of African courts and the chiefs is not healthy. The presidents at present are African district council employees and, the chiefs being Government employees, the two do not blend at all. I would like to see native courts transferred to Central Government and looked after properly by the district officers, with legal powers and qualifications. (Hear, hear.)

Mr. Deputy Speaker, Sir, this, to me, is a very important matter, which I should like my good Government to give serious attention to. Chiefs, as Her Majesty the Queen's representatives in their small locations, should carry with them some judicial power and respect. Failing this, Sir, they are going

to be defeated in maintaining law and order, which is their main duty. I quite agree with the school of thought which said that the time has come for the good African assistant district officers to be considered for promotion to full district officer status. This would be possible, Sir, because we have got some African assistant district officers serving in the field, and they have done very good work and should be allowed some promotion.

Sir, with those words, I beg to support. (Applause.)

THE DEPUTY SPEAKER: The time is now four fifteen, and it time for the usual break. Council will suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

Mrs. SHAW: Mr. Deputy Speaker, Sir, in rising to support the Motion, I had intended to say that, considering the importance of the Minister's portfolio, and the scope of its work, I was a little surprised at the brevity of his remarks in introducing this Motion, but, after hearing the full and very interesting report the hon. Minister made in the Council only last week, I realized that he has not had any time for writing speeches! (Laughter.)

Together with other hon. Members, I should like to pay my tribute to the courage and resource of the hon. Minister, and the Chief of Staff, and those who accompanied them in their parleys with the gangsters in an attempt to end the fighting phase of this Emergency, at great personal risk.

I was surprised at the brevity of the hon. Minister's remarks because the Portfolio of African Affairs is one of the most important in the Government, because on the policy of the hon. Minister will depend the peace and security of this Colony just as much as on the police force.

AN HON. MEMBER: Far more!

Mrs. SHAW: The tragedy of the Mau Mau rebellion was the direct result of lax administration—a result which has bankrupted the Colony and, as we heard only a day or two ago, necessitated the

[Mrs. Shaw] employment of some 14,000 people in keeping these evil men in detention. Whether we shall ever again be able to return to normal life and, with safety, relax police control in the affected areas, I contend, Mr. Deputy Speaker, will depend on the success with which the hon. Minister handles his portfolio, and whether the Administration have seen the folly of believing that a Colony in the stage of development of Kenya is ready for the freedoms of democracy. That freedom, which has been so hard-won by the British people over many centuries, has proved—both here and in West Africa—a very indigestible meal for the colonial children who can boast only a little over half a century of the civilizing influence of British rule. We have seen how sour the meal has turned in Kenya, and I hope our Government will profit by the lesson, and in future order a simpler diet of a mixture of discipline, hard work, health and happiness. For I contend that discipline and hard work produce a healthy, happy person, whereas an undisciplined child grows into an unhappy man, with a grudge against life, just ripe for intrigue and sedition.

To turn to the hon. Minister's speech, I was glad to hear him pay a very high tribute to the administrative staff in the affected areas, from the provincial and district commissioners down to the district officers, Kikuyu Guard, for no one can praise too highly the work done by these men since the Emergency began, and here I should like to add a tribute to the administrative staff and officers of the safe areas who, although they have not had the opportunity to play such a spectacular part, have none the less done a very fine job, for there is no doubt that it is due to their untiring vigilance that the spread of *Mau Mau*—which was feared—to other tribes, has been checked.

The old proverb that good comes out of evil is true, for some good things have come out of this Emergency. First amongst these I would rate the fact that the young men, born and bred in this Colony, came forward to help Kenya in her hour of need, not only in defence when, in the early days of the Emergency, the Kenya Regiment bore the brunt of the attack, and was our front

line of defence, but in the reconstruction period, by becoming district officers of the Kikuyu Guard, and I should like an assurance from the hon. Minister that if these young men have proved themselves—and I believe they have—they should be offered permanent posts in the Administration, and that he will do everything in his power to hasten the negotiations now in progress on this subject with Her Majesty's Government; for these young men, with their love of the country, their specialized knowledge of its people and their language, will be invaluable in the shaping of the new Kenya.

I have had the privilege of visiting some of them in their isolated posts, and the keenness and enthusiasm which they bring to their work is very heartening to see. It would be a tragedy if this keenness should be lost to us through the inability of Her Majesty's Government to reach a decision, for hope deferred maketh the heart sick.

Another good thing that has come out of the Emergency is closer administration and the introduction of the village system, which will bring in their train, as the villages change character from large and primitive villages to small hamlets, benefits to the African people which can only come from community life. The face of the countryside is changing rapidly in the native reserves, and I believe that Government, with the help of communal labour, have achieved more for the Africans—for soil conservation and planned agriculture—in the last year than they ever did before the Emergency. That is why I was relieved to hear the hon. Minister saying that there was no intention on Government's part to discontinue villagization, except for a few selected farmers who have proved their loyalty, and who may in time be allowed to live on their holdings, for, in my opinion, the whole success of closer administration depends on the retention of the village system. The setting up of rural training centres in African reserves was long overdue, and is another thing on the credit side, and I am glad to know that these centres are to be started in the unaffected areas as well.

That is a glimpse of the credit side, but what of the debits? After the policy debate on the Budget, we are all too

[Mrs. Shaw] familiar with the financial debits. We know of the horror, suffering and death that the *Mau Mau* has brought in its train, but how many people, I wonder, know the village—and possibly several others like that—which I saw, where, out of a population of 500 adults, only 25 remained. That is no tragedy, for they were bad people, and their loss is no loss, but the tragedy is that these people have left behind them some 300 children. It might be called "The Village of the Lost Children", and it haunts me still, and I would like to ask the hon. Minister if something is being done for these children, for, unless they can be cared for by some Mission, or reabsorbed into families in the reserves, we are breeding potential criminals; so, on security grounds, if not on humanitarian grounds, something must be done for these forsaken children.

There is no need for me to stress again the danger of the final phase. The hon. Minister gave me the assurance I required on that point in another debate, and I, for one, have faith in his assurance, for he has already shown an honesty of purpose, courage and imagination in dealing with the enormous problem before him, which must command the respect of every hon. Member of this Council.

Mr. Deputy Speaker, I beg to support. (Applause.)

MR. J. S. PATEL: Mr. Deputy Speaker, Sir, I would also like to pay special tribute to the work of the hon. Minister. In this very difficult time, the work before him is most difficult, and very arduous, and I am sure of this in my own mind—that he is doing it extremely well.

Supporting the plea made by the hon. Nominated Member, Mr. Okwiry, regarding closer administration, I would request the hon. Minister to see that the various townships in my area are provided with police protection where at the moment none exists.

Mr. Deputy Speaker, I support the Motion.

LADY SHAW: Mr. Deputy Speaker, only a word on this occasion in support of the points raised by the hon. Nominated Member, Mr. Okwiry. I feel very strongly, Sir, that he put his finger on a

very sore spot when he was speaking of the chiefs and headmen in the reserves. It will be no news to this Council that I am interested in this subject, as I lose no opportunity—and, on occasions, take opportunities: I should not take—to mention this.

I believe, Sir—and I have said it before, and I repeat it—that, if we are going to deal satisfactorily with the return of the so-called "whites"—certainly the "greys"—who have re-emerged from camps, then, Sir, that can only be done by the chiefs in the locations and the reserves, and, so long as those chiefs are treated—as the hon. Member has so truly said—as a sort of—I cannot remember the exact expression—glorified *niapara*, then, Sir, they will not be able to deal with the people. (Hear, hear.) I am convinced, Sir, that chiefs and headmen in this country must be given sufficient status and sufficient pay. We all know, Sir, that in the minds of many Africans, anyway, the pay and emoluments of a post mean to him, to a considerable extent, what that post is worth: and, so long as a man is given authority and insufficient pay, then he will believe that the authority is not perhaps as great as it should be.

One other small point, Sir,—not so small, but I will deal with it very briefly—is the question of probation. In the towns, such as Nairobi, young people are picked up but not put in jail—because they are young—and (I was going to say) they fall into the hands of probation officers. That is a rather pessimistic attitude as to what happens to them but, at the same time, I am convinced that the only way of dealing with these young people is the family, and the sooner—rather than later—that they go back to their own reserves; under the control and in charge of the people who know them, and who know where they come from; who they are and what their circumstances are, the better. It is perfectly useless, Sir, having young people wandering round Nairobi reporting to probation officers, and under no real and true control. It is possible they can be put elsewhere for a time. I believe there are plans for that, but I am absolutely convinced that the ultimate end of the thing is that they are sent back to their own reserves, under the control of a chief who can deal with

[Lady Shaw] them, probably in a less polite way than they can be dealt with by probation officers.

Sir, I beg to support. (Applause.)

MR. TAMENO: Mr. Deputy Speaker, Sir, I wish to join the others in congratulating members of the African Administration of all ranks for the good work they have done during the Emergency, especially in the troubled areas.

I have only two points to raise: one of them was the point raised by the hon. Member for Aberdare, who is not here now, that in the settled areas there should be part-time administrative officers. Now taking into consideration the importance of this department it appears now, that what we should have are permanent administrative officers and not part-time administrative officers.

The other point I wish to raise, Sir, is that we have no Africans who are district officers. Now, I have been given to understand that some of them have already passed their law examination, in which case they become second class magistrates. I have also been led to understand that their responsibility is not the same as the responsibility which the European district officers have, and I would like to ask the Minister for African Affairs to consider it, so that once an African district officer has passed his law examination he straight away becomes a district officer.

Sir, I beg to support.

MR. LETCHER: Mr. Deputy Speaker, Sir, I rise to support the remarks made by two hon. African Members who spoke before we broke off regarding an extra district in the Nyanza Province. Knowing something about the area, Sir, I do agree that it is a very large area and I am sure if this area were split in two it would make a great difference.

Adjoining us in the Trans Nzoia we have the Akushu area—I believe that is the right term given to this part of the country. These people in the past have been rather troublesome, and likely, of course, to give a great deal of trouble in the future.

Mention was made of headquarters being stationed at, say, Bungoma. Well,

that is easier, Sir, but I do feel that a better place would be Kimani, which is on the main road, and I say that for the simple reason that it is the headquarters of the chief and it also takes in quite a portion of the slopes of Mount Elgon. I would ask Government to give consideration, Sir, to splitting this province into two.

I support the Motion.

THE MINISTER FOR AFRICAN AFFAIRS: Mr. Deputy Speaker, I noted that I was taken mildly to task by certain hon. Members opposite for the brevity of my introduction of these Estimates.

MR. COOKE: Make up for it now.

THE MINISTER FOR AFRICAN AFFAIRS: I have noted, when my friend, the hon. Member for the Coast, came in rather hurriedly—from, I think, listening to a broadcast—that he implied regret that in introducing these Estimates I had run my mile and a half even faster than the French horse. (Laughter.) Nevertheless, Sir, I am an advocate of brevity, as an administrative officer I was trained in the economy of words and indeed, Sir, I was brought up with brevity, and it is something which hon. Members know I constantly advocate in this Chamber.

Also, Sir, I think it should be borne in mind that the Provincial Administration covers a very wide field, and if one is to dilate on the policy of Government in connexion with Provincial Administration and all the things on which they impinge, one might indeed take many days, and also it is true that the varied policies with which they are connected are constantly debated in this Council. Indeed, this afternoon we have already heard a great deal on this subject.

I would like, Sir, to thank and express my appreciation to hon. Members opposite for the tributes they have paid to the Provincial Administration, and also to thank them for the kind words about myself, Sir. I have also particularly noted, and would like to fully endorse, the tribute paid by the hon. and gracious lady representing Nyanza to the work of the Provincial Administration outside the Emergency areas. I know that very often they feel that because of the con-

[The Minister for African Affairs] centration of work and the preoccupation of the Central Government, and in particular myself, on the Emergency areas, they have at times been neglected. I have done my best to dispel this, and also we do realize that we have had difficulty on occasion in keeping fully up to staff, although this is constantly borne in mind and it is my intention to maintain the staff to the highest level possible in the areas outside the Emergency areas. As our staff has grown with recruitment, we are in a better position to do this. But the work that these officers have done outside the Emergency areas, as she rightly said, in keeping law and order and maintaining the equitable line of progress that they have held to, and keeping them indeed out of the subversive side-plays of *Mau Mau*—and we know that there have been gangs sent out from Kikuyu country, as far as Nyanza, and certainly into the Ukamba country—the work of these officers in holding it together has, indeed, been beyond all praise. (Hear, hear.)

If I may deal, Sir, with the points raised by hon. Members—although I was brief in my introduction, I now will be glad to try and answer points that they raised or inquiries that they make with regard to our policy. The hon. Member for Mombasa, Sir, referred to the—I think he was not quite clear about the title but what is known as the Voluntary Unemployed Persons Ordinance, 1949, which he quite rightly noted is at present in abeyance. Its operation was never entirely satisfactory, and I think that there are other ways of dealing with the problem that it was meant to deal with. I am fully aware of the need to control the influx of Africans into towns such as Mombasa and Nairobi. He rightly pointed out the question as to whether such control should be exercised by the Central Government or by local government. I am not, at this stage, able to give him any fair indication as to what we will decide as to the future policy on this, although as he is aware we have, at the moment, fairly wide Emergency powers with which to deal with this problem. But, it is under very close study, and was recently discussed by the provincial commissioners at their meeting and cer-

tain recommendations have gone up for consideration by Government and it will, indeed, be coming shortly before the Council of Ministers for the final decision on future policy.

My hon. friend the Member for the Coast made a somewhat vague statement concerning the situation with regard to temporary district officers in the North Kinangop. I understood later, when he referred to what he described as a well-known weekly—I understood that this well-known weekly was, in fact, a paper known as *Comment*. Well, Sir, I would like to suggest to him that it is perhaps fairly clear that this particular newspaper weekly, in its interpretation of the news, is not generally credited with interpreting it in such a way that it might be favourable to Government. (Laughter.) And in this particular case, Sir, it is perhaps not as accurate as it might have been. I do, however, agree with him that we have been unfortunate in some of the temporary district officers that have been employed on the North Kinangop. You will also perhaps agree with me that it is indeed, a very difficult area to handle. (Hear, hear.)

Nevertheless, Sir, we are doing our best and trying to find the right type of person to put into this area, and if we have been, on occasion, unsuccessful, I can express my regret and assurance that we hope we will do better next time.

He also referred to the employment of headmen and chiefs of other tribes in Mombasa, and I would like to assure him on this, Sir, that there is no question of giving judicial powers, or in any way that they should clash or derogate from the authority of the traditional administration exercised in the coast through the *Liwalis*, *Mudras* and the like, whose work is admirably suited to the conditions on the coast. It is, however, I think, under present-day conditions in true, under present-day conditions of Mombasa with fairly large and difficult labour from up-country and which has conditions arising down there, that it has become necessary to try out the system of close administration through chiefs and headmen of their own tribes in the urban area of Mombasa. This is analogous to the system being brought into Nairobi, and I believe that it will pay dividends and be successful. I would like to assure him that there is no question of

[The Minister for African Affairs] derogating from the existing traditional administration on the coast.

I do agree with the hon. Member for Aberdare and with other hon. Members who touched on the question of close administration, that had we developed this theme and created the necessary number of sub-stations before this Emergency, our position at the beginning of it would indeed, have been very much better. Nevertheless, it is no use crying over spilt milk, and we are now endeavouring to consolidate the policy with all speed possible.

The hon. Member for Aberdare also raised the question of the use of local farmers, local residents and the like, as temporary and part-time assistants in the Government work, either as temporary district officers or otherwise. I noted that the hon. African Representative Member from the Southern Province, did not take kindly to this, and I do agree with him in fact, that the use of part-time administrative officers is unlikely to be successful I believe. You have got to go the whole hog and be taken on in the Administration as a temporary district officer in the future or not at all. There are certain conditions prevailing at present owing to the Emergency which may make this desirable, but this is unlikely to be so in the future, Sir. Nevertheless, I do appreciate the work that has been done by the local residents in these areas and by local farmers who are otherwise very busy with their farms, in co-operating to help in the various Emergency areas to help Government, and to help the Government officers on a part-time and very often voluntary basis. I believe without this, Sir, we should have been in grave difficulties, and I do appreciate the work that has been done. x

The hon. Member for Nairobi South and also the hon. African representatives and other hon. Members, have praised the work which has been done by the chiefs and headmen and the policy of closer administration in Nairobi, particularly in the African locations, and I do, Sir, appreciate this and fully endorse it. This policy of closer administration, as hon. Members may know, has been spread from the African locations to the residential areas. This is an innovation

and will need careful handling. The chiefs and headmen and tribal police put into these posts have been, in so far as it is possible, hand picked; they are sited, as far as possible, adjacent to the local police station and they will work in the closest co-operation hand-in-glove with these police stations. They will receive as much attention by way of supervision from European administrative officers as possible, and it may be said that their success or failure will depend very largely on the co-operation that they receive from the European employers in that area; for it will be largely the labour employed by employers that they will be dealing with. When I say Europeans, Sir, I mean really people of all races because the same thing applies in areas largely occupied by Asian residents.

There have been some ten stations established in these residential areas, and I think I am right in saying they are now all in operation. It will take them some time to get into their full swing, but they are already in operation. They are Spring Valley, Muthaiga, Ruaraka, Eastleigh, the Central Area—that is to say, Grogan Road, Swamp Road—Parklands, Killmani, Killeshwa, Karen and the industrial area.

The hon. Member for the Eastern Elcatorial Area made a point which is close to my heart when he said that we must be careful to ensure that administrative officers are employed on constructive duties and not tied up with checking what may be described as *kipandis*. Well, that, Sir, is why we are endeavouring to create this cadre of administrative assistants who are meant to take on the burden of routine duties so as to release administrative officers for what he described as more constructive duties in handling the people themselves.

The hon. African Representative Member from Nairobi raised various points in connexion with first, African district officers, and another hon. African Representative Member asked me if I would give figures of the development of the establishment of African district officers. Well, Sir, in 1951, we had a total establishment of 14 African district officers, eight in Nyanza, four in the Central Province, one in the Rift Valley and one on the Coast. We have to-day,

[The Minister for African Affairs]

Sir, 28, an establishment of 28 such officers. Seven in Nyanza, ten in the Central Province, four in the Rift Valley Province, two on the Coast, three in the Southern Province and two in Nairobi. Recently, he particularly raised the question as to why we did not employ African district officers in Nairobi and we have in fact, Sir, now got two such officers in Nairobi, one a Mukamba and one a recently appointed Kikuyu. He also raised the question as to why Kikuyu, Embu and Meru who have been screened and found white, cannot return direct to Nairobi. Well, I would, Sir, like to reiterate the policy that was outlined recently in the speech by my hon. friend, the Chief Secretary, when he described the process whereby such African Kikuyu screened "white", are returned to their own districts to be—so to speak—overhauled, by the local elders and their contacts and their backgrounds studied. If these are found to be satisfactory, and they are, in fact, fully called "white" as a result, they can return to Nairobi provided there is housing for them and provided there is bona fide and reasonable employment offered to them. There is, indeed, a trickle of such returns going on now; it is, I admit, only a trickle but, so far, comparatively few have passed the test, and I think that no hon. Member would urge us to reduce the standard in this respect, particularly in view of the situation in Nairobi which is still far from satisfactory, Sir.

The hon. Member also raised the question of the cancellation of passbooks, and what has happened to those whose passbooks were cancelled, and why we did not return them under escort to their districts. Well, Sir, this is done in certain cases, but it does depend on individual cases, and it may be that it is in certain cases thought easier, rather than escort him back, to order him to go back under his own steam and at his own expense, and this is at the discretion of the officer cancelling the passbook.

I have already covered the various points made by the hon. African Representative Member from Nyanza, but he did also inquire as to why we could not have a training course for administrative

officers at Makerere. I, Sir, would not favour this. We have training courses at Oxford and Cambridge, we have local training courses in certain subjects at the Jeanes School, and I see no need for such a course at Makerere and I do not believe that the present state of development or the background of Makerere, as I know it, is at all suitable for training such officers. That is, Sir, my personal view, and I feel that I must express it.

He also, and those hon. Members, referred to North Nyanza and the size of Nyanza as a District. Well, I do agree, Sir, that it is, in my estimation, too large and too complicated for one man to handle satisfactorily. I have discussed this with the district commissioners in Nyanza and the Provincial Commissioner and proposals have now reached me for the division of North Nyanza District. I believe, myself, that it will be the best solution, but there are complications, particularly in the local government sphere, financially and otherwise in dividing the local government in this area, and my personal view is that if you divide the district you will have to divide the district council concerned, so that you have two district councils each corresponding to an administrative boundary under a district commissioner.

These proposals are under examination, now, and I believe that the best time to bring them into operation, subject to a satisfactory settlement of the difficulties, will be 1st January next year.

The sub-station has been developed at Bungoma—I note that the hon. Member for the Trans Nzoia is not satisfied with that as a centre—but, at the same time, we have developed it as a fairly extensive sub-station and there are considerable buildings there and unless there were cogent reasons to the contrary, I think that this would have to be selected as the site of the new administrative centre of a new district if it is formed.

The hon. Member also raised the question of chiefs visiting the United Kingdom, and he seemed to think that Nyanza had been slighted. I regret, Sir, that I have not at the moment got figures to show him the number of Nyanza chiefs who have been sent overseas on these brief visits, but I am confident that

[The Minister for African Affairs] have received their due share in the number of vacancies on these courses. But I certainly will assure him, Sir, that I will bear this fully in mind for the next year's batch of visitors that may be selected.

He also, rather I thought, regrettably attacked the African courts, referring to corruption and the like. Well, I think, Sir, that the African courts have been through a long phase of development; they have changed with the years and we have gone over in many areas, as he suggests, to developing semi-permanent court elders which are not changed on a roster every two or three years, although it is always open to the district commissioner to recommend to the provincial commissioners that the elders may be changed if necessary. The administrative officers in the districts responsible for African courts should be in the closest touch with them and watch their activities very carefully. I do not myself, Sir, accept or believe in these widespread and rather offhand allegations of corruption that are inclined to be thrown at the African courts.

The hon. Member also put in a plea for African district commissioners. Well, Sir, I have, I think, referred to this subject in the past in this Council, and while I think there is a great deal to be said, and it is under consideration now, of appointing Africans who have proved themselves in the sphere of assistant district officers, to the permanent staff of district officers, I do not think—in fact, it is not a question of thought, for I am absolutely certain—that there is no African capable with the necessary experience and background of really handling any district as a district commissioner at this stage. And in saying this I mean no disrespect for those African assistant district officers at present employed, one of whom is a distinguished Member of this Council. I mean no disrespect to them, and no disregard of the very valuable work that they have done. But this question, Sir, is a matter of experience and background and education and long training. I do not say that in the years to come they cannot achieve this, because, of course, they should be able to, but at this particular stage I do not think that this is a feasible proposition, and I am responsible for

recommending to the Governor who should be district commissioner of a particular district. As everybody knows, responsibilities attaching to this post are very considerable and very serious.

I welcomed the remarks made by the hon. Nominated African Member, Mr. Okwirry, Sir, on the subject of Provincial Administration, and I had already covered the points that he had made with regard to the separation of the districts in North Nyanza, on which I am in full agreement with him. He also put in a plea for a greater extension to the policy of closer administration in North Nyanza. Well, Sir, I think that he is aware that certain sub-stations are in the process of being built and established in the province. This is not as great as the number in Central Province but there are a larger number of districts in the Central Province and this figure, under the present programme, was what was asked for by the Provincial Administration who gave it careful consideration. It may well be that we shall have to extend this in the years to come, and that will receive consideration at the appropriate time.

I thought, if he will forgive my saying so, that he was rather unkind in describing chiefs as glorified neoparas. I do not think they will appreciate this in North Nyanza, even though he seemed to have support from the hon. and gracious lady representing Ukamba.

I would like to make it clear, Sir, that we have in no way taken away from the powers of chiefs. The Native Authority Ordinance under which they derive those powers has not been amended in this respect, but nevertheless it must be appreciated that times have changed since the good old days when my hon. friend, the Member for the Coast, and the hon. Member for Mombasa exercised paternal sway. I do not know how many years ago it was, I think many years ago. Times have changed and chiefs have got to change with them. You have got to have a much more educated type of chief these days. He has got to stand up to a great deal of criticism; a great deal of fairly intelligent agitation against his powers. He has to stand up to machinations of lawyers and the like. His position is not a happy one. He has to de-

[The Minister for African Affairs] depend largely on his own personality for handling a location satisfactorily. He has very considerable powers, but the use of them in these days of growing democracy has become much more difficult and you cannot create a set of pocket Hillers and encourage them to disregard the law in the way that some hon. Members, I think, seem to suggest that they should. Nevertheless, Sir, I am in full support of the hon. Members who do urge that we should give full support to the chiefs. We intend to do so and it is the policy of the Provincial Administration to do so, and to give them all encouragement and guidance that is possible. Their salaries have been very considerably increased and I think that the hon. and gracious lady who referred to it was not present at my introductory speech to these Estimates but I did say that salaries of headmen have been increased under recent salaries revisions by some fourfold.

The hon. African Nominated Member also referred to the question of the African courts. He was, if I may say so, in error in describing the presidents of the African courts as African district council employees. They are no such thing, Sir. They are appointed by Government; they are appointed by the provincial commissioner as Government employees, although for convenience sake within the African district council accounts the revenue from African courts is credited to those councils and therefore the salaries are paid out of the African district council estimates. This is purely a financial arrangement and they are in no way African district council employees and they are fully subject to the district commissioner in every way. I therefore hope, Sir, that his suggestions that a conflict has been arising between African court elders and chiefs may not be fully substantiated, or where it has occurred, it will have been a matter of local personalities, which I should be only too glad to see adjusted. One does, as hon. Members know, have these differences and difficulties over personalities in every sphere of life.

I have already referred to the question of the promotion of assistant district officers which I hope to see in train in the near future.

The hon. and gracious lady representing Nyanza referred particularly to the question of children in the troubled areas in the Kikuyu reserves. This is indeed a very difficult problem and I do not think that it is correct to say that there are large numbers wandering about destitute or untended. In a large number of cases there have been orphans left and separated from their parents and every care is taken to try and attach them to some member of their clan, or where this has not been possible various missions have shown the greatest co-operation and sympathy in trying to take them into their various establishments. It is still is a problem and still needs very close watching, but it has become easier with the introduction of villages where the problem can be tackled *ad hoc* wherever it arises. That, Sir, is being done to the limit of our resources. I do go around these villages a great deal and I have not been impressed by any serious problem of malnutrition or these destitute children, although it is being closely watched and we have had considerable help, as hon. Members know, from Red Cross ladies, who have been sent out to help in the Kikuyu districts, and from which source we hope to receive another ten assistants in the near future, who are being recruited in England now. The work they have done, particularly in connexion with the children, has been of a very high order.

The hon. and gracious lady representing Ukamba referred to the question of juveniles in Nairobi. This, I do agree, is one of the most serious and pressing problems which we have on our hands at this moment. I am quite certain that what we do need is a centre where they can be collected and gone through and, so to speak, scrubbed of some of the dirt they have accumulated as juvenile delinquents in Nairobi, and sorted out so some can be sent to their parents and some to other institutes and so on. We do need this centre most urgently. I can only assure hon. Members, although I cannot give them any decision of Government's at the moment, that this is under close planning at the moment and a plan has been made for such a centre, and I think a decision will be taken in the very near future. It is, indeed, I agree, in my opinion, overdue.

[The Minister for African Affairs]

I think, Sir, I have now covered all the points that the hon. Members made, and I would like to thank them once more for the appreciation they expressed of the work of the Provincial Administration, which I know will be continued in the coming year as it has been during this year, Sir. (Applause.)

MR. TAMENO: Now, on a point of order, Mr. Deputy Speaker, the Minister for African Affairs did not answer my question of African district officers who have passed their law examinations.

THE MINISTER FOR AFRICAN AFFAIRS: I do not know whether it is a point of order, Sir. I did cover the question of African district officers fairly extensively and on this question of the law examinations, this, Sir, is a question that I would have little sympathy for. Examinations are a certain qualification, and I recommend them to pass their law examinations as a certain qualification, but at the same time district officers and district commissioners are not selected wholly for their ability in examinations. This, I think, was adequately described by my hon. friend, the Chief Secretary, the other day when he rather attacked the examination system, and I fully agree with him in this, that in fact the law-of examination is desirable but it is in no way a qualification for a good district commissioner or a good district officer. There are many other personal qualities that are far more important.

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

Vote XX—1—AFRICAN AFFAIRS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:

THAT a sum not exceeding £1,393,629 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XX—1—African Affairs.

Question proposed.

Administration

Heads 1 to 10 agreed to.

Head 11

MR. COOKS: Mr. Chairman, with regard to the superintendent of Kibera, could the Minister tell us what the position is since Mr. Kiching died? Has another superintendent been appointed in charge of the Sudanese at Kibera?

THE MINISTER FOR AFRICAN AFFAIRS: I have, Sir, a district officer, who has been seconded, making a special survey of Kibera and he has to a certain extent replaced the superintendent, but it will be necessary to do so.

Head 11 agreed to.

Heads 12 and 50 agreed to.

Registrar of Co-operative Societies

Heads 1 and 2 agreed to.

Miscellaneous Services

Heads A, B and Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the Resolution on the Order Paper and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that a Committee of Supply has considered and approved a Resolution that a sum not exceeding £1,393,629 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XX—1—African Affairs.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move:

THAT the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

Vote XXXV—1—PUBLIC WORKS

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR.

THE MINISTER FOR WORKS: Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair.

Sir, the object of this Motion is to consider the Vote XXXV—1—Public Works. I am sure the hon. Members will want me to recapitulate briefly the position as exists in the Public Works Department and give a brief review of what has happened in the last 12 months. Whilst giving this review, Sir, some of my figures may overlap in the fact that some of the schemes which were commenced during the year are nearing completion and when references are made to that I hope the hon. Members will pardon me for mixing up all these matters.

One of the chief things, Sir, with which the Public Works Department has had to cope is the question of its personnel, particularly the technical staff. As hon. Members are aware, throughout the world at the moment the demand for technical people is so great that in all spheres of industrial activities the technical people have been able to claim a much better scale of pay, terms of service, and much better conditions than ever existed in this line. But in spite of that, I am happy to say, Sir, that as far as the technical personnel of the department is concerned, we have been able to maintain a very good ratio of retaining our people. But the fact remains, Sir, that the turnover in the staff, which used to be about eight years, has been reduced to six years, and the time is fast coming when, if the present conditions of trade continue, we will find that in spite of the increases which have been given under the Lidbury Commission Report, we may not be able to retain our present staff, particularly those officers with very high qualifications and experience, who may be attracted to go elsewhere.

Now, Sir, I would like to refer to the Accounts Branch, as appears in the vote, according to the numbers. In this branch, Sir, work was tremendously increased by the introduction of the exchequer control system and also due to the fact that the Lidbury recommendations had to be implemented, the work of the

department had considerably increased. On top of that, some of the personnel from this department had been called up for Emergency duties, but in spite of that I am glad to say, Sir, that the Accounts Department, under the able guidance of its Chief Accountant, has been able to cope with all the work that has come to it. When we consider that over £1,000,000 worth of accounts have to be kept each month and the number of staff that is employed in this Council, I consider that it compares favourably either with any private enterprise and any other public department and for that reason, Sir, I am sure that hon. Members will join with me in paying a well-deserved tribute to the head of this department and the staff who have worked under extremely difficult conditions. (Applause.)

Turning now, Sir, to the Buildings Branch. In the year 1953 a total of £6,000,000 of work was done in this department, either in the way of direct labour and in the way of supervision. This in 1954 increased to £8,000,000 without any appreciable increase in the staff which has been engaged. I agree, Sir, that a fair amount of work was in connexion with military and Emergency work, but the fact remains that the department was designed to deal with a capacity of about £2,250,000 of this direct work, and it will complete by the end of this month a total work of £3,500,000. I think, Sir, that is a very creditable achievement on the part of the Buildings Branch.

Some of the major works which are nearing completion in this department are, Sir, the Mombasa Group Hospital administrative block, and I am sure my friend, the hon. Member for the Coast, and the hon. Member for Mombasa, will agree with me that it is a very fine piece of work, and now we only want some priority from the Development Committee to enable us to build a proper block of wards so that the fullest use can be made of this wonderful block of administration which has been put up at Mombasa. (Hear, hear.)

I am sure, Sir, my hon. friend, the Minister for Local Government, Health and Housing will deal with this question adequately when he rises to move his Vote.

[The Minister for Works]

Another piece of work which is nearing completion is, Sir, the Royal Technical College, and all who have had the opportunity of going to see the very high standard of workmanship which has been achieved in that place will be very proud of the fact that the Public Works Department has been able to keep one of its supervising architects there and under very great difficulty of labour and materials they have done an excellent job of work which is now nearing completion. Two of the buildings which were given out to private contract, but were the responsibility of the Public Works Department, were the Treasury and the Central Government Offices, which, in spite of its size is not quite adequate to take in all the personnel which require to be housed, and I have not the slightest doubt, Sir, that in the very near future we will have to start thinking about the extensions to the present wings. In the way of military works, Sir, a very large contract has been placed in Nanyuki regarding the military barracks and works and although the Emergency work in quite a lot of the areas is fast dwindling down, I am very glad about that particular angle of the work; Sir, because we shall be able to pay more attention to the development programme which will take all our time to complete in the time allocated to us on account of the size of the thing.

One of the big works, Sir, which is engaging the attention not only of people in this country, but people in the international world, is the construction of our new airport at Embakasi. I consider, Sir, that this project is important to us not only from the point of view of our tourist trade, but if Nairobi particularly is to retain its importance in the political and economic sphere of East Africa, and its supreme position, it is essential that this airport be ready as quickly as possible so that we again maintain that link with the outside world which is so absolutely necessary if we are to retain our importance. I am happy to say that the 10,000-foot runway will be ready according to schedule sometime next year and it is our intention that soon after the financial year starts, a beginning will be made in the way of getting on with the terminal buildings so that within the scheduled time we shall be able to put

up the buildings to a standard in keeping with the importance which the place will assume when this aerodrome is ready. (Applause.)

There is, Sir, another aspect with regard to the Buildings Branch to which I would like to refer and that is the question of engaging private architects and consultants for our work. I reported, Sir, during the Budget debate of last year, that agreement had been reached with the Architects' Association to place out a number of schemes to private architects. Some of them have been done, but I still find, Sir, that if we want to complete our development programme within the allotted period, it will be necessary to engage more private consultants to do our work, but the limiting factor, I would like to mention, will be the contracting capacity of this country. Much as we may be able to plan our work, unless the artisans, the contractors and the people and the labour are not there to do our work properly, all our plans will remain unfulfilled. For that reason, Sir, I was very glad to hear the other day that, in spite of the unfortunate experience of one of our contracting firms from the United Kingdom, there is a keen interest being evinced by one or two of the big contracting firms from the United Kingdom, and I do hope that they will be able to come here and assist us in completing our development programme within the allotted period. (Hear, hear.)

I would like, Sir, now to refer to the Materials Branch, which during the last few months has been doing an extremely useful piece of work in the direction of trying to find suitable alternative materials which will reduce our cost, not only in the way of materials, but also in the way of labour. I think, Sir, during the last few months some of the experiments which have been going on for some time have come to a head, and we now find, Sir, that we are able to proceed with buildings with temporary materials. When I say temporary, Sir, at the moment it is estimated that their life will be within the vicinity of 30, 40 or 50 years, but still as compared to ordinary materials it is considered temporary, particularly by technical people. But one of the great advantages of this material is, Sir, that the construction can be done in a remarkably quick time. When I give an example that the Education Department recently

[The Minister for Works]

put up a block of five classrooms made of these temporary materials at Kilimani School, the whole thing was constructed in less than five weeks—a five-classroom block—and the total cost—I have not had absolutely the final figures—but I am quite sure that the cost of construction will be certainly less than 50 per cent of what it would have cost us originally. I think if somebody takes the trouble to look round that place, unless you examine very carefully, you would not notice any difference between the building put up there and a building which may have been built of a permanent material. In this respect, Sir, I would like to pay a tribute to the Officer-in-Charge of this Materials Branch who, apart from doing his work, Sir, has done a tremendous amount by his enthusiasm and inspiration in dealing with all matters that come under his purview and I think it has been recognized in the technical world that we have in the Materials Branch at our disposal here as high a technical quality as can be obtained anywhere. (Hear, hear.)

Our Mechanical Branch, Sir, has had to deal with a certain amount of repairs and attention to vehicles and plant and machinery of other departments. But the time is fast coming, Sir, when, with the expansion of our own plant and machinery, we shall be only able to cope with work which will relate to the Public Works Department. I think, Sir, in this respect I welcome particularly the new scheme which is being now gone ahead with in regard to the central stores where the security, the police and the other military vehicles will be serviced by a separate department.

Our unallocated stores, Sir, have been authorized to an extent of £250,000, but, due to the position at the coast with regard to phasing and also with regard to the shipping position in the United Kingdom at the other end, these stocks have fallen to an amount of £750,000. So far, fortunately, Sir, in spite of the fact that great difficulty is being experienced in completing the work in the scheduled time, due to the lack of materials, we have been rather fortunate in this respect. But it seems to me, Sir, that if the present conditions continue and the present uncertain conditions of labour and the docks continue in England, a time will

come when some of the most important schemes will be held up due to the shortage of material.

Our Electrical Branch, Sir, has been doing quite a lot of work, but one of the chief drawbacks which we suffer from in this country, is the lack of private consultants who are obtainable in places like, say, the United Kingdom, where these advising firms do nothing but advise people about their schemes and about their requirements. In this country, Sir, there are certain firms but their work is done with a view to pushing their own products and for that reason quite a lot of our designing and planning has had to be done by our own branch, which has increased the work of this branch tremendously when we consider that quite a lot of Government buildings have had to be catered for with regard to our electrical requirements. In this direction, Sir, the electrical project at Nyeri which, as hon. Members know, is under the aegis of the Government, is going according to schedule and within the next few months we hope to have an up-to-date electrical supply for Nyeri district where the present supply of power has proved entirely inadequate. Under the department, Sir, we have also a training scheme for both professional apprentices and non-professional ones. In the professional apprentices, Sir, out of a total vacancies of three, we have two people being trained for their qualifications and in the non-professional over 21 apprentices are taking advantage of our scheme.

Now, Sir, I come to that section of the department which falls under me and that is the Road Authority for which I know from personal knowledge that hon. Members opposite are most anxious particularly to hear of what reports they have had of various things happening in this country regarding this important branch of communications. (Hear, hear.) Now, Sir, one of the factors we must face up to is the fact that much as we would like to have our roads all up to a standard of macadamization which is obtained in other countries, we have to cut our coat according to our cloth and, as Government, our first primary duty is to ensure that the roads in the production area are brought up to that standard—that

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the produce can be moved even in rainy weather as quickly as possible and only after that object has been achieved can we afford to have a trunk road to Mombasa where people can go for their week-ends and go for their joysides.

Now, Sir, with regard to the road to Mombasa, the patch between Mackinnon Road and Kwa Jomvu which those travellers have had the misfortune of going by road during the last few months know is a dangerous piece of road, and the whole trouble arose out of the fact that when the military camp was being planned at Mackinnon Road, the military authorities agreed to go shares with us in building up this road. When the work was begun and the foundation laid, the plans of the military changed and without even saying "by your leave" they just beat along and have refused to have anything to do either with the responsibility of the expenditure or anything to do with that scheme. With the result, Sir, now the position has come that unless we spend money on that road and have the road properly macadamized, all the past expenditure which has been of a considerable size will be lost and for that reason, Sir, in spite of the fact that we could ill-afford the money on this road, we will have to spend a sum of approximately over a quarter of a million pounds to bring this road to the proper macadamized standard. The contract for the ballast has been given, but by the time the work is completed I think it will be at least two years before the Mombasa public or the people who travel to Mombasa see a road worked up to a standard as good as any in this country.

There is another portion of the road, Sir, which I know hon. Members in this Council have been criticizing quite a lot and that is the road between Kisumu and Kakamega. Now, Sir, one of the difficulties which we have been faced with in connexion with this is the fact that whenever a certain scheme is planned, by the time that scheme comes to be put into action the cost of construction has been going up so high that the amount which was in the original estimates and deemed to be sufficient, has been proved quite inadequate for our purposes. Now, this piece of five miles of escarpment on the Kakamega

road has been considered, in the light of experience and in the light of figures we had, that it would cost us about £50,000 to bring it to the standard where it would be a permanent road which would be quite good. When actually, Sir, the contract came to be given, we found that it is costing 50 per cent more and at the moment the technical advisers of the Road Authority, Sir, are busy trying to see what could be done and see how this work can be completed. I am sorry, Sir, that there has been a great deal of delay on this but this has been due to factors beyond our control. But I would like to assure hon. Members that the Road Authority is fully aware of the dangerous situation about this road and that immediate action will be taken in letting out a contract, either at a slightly lower specification or perhaps finding money in other areas, to the standard which is required.

The trunk road to Uganda, Sir, has been going on quite successfully until recently; but, due to the fact that we have had some difficulty with the contracting firm which has been doing work there, the work may have to be done departmentally, but we are giving the highest possible priority to this sector between the Trans Nzoia and Uganda and as soon as possible the work will be completed.

MR. COOKE, Mr. Deputy Speaker, on a point of order, is the hon. Minister for Commerce in order in putting his feet on the bench, not only is it very inelegant, but, Sir, the hon. Minister for Community Development must be in imminent danger of having the back of his head hit?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: On the same point of order, Sir, is it in order for the hon. Prime Minister of England to put his feet up?

THE MINISTER FOR COMMERCE AND INDUSTRY: On a further point of order, Sir, is it in order for the hon. Member for the Coast to make a personal allusion on a point of order? (Laughter.)

THE DEPUTY SPEAKER: I do not think there is any rule which says a Member shall not put his feet up against another seat and as pointed out, I think it is the common practice in the House of

[The Deputy Speaker]

Commons; as the hon. Member knows, where our own Standing Rules and Orders do not guide us, we are guided by what happens in the House of Commons. (Hear, hear.)

THE MINISTER FOR WORKS: Mr. Deputy Speaker, Sir, I am quite glad that I was not the cause of offence to the hon. Member for the Coast; at one time I thought he was rising on a point of order against me. (Laughter.)

I think, Sir, when we are dealing with the roads in this country, it is impossible for me to deal with so many other detailed roads which hon. Members may have in their minds, but at the time of the debate if they bring up certain points, I shall do my best to answer them.

Now, Sir, I would like to turn to the Hydraulic Branch of our department where, I think, unparalleled schemes have been taken in hand by this section. The Mombasa water supply major scheme, Sir, is going according to schedule and, in spite of the fact that we have had a certain amount of difficulties, technical difficulties, difficulties about labour, difficulties about material, I am glad to say, Sir, that unless something unforeseen happens between now and the beginning of 1956, we shall be able to deliver to Mombasa the water in the new pipeline. (Applause.) The development of this country, Sir, particularly in the agricultural and the industrial spheres must of necessity depend on the water supply we are able to give to this country, and one of these facts, Sir, came out clearly recently at Thika when, after having induced on our part, Sir, industrial people to go down to that place, we found that the actual water supply which was available was totally inadequate for the companies which had sunk a large amount of capital in that place. But I am glad to say, Sir, that with the co-operation of the Minister for Finance in allowing us extra funds and the co-operation of the Minister for Commerce and Industry, we have been able to give our contract for the Thika water supply, which will enable us to fulfil our promise to these industrial firms within the next 12 months.

There is another section of the country, Sir, which has always had a

grouse against the Government about being neglected in all spheres of development and that is the sphere of the Coast. Also, Sir, the people of Lamu have had a standing grievance against the Government for not giving them adequate water supplies and not paying any attention to their requirements regarding their communications with other parts of the country. I am glad to say, Sir, that the East African Posts and Telegraph Department has been able to give them a new telegraph and telephone line; the roads between Lamu and Malindi are being attended to; large schemes are being developed, Sir, in the way of irrigation and other agriculture activities in that area and, as far as the water is concerned, we are doing our best to give the town an adequate supply of water.

Some of the other schemes, Sir, which have recently been completed is the Rongai Tunnel Scheme and the pipe-line which goes with it and this is a major scheme which is out of our minds now, because it has been a scheme which has been very expensive and a technically very difficult scheme, but I am glad to say that it has been completed.

Our Hydraulic Department, Sir, has been busy recently in providing data to consulting engineers in connexion with the Swynnerton Plan and irrigation schemes which they are undertaking in the preliminary case, Sir, by way of survey in Nyanza and other parts of the country. At Tiberet and, Sir, at Mwea, large irrigation schemes are going on and the skill and the experience of the hydraulic department of the Public Works Department will be of great use to the schemes which are taken as a measure of Emergency measures in the Central Province. There is, Sir, another matter which, not only has been in prominence in the last year or two, Sir, but has been a long-standing matter and I do remember for many years it has been brought to the notice of the department that a large number of good, faithful staff have been working with the Department on temporary basis for many years. We have been, Sir, going into this question and are discussing the matter with the Treasury to see if some better terms of employment could be given to these temporary people and it is the policy of

[The Minister for Works] the department that, as and when suitable vacancies offer, all these temporary people will be absorbed into our permanent staff.

I think, Sir, when hon. Members look at the Public Works Vote, they will see a substantial rise in the way of moneys which are to be paid out by way of rentals or they are to be paid by way of housing allowances. This Sir, is due to two factors. One is, Sir, that under the Lidbury Commission Report the burden of housing will increasingly fall on the Government where better terms of housing are being given to the civil servants. The other thing is, Sir, that due to the decontrol of premises, the incidence of rents which we have to pay for private offices have increased. In spite of that, I would like to mention that the requirements of the various departments have so increased that, despite the fact that we have built these two buildings, the Treasury and the Central Offices, quite a number of our departments are still housed in temporary quarters, particularly the Public Works Department, and, in order to achieve the maximum possible efficiency and loss of time which is a great indirect loss to the Government and to the country, something will have to be done to find premises for these people if we are unable to build permanent buildings, which, if it is on the present financial position, will be the case. It will be, Sir, necessary during the year to give consideration to the matter where such departments having been housed in temporary quarters may have to be moved to permanent buildings.

I think, Sir, most of the points which have come to my notice and which I thought the hon. Members would like to know something about I have given consideration to, except I would like to assure the hon. Member for Mombasa, after his threat to me about the clock, I hope that he has heard the chiming to his satisfaction and I hope, Sir, that the chiming will keep chiming without any further interruption. (Laughter.)

Sir, there is nothing else that I have to say in moving this vote except the fact that since my one year in the Ministry I have found, Sir, that in spite of what misunderstandings, what misconceptions there may be in the minds of the public,

I would like as a Minister to pay a tribute to the Director of Public Works and his much maligned department—(Hear, hear)—for the great amount of work they have done under very trying conditions—difficulties of labour, difficulties of material, difficulties of money—and, Sir, I am sure that those who have had the opportunity to go into the question will join with me in paying a tribute to a department which has done extremely well under very trying circumstances.

Sir, I beg to move. (Applause.)

Question proposed.

MR. COOKE: (Laughter.) (Applause.) Mr. Deputy Speaker, some of us can remember the days when the Public Works Department used to arouse bitter animosities, almost equalling the debate we had on the Emergency! But to-day—either from apathy or from satisfaction—things seem to have changed because there does not seem to be much criticism from this side of the Council.

There are three or four points I would like to mention in congratulating my hon. friend on his very clear speech. With regard to the Hydraulic Department, it is very satisfactory to hear that the Mzima Springs project is nearing completion. That is one of those projects, I think, which will receive the universal approbation of this Council because it is one of those schemes which will bring direct benefit and financial benefit to this country. It will bring to Mombasa what it has never had before and that is a really sufficient water supply; and we hope later, with the long-term project, that it will even go as far as Kilifi and Malindi to the north. Although the Coast has a big rainfall, its water supplies, for some reason or other, have never been satisfactory.

I would ask the Minister, in the laying down of this pipe-line from the Mzima Springs, that he will have regard to the property encroached upon by the pipes. I have had personally only one complaint, but there is a lot of property en route between the Mzima Springs and Mombasa and I hope that, if possible, a way can be found of avoiding doing damage to private property. It may be impossible in certain cases, in which instances, I understand, appropriate compensation will be paid.

[Mr. Cooke]

With regard to roads, in which I am very interested, being a member of the Road Authority, I do not altogether accept my hon. friend the Minister of Works' contention that money cannot be made available. He said: that we must cut our coat according to our cloth. Well, if that is so, Sir, we will have to increase our cloth. Now, it is all very fine to say that we can go on for another few years with the wretched mud roads that we have practically all over Kenya to-day. It just will not do, because we cannot attract, or will not attract, sufficient tourists and sufficient capital to this country with other competitors in Tanganyika and Uganda and elsewhere providing good roads. (Hear, hear.)

Now, Sir, I feel, if I may go for a moment to economics, that—and this is not going to be a popular thing to say—this country is insufficiently taxed for important works such as roads. Now, the national income of this country we have heard so often is £125,000,000, or roughly that—£123,000,000. Now, we are paying roughly 21 per cent—our expenditure is 21 per cent of our national income and I wish my hon. friend, the Member for Finance, would look at these problems in a wider outlook if he could. We take for all purposes from the national income roughly 21 per cent. Now, I think I am right in saying that Great Britain, which is grossly over-taxed, takes about 42 per cent and the Rhodesias take about 25 per cent. Now, I am not saying there are not a lot of people and a lot of sections of the population of Kenya who are overtaxed because they are. But with a wider distribution of taxation we might be able to get, from the national income, say, 22 or 23 per cent of that national income—that would be about £2,000,000—and I think one of the best schemes it could be put into would be roads. (Hear, hear.)

Now, people do not seem to see—there is the old saying about the blind, no one is so blind who does not want to see—that, taking the national income as a whole, it does not in this instance suffer from taking a certain larger proportion from the pocket of the people, because what we are taking, we are saving in such items as broken springs, time, tyres, and so on. What we lose

on the swings, we make up on the roundabouts. But even the eloquence of my hon. friend, the Member for Mount Kenya, could not put that across the other day, so I naturally would not be able to put it across this evening!

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Hear, hear!

MR. COOKE: I do not think the sarcastic "Hear, hears" are really in order. (Laughter.) But I much appreciate that the hon. gentleman takes so much interest in what I am saying, I really think that if we took from the pockets of the people, as I think Mr. Gladstone used to say, we should get enough money, enough finance, to provide for far better roads. It need not necessarily be even £2,000,000, we might take so much a year to finance a loan. I will say this that what we will save in springs and wear and tear of nerves and cars and tyres and everything else will be more than gained by what we lose by this extra taxation. I know that I will be accused in a few days in some of the journals of this country of saying Kenya is grossly under-taxed and we should take more money for the building of schools and that sort of thing. But I am not saying that as a matter of fact.

Now, with regard to aerodromes, it is also very satisfactory to hear that Embakasi is making such great progress. But we must not preen ourselves too much. Embakasi would have been ready by now had we listened to the wise words of the late Member for Nairobi South, Mr. Derek Erskine, who advocated the building of an aerodrome at Embakasi. I suppose five or six years ago. Those of us on this side of the Council—I do not think I was guilty because I supported it—those in this Council must take the blame for the fact that we have been outstripped; I understand now, by Entebbe and possibly by Tanganyika, I am not quite certain about that.

With regard to the contractors which my hon. friend mentioned, I think, Sir, we are much too soft with contractors. I know that they have defaulted on one or two occasions and there is always some excuse made that there is a strike on or material is unavailable or something of that sort. But I think we should

[Mr. Cooke] be more careful, more stern, in putting into action the penal clause so that contractors in Kenya do not get a bad name for not fulfilling their contracts. I know with regard to Mackinnon Road-Kwa Jomvu Road, near Mombasa, the contractors did fail a few years ago and it will surprise the Council to know that by the time that 40 miles of road is finished it will cost, I think, something between £750,000 and £1,000,000, which is really a shocking waste of public money. A lot of it actually, or a certain amount of it, was contributed by the military so that this country has not actually lost that amount.

Further with regard to Mzima Springs, it is very satisfactory to know that the amenities of the surroundings will not be in any way harmed, at least so I imagine, and we will still have the hippo pool and the other amenities to enjoy when we visit that spot.

Sir, I beg to support. (Applause.)

MR. GIKONYO: Mr. Deputy Speaker, Sir, I am sorry I was not present when the hon. Minister for Works moved the Motion and I hope he will excuse me if I ask questions to which he might have supplied the answers in my absence.

First of all, I would like to know from the Minister how many African artisans from the Kabete and Thika Trade Schools he has taken on for employment in the Public Works Department for the year 1954.

Secondly, the question of temporary employees—I understand that there are a very large number of African employees on temporary employment in the Public Works Department and although they have worked for many years they do not enjoy the benefits of the permanent staff. I would like to know from him the steps he is anticipating to take in this regard to make them permanent.

DR. HASSAN: Mr. Deputy Speaker, Sir, I rise to congratulate the Minister for Works for giving us such a comprehensive review of the work which this very important department in this country has been doing for the last year.

He has given us details particularly of the development in the Coast Province which I represent. I am very glad to hear that improvement is now being

aimed at on the road to Lamu with a telephone and telegraph line deviated to the main road to help Lamu with the communications. Also his assurance that the Lamu water supply is on the programme which will add considerably to the amenities of the townspeople.

I am afraid he did not mention a few other works. For instance, a road to Gazi and Ramisi. That is the only road on the coast which is being used by an Asian sugar mill which supplies a considerable proportion of the sugar supply of Kenya; and the road to Shimoni passing by Likoni has always been in a very bad condition indeed. It is essential that some arrangements of a permanent improvement on that road is essential because sugar cannot be brought into Mombasa unless by road transport.

The second is the line of communication—

THE DEPUTY SPEAKER: Order, order. The Council will suspend business until 6.45 p.m.

Council suspended business at fifteen minutes past Six o'clock and resumed at forty-five minutes past Six o'clock.

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that Standing Orders be suspended to the extent necessary to enable the Council to conclude its consideration of Order No. 5, which was interrupted at 4 p.m., and that, if necessary, the debate be again interrupted at 7.30 p.m. to ensure that the requisite two hours may be available for Supply, in accordance with the provisions of Standing Order No. 136A.

GROUP CAPTAIN BRIGGS seconded.

Question proposed.

The question was put and carried.

PERSONAL EXPLANATION

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, may I make a personal explanation in connexion with this afternoon's debate?

Mr. Deputy Speaker, Sir, I am sorry the hon. Member for Nairobi West is not here, but in the course of this afternoon, the propriety of my suggesting to

[The Minister for Agriculture, Animal Husbandry and Water Resources] the hon. Member that possibly he might be misinformed as regards what he alleged was a very disgraceful action on behalf of Government in arranging for "Rule Britannia" to be played after an announcement, was called into question, so perhaps, Sir, I might say what really happened.

MR. COOKE: Mr. Deputy Speaker, is this in order? It depends on the substance of what he is going to say. My hon. friend seems to be taking advantage of rising to a personal explanation to say something which does not come within the purview of a personal explanation. I am just warning.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: With all due respect, I would submit the hon. Member is perfectly in order. The hon. Member for Nairobi West challenged him in regard to the accuracy of a statement which he made. In the interval the hon. Member, so far as I know, has found out his statement is correct and he is perfectly entitled, Mr. Deputy Speaker, to make a statement.

THE DEPUTY SPEAKER: I think it is in order for an explanation to be made in the circumstances.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Do you want to muffle us now?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Thank you, Mr. Deputy Speaker.

I do not suggest my statement justifies me any more than it justifies the hon. Member for Nairobi West but I think it is just as well, Sir, to have this on record.

What happened, Sir, on the occasion which was alluded to by the hon. Member for Nairobi West was that on 24th April, at the hour of 20.58, a programme called "Escape to Music" was in progress and the music which was being played was Bach, Mozart, and classical music of that kind. At that moment this programme, Sir, was interrupted to read the announcement of the arrests which had been made to which the hon. Member alluded. I repeat it was at the

hour of 20.58 that the announcement was made, Sir, and immediately after the announcement, the time being by then 21.00, the next item on the programme was the overseas news service from the British Broadcasting Corporation. As hon. Members are all aware the prelude to that is invariably the signature tune, a thing called "Lillibullero" which actually comes from the overture to the *Beggar's Opera*. I think everybody who has heard the overseas news, has inevitably heard that opening music. So that is what happened after that announcement.

The announcement was repeated, Sir, at a later time, at 21.14, and at 21.15 "Calling East Africa" followed, but they could not get through—the reception was so bad that they, after an interval, turned on another programme of classical music, but in no case was "Rule Britannia" played. (Applause.)

MR. COOKE: Mr. Deputy Speaker, I would like it recorded that I think it is most irregular to allow, with all due respect, Sir, such a statement to be made, especially in the absence of the hon. Member for Nairobi West.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: May I say, Sir, in justification of my explanation, that I think that it does show that possibly the hon. Member for Nairobi West was misinformed. He admitted that he had only heard this second-hand. There was some justification if the music was played afterwards. But as he had been misinformed, I was equally justified in calling the episode into some possible doubt. I think we are both justified.

MR. COOKE: On a point of order, Sir, I think the hon. Minister might, in courtesy, have waited until to-morrow morning when the hon. Member for Nairobi West is present.

LADY SHAW: Mr. Deputy Speaker, I cannot agree, on the point of order, that if a Member absents himself without notice given, an explanation of this kind is out of order in view of his absence, in view of the fact that the hon. Minister obviously asked your permission to make this explanation.

At the same time, Sir, I do truly believe that the hon. Member for the

[Mr. Cooke] be more careful, more stern, in putting into action the penal clause so that contractors in Kenya do not get a bad name for not fulfilling their contracts. I know with regard to Mackinnon Road—Kwa Jomvu Road, near Mombasa, the contractors did fail a few years ago and it will surprise the Council to know that by the time that 40 miles of road is finished it will cost, I think, something between £750,000 and £1,000,000, which is really a shocking waste of public money. A lot of it, actually, or a certain amount of it, was contributed by the military so that this country has not actually lost that amount.

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GROUP CAPTAIN BRIGGS seconded.

Question proposed.

The question was put and carried.

PERSONAL EXPLANATION

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Mr. COOKE: On a point of order, Sir, I think the hon. Minister might, in courtesy, have waited until to-morrow morning when the hon. Member for Nairobi West is present.

LADY SHAW: Mr. Deputy Speaker, I cannot agree, on the point of order, that if a Member absents himself without notice given, an explanation of this kind is out of order in view of his absence, in view of the fact that the hon. Minister obviously asked your permission to make this explanation.

At the same time, Sir, I do truly believe that the hon. Member for the

[Lady Shaw]

Coast is wrong in objecting to this explanation because I cannot but believe that it is in the interest of this Council, and certainly I believe in accordance with their wishes, that the truth should be told—(Hear, hear.)—and if parliamentary procedure means that the truth is not told, then we have got to alter our procedure and not become parliamentary. (Hear, hear.) (Applause.)

Mr. COOKE: On a point of order, Sir, the hon. and gracious lady misinterpreted me. My point is that he should have waited in all courtesy. It is the custom of this Council to give notice to an hon. gentleman, when you make a personal statement; about whom you are making the personal statement, who is concerned with it, I am perfectly aware that the truth must come out, but I think it is discourteous and also irregular, with all due respect, Sir, to have had that announcement to-night instead of waiting until to-morrow morning.

LADY SHAW: On this point of order, Mr. Deputy Speaker, I do not think that in this particular case the hon. Minister who has made this personal explanation, said anything about the hon. Member for Nairobi West at all. He has merely corrected a statement which I understand the hon. Member said was second-hand and which I am quite sure the hon. Member for Nairobi West would have preferred to have corrected if it was untrue. (Hear, hear.)

THE DEPUTY SPEAKER: I think I have already ruled that this particular explanation was in order, therefore I cannot agree that it is irregular in any way.

I think it would be appropriate now if the debate continued. (Hear, hear.)

MOTION

RESTORATION AND MAINTENANCE OF
RESPECT FOR LAW AND ORDER

Debate resumed.

MR. SLADE: Mr. Deputy Speaker, Sir, I must thank the Council for having specially allowed me the opportunity of finishing this reply this evening.

Just now the hon. Member for Ukamba said that in this Council the truth must be told, and she received acclamation, quite rightly. (Hear, hear.)

That, Sir, is the answer to all the critics of criticism with whom I was trying to deal earlier in this reply.

Sir, the truth must be told also with regard to these surrender terms of 18th January—with regard to what certain hon. Members have said that a major surrender would have caused relief. Sir, the truth is beyond question, and so far as the great majority of the people that I represent, and I think more of my community at any rate, that is not so. They regard those offers of 18th January as peace at any price, something that abrogated all self-respect. They, and this is the truth, thank God that they have failed.

Why I said, Sir, that this statement of relief from a major surrender on such terms was the worst feature of all that has been said about them, is that it shows such a complete misunderstanding of the attitude of this community that I represent. Worse still, Sir, that it was uttered by the Minister who is believed to represent our community. Our community has said, in my constituency at any rate, and in others as well; they would rather have two more years of this Emergency than see it finished on such terms. (Hear, hear.) So, Sir, I sympathize with the hon. Member for the Coast when he asks for the resignation of the hon. European Minister without Portfolio, because, in particular, he is still believed to represent our community.

Now, Mr. Deputy Speaker, I must deal with a number of miscellaneous points; points arising out of constructive suggestions made from this side of the Council, and the answers made by hon. Members opposite. First, with regard to the surrender offer of 18th January, just once again, because of what the hon. Nominated Member, Colonel Cowie, had to say about them. Now, I had hoped to stop talking about this surrender offer by now, but what the hon. Member said seemed to indicate that he had not attended the whole debate on the subject of that offer which took place a few weeks ago. He said, yet again, "You must offer these rebels some hope of salvation if they are going to surrender. You must not close the door to them completely." Therefore, he implied that the offer of 18th January was justified. Now, Mr. Deputy Speaker, we were at

[Mr. Slade]

some pains in that debate to distinguish between that offer of 18th January, and the previous offer of 1953; I think, described as the "Green Branch Terms". We were at pains, Sir, to point out that the terms offered in late 1953, called the "Green Branch Terms", were proper terms of surrender to offer to rebels, because they only offered exemption from the capital penalty for purely rebellious crimes; Emergency crimes: the crimes of carrying arms unlawfully, the crimes of consorting with rebels, and such. Whereas these terms of 18th January offer exemption from substantive crimes: crimes against the common law of the country, crimes from which no other person, except a rebel, is to be exempted. That is the difference, Sir. There is no justification in saying that in order to encourage rebels to surrender you must exempt them from the ordinary penalty for murder.

Now, Sir, the next point I want to mention is with reference to the police. The hon. European Minister without Portfolio, in answering the Motion, and proposing the amendment, paid a tribute to the police. He paid it in such a way as to suggest that no one else recognized all that the police have done for this country during this Emergency and before. Mr. Deputy Speaker, I want to make it quite clear beyond question that I concur in that tribute. (Hear, hear.) But, in order to help the police to do the job that they have to do, both now and after the shooting war is over, they do need criticism, constructive criticism, just as much as anyone else does. What I have said about them has been to that end, and I thought I made it abundantly clear that it was to that end. It was to tell them where there was yet room for improvement. It is a great pity if such criticism should be misunderstood, and resented when it might be used.

Turning now, Sir, to proposals made by myself and others for dealing with Nairobi. Here again, what I proposed appears to have been misunderstood. I asked for a continuing purge of Nairobi. I was answered that wholesale removal of Kikuyu was out of the question. Selective removal was what is under consideration or in hand.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, the hon. Member did say that he wanted another "Anvil", and it was from that that possibly we were misled on this side of the Council.

MR. SLADE: Mr. Deputy Speaker, I was on the point of coming to this question of "Anvil", but the hon. Minister is in a great hurry.

MR. COOKE: I wish he would be in a hurry about *Mau Mau*.

MR. SLADE: I also had in mind, when I spoke of "purge"—and from conversations over the last three years, I would have expected the hon. Minister to understand that I had in mind—selective purge. That is usually what purge means. I am very glad to learn from him that we may expect to see an increased control of residential areas in Nairobi, and I hope we shall see it soon; but what I do not understand is why a second "Anvil" is wrong, if the first "Anvil" was right. Was the first "Anvil" wrong? If so, hon. Ministers had better say so. Was the first "Anvil" right? If so, is the job completed? If it was right, and I believe it was, and I believe most hon. Members believe it was, and the job is not completed, here we have yet another example of a thing half done, and then Government pulls back. All I ask, Mr. Deputy Speaker, is that the job should be done wholly to the bitter end; the same job as Government began.

With regard to settled areas, Mr. Deputy Speaker, the hon. European Minister without Portfolio questions whether stock thefts have increased since this year began. He has not explained how any doubt in that matter can be consistent with the figures that he gave us. He said, with reference to stopping stock thefts, that one of the problems is the restriction of the farmer, how far one can go in that. Indeed, Sir, one has to consider very carefully what restriction is justified; but I hope he did not mean to suggest that he will not find the fullest co-operation from the great majority of the farmers in the troubled areas, in any restriction that is justifiable by argument, because even as things are, I believe the farmers have shown otherwise. I can assure the hon. Minister that given a little more of confidence and

[Mr. Slade]

being taken into confidence, there is no limit to their co-operation—(Hear, hear.)—even yet, in any reasonable restriction in order to deprive the enemy of the food they so badly need.

Still dealing with the settled areas, we are told by the hon. Minister for Forests and Fisheries that screening has, indeed, slowed down. The reasons he gave were, as I understood, first, that we can no longer afford it; and, secondly, that the situation had changed. He did not tell us why we cannot any longer afford it in relation to other vast expenditure which, in the minds of some of us, is of even less importance; nor did he tell us just how the situation has changed to justify no further screening.

With regard to the forest fence, the bar to the removal of stock into the forest, the impediment, I am very glad to hear now that this may be forthcoming. I would remind hon. Members opposite how long we have been asking for it. I would remind hon. Members that it was in December of last year that a deputation of European Elected Members went to see Sir George Erskine to tell him the absolute necessity of some kind of measure of that sort, and how we received a written answer saying how impossible it was, and an impertinent answer at that. (Hear, hear.) We do see things happen, but, oh, it takes so long. Even now I hear the hon. Minister for Forests and Fisheries saying that these fences are no good unless they are manned. Well, with all respect, Mr. Deputy Speaker, that is nonsense. They are no good unless you have men available to get there in time, but if you have a fence and you have the mobile troops and the means of getting to the gaps in the fence in time on alarm, that is all you need, and it has been proved in Fort Hall during the last 18 months or more.

With regard to closer administration, Sir, I agree entirely with the interpretation which the hon. Minister for Finance placed on what Government and what I mean by that term. I do not mean closer in order to instil more fear. I mean closer in order to instil more discipline, and more understanding between Government and the governed. In exemplification of that, I would remind hon. Members of what I myself said about the police: the necessity of a

policeman trying to make himself regarded as a friend of the population.

Mr. Deputy Speaker, in certain hard issues, I think hon. Members on this side were all disappointed. The hon. Member for Mount Kenya brought forward several matters, some of which are new and some of which are familiar to this Council. The first is a very familiar one and that is the issue of the evidence of accomplices. We still regret very much that the hon. Minister for Legal Affairs cannot consider what seems to us the obvious desirability of modifying what is not even law, only a rule of practice, with regard to the corroboration of the evidence of accomplices. Now, if you look at it from the point of view of fact, as opposed to theory, the position is this that almost every witness against the rebels must be, by force of circumstances, more or less an accomplice, and you are making your prosecutions practically stillborn by enforcing here a rule of practice which only developed in England during the past 100 years.

THE MINISTER FOR LEGAL AFFAIRS: Will the hon. Member give way?

On a matter of explanation, Mr. Deputy Speaker, the point I made, in replying to this question of accomplice evidence, was that there is no bar in law. Therefore, it is impossible for me, or for the Government, to remove a bar which does not exist. It is a question of the practice of the courts, and the practice of the courts in regard to a matter such as the credibility of witnesses, which is a matter of discretion, is not one for which one can legislate.

Mr. SLADE: Mr. Deputy Speaker, that was very interesting and I respectfully disagree with it. Legislation can override everything with which the courts are concerned. The courts administer the law, but if the courts are told by the law to abandon this rule of practice of theirs in the particular circumstances of the Emergency, they will have to do so.

The next point—a new one this time, or new in this Council, I think—in respect of which we are disappointed, is in regard to confessions which have come from screening. It is a fact, whether hon. Members like it or not, that the present attitude towards such

[Mr. Slade]

confessions has virtually made screening useless. It is a point that I cannot understand, Mr. Deputy Speaker, that, if as a result of any such confession or otherwise, an accused voluntarily, quite voluntarily, enters a plea of guilty, that plea of guilty should not be accepted. We have seen cases, Mr. Deputy Speaker, against people of other races in which a plea of guilty was only too readily accepted, in rather worrying circumstances.

THE MINISTER FOR LEGAL AFFAIRS: In those cases to which I think the hon. Member is referring, there was admissible evidence to prove the offence, or at any rate to present it to the court to establish the charge. The point about these confessions which I made in my reply to the hon. Member for Mount Kenya's point is that in these cases there is not one iota of admissible evidence to sustain the charge, if, as has sometimes happened, the accused person pleads not guilty. The only procedure then possible is to withdraw the charge which makes a mockery of the processes of the law.

Mr. SLADE: Mr. Deputy Speaker, the fact remains that there are cases in which a man has confessed. We have had talks previously in this Council about the present law of confessions, the law of evidence with reference to confessions, and proposed it might be altered. But anyhow if the man has confessed and is prepared to plead guilty, that I submit, Sir, is all with which the court is concerned.

There is yet another aspect of legal proceedings which troubles us, and that is with regard to the women among the rebels. We had a question and an answer from the hon. Minister for Legal Affairs on that, but we are by no means satisfied; nor are we satisfied with what we have been told in the course of this debate about the attitude towards women. We understand, of course, and we agree that African women, whether they are rebels or otherwise, have to be taught more than they have been taught in the past about civilization. But I say again, Sir, that one part of education is discipline; and you will have no discipline without enforcing the law, against women just as much as against men. I cannot understand why women con-

victed of capital offences are invariably exempted from the supreme penalty, and I cannot understand why we hear in this debate that it is all to be done by kindness, with regard to them any more than with regard to anybody else. It is a question, Sir, in the end, as we said at the start, of respect for law and order. Do we not want these women to have respect for law and order just as much as anyone else?

Turning now, Sir, to the offensive, and the question of tracker teams; it is certainly a relief to hear from the hon. European Minister without Portfolio that they are now under way. He tells us that they were begun in July, 1951. How long before that were we asking for them? Why are they still so few? Sir, I do not agree, respectfully do not agree, with the hon. Minister when he says that there is difficulty in developing a high degree of forest training in a British battalion, because I have seen very close at hand how quickly enthusiastic troops from Great Britain can develop a high degree, given only guidance by people who know the job. In spite of the coming and going of National Service men, there is always a nucleus of those who know the job and can teach the others; and I believe still, Sir, that this development of tracker teams is not going nearly fast enough. (Hear, hear.)

Sir, the hon. Chief Secretary said, on another issue, that the population are not diligent enough in their own protection. I would answer that once again. It has been part of the burden of this Motion. If only you will take the population a bit more into your confidence, you will find them diligent, but if you try to deceive them by pretending that all is well when all is not well, how can you blame them for not being diligent in their own protection? I ask hon. Members of this Council to compare the speech, or public statement, made by General Sir George Erskine before the two children were murdered in Ruaraka, with the statement that he made afterwards at the St. George's dinner, when he warned us against complacency. Now, if that latter statement had been made on the earlier occasion, things might have been somewhat different.

[Mr. Sade]

My last comment, Sir, in matters of comparative detail, is to express regret that the hon. Chief Secretary rejected my proposal that Government calls on the community of all races for a supreme effort to end the violent phase of this Emergency. He made fun, very nicely, of my analogy of the rowing race in which the crew are going to "give her ten". He said that it is invited to be a slow, dragging job in which he did not believe that the crew could be pushed along by continual shrieks by the coxswain, or words to that effect.

THE CHIEF SECRETARY: I said it would require long and tireless and powerful oarsmanship, I think.

MR. SLADE: I bow to the hon. Chief Secretary, he remembers what he says. But the impression he made there was that he was not prepared to call upon the community for a supreme effort and I do suggest, Sir, that now is the time for that call. And it was not my suggestion that the crew should be urged on by shrieks from a coxswain on this side of the Council, I suggested that Government should assume the job of being coxswain for a change.

Now, I have little more to say, but I want to discuss the general tenor of two of the most important speeches in this debate. The first is, naturally enough, the speech made by the hon. European Minister without Portfolio and the amendment that he proposed, because, after all, he is the only representative here of the War Council, and it was to the War Council, and therefore to him in particular, that this Motion was addressed. The hon. Minister proposed what he called a small amendment. It was an amendment that we should leave out all the words after the word "that" and then proceed, instead of asking for intensified effort, to recognize the efforts already being made. Now, Sir, that, if one was not used to something of the same sort from the hon. Minister, was a grave disappointment. We have talked of smugness and complacency and I am afraid it was there.

In speaking of areas which are believed not to be troubled, the hon. Minister said "much harmony prevails". When you hear expressions of that kind coming from the lips of Ministers, you begin to get very worried indeed.

The implication of the amendment that he proposed was that there was no need to intensify action, or to improve planning. I do submit, Mr. Deputy Speaker, that that amendment in itself, and the hon. Minister's speech in support, was the fullest justification for this Motion. (Hear, hear.)

Sir, with reference to something that the hon. Member for the Coast said about a statement by the President of the Indian National Congress, the hon. Minister said, "Well, Mr. Mangat is a lawyer, and he is an extremist and we ought to know what we suffer from them"—words to that effect. There was no doubt about the reference. (Laughter.) Well, Sir, I have never been ashamed of being a lawyer and I am not now—(Hear, hear.)—and if, in fact, I am an extremist, I am not ashamed of that either. I would mention to the hon. Minister that lawyers are by training moderate, cautious people and when lawyers become extremist, there is usually something very wrong. I would also remind the hon. Minister that moderates can be driven to extremism. Perhaps he has studied the history and actions of such people as Hampden, Washington, Michael Collins, or Owen G. yndwr. Perhaps he realizes that all these people started life as moderate people but became very extreme. And why? I cannot claim, Mr. Deputy Speaker, to approach that company, but I can claim that they are examples of what I am trying to say; that moderate people can be driven to extremism by crass stupidity—(Hear, hear.)—by blindness and a lack of understanding and by vanity of those who seek to govern them.

Mr. Deputy Speaker, the other speech to which I wanted to refer was the speech of the hon. Chief Secretary. Just as we were disappointed by the one speech, so we were cheered by the other. By his speech and by his amendment he showed an understanding of the purport of this Motion; and by his amendment; indeed, perhaps roaring like any sucking dove, he restored the effect of the original Motion, which was a request for intensification of effort. I did not agree, Sir, as you have heard, with all that he said about the conduct of this Emergency, but I do agree and accept and welcome the spirit of the speech that he made. It seemed to me, Sir, a clear exposition of

[Mr. Sade]

our difficulties and of the measures proposed for improvement; not merely a list of alleged achievements. Sir, with that spirit, we on this side can and shall co-operate. If only the hon. Chief Secretary, as leader of Government, will call a little more on the loyalists of all races for greater effort, with the full disclosure and spirit of his speech in this debate, we may yet see in the near future that restoration and maintenance of law and order for which this Motion calls, and without which all other effort is in vain. (Hear, hear.)

I beg to move. (Applause.)

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XXXV—1—PUBLIC WORKS

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

Debate resumed.

DR. HASSAN: Mr. Deputy Speaker, Sir, I was mentioning about the lack of attention which has been given to the road to Tanga. For many years the Coast people have been asking for this road to be put in order, not only to have connection with Tanga in Tanganyika, but also to develop a part of a very fertile hinterland from whence valuable supplies of milk to the town of Mombasa are very urgently needed.

Another point refers to the ferries connecting Mombasa with the mainland. It is now almost a couple of years since attempts by the Coast people have been frequently made to help and assist those residing on the mainland beyond Nyali and the Likoni Ferry. Promises have always been made, meetings have been held, but up to now no definite action has been taken, neither does any department appear to take responsibility to run the ferry to Likoni. Government knows very well that Mombasa's small island is very badly congested and it is not possible to find any free land there and the townspeople are finding great difficulty to live on the mainland for lack of communication. It is affecting the townspeople adversely as small plots are being sold at colossal prices so that a person with a medium income cannot

possibly buy a plot these days. I would draw the attention of the Minister to give serious attention to help and assist the Mombasa people.

The question of lack of water supplies from Mtwapa right up to Kilifi is causing very serious trouble to the people who have gone there to live on the Coast. We are very anxiously waiting for people from upcountry to go and develop that part of the Coast, although the response is very slow, but we know that inquiries from the upcountry people are in very large numbers. The Minister must realize that the Coast is a place which gives the benefit of sea sanity to the people coming from upcountry, and if more attention is given to the water supply there, quicker development will result. A considerable number of people have gone and are residing there. They have put up houses and spent a lot of money there, but the lack of a water supply is causing a great deal of inconvenience to the residents there. Kilifi town has not developed as fast as we expected, and it is all due to the lack of water supplies. Scheme after scheme has been suggested, but nothing definite has been done to help and assist that area.

Now, another question which was brought to my notice the other day is the water supply in the Machakos town. It is one of the oldest towns in Kenya, to my knowledge. It is fast developing; people are spending tons of money there and I was shocked when I visited it the other day that the water supply there is not enough and whatever water is available, it would certainly not be good water for anybody who would like to have a drink of it. The people are feeling very upset about it—the Administration as well as the merchants—and unless some quick attention is given to the water supply of Machakos, further development will cease entirely.

Regarding the building section of the Public Works Department, I would like to draw the attention of the Minister to the building of schools for Asian education. I would like greater attention to be given to the building of schools because for lack of accommodation, the schoolchildren are forced to have two sessions in the school. It is not only that they cannot possibly give more attention

[Dr. Hassan]

to their education, but their physical side is suffering these days and both the teaching staff and the children feel the necessity of having free afternoons and that can never be given to them unless the school buildings are put up quickly.

My friend, the hon. Member for the Coast, said about the increase of taxation for improving the roads. We all know that the roads are used by motor-cars and lorries. Taxes on vehicles, increase in price of tyres and tubes, etc., increase in price of petrol are creating conditions that any further increase of taxation on motor-cars is likely to force a lot of people to store their cars in future. No doubt we need roads. As the taxes on motor-cars have been increased as a contribution towards the maintenance of roads, a further sum should be raised by other means as is done in all the neighbouring territories and these roads should be put in order and made all-season if possible. I know whenever the question of helping and assisting the road from Nairobi to Mombasa is raised, we always find objections coming from the Railways, but I do not think the objections are sound ones and no notice should be taken of them. You cannot get a seat on the railway unless you are on a waiting list for the better part of three weeks.

I was very glad that the Minister gave the assurance that temporary employees of the Public Works Department will, in future, in case of vacancies, be put on to a permanent basis. First of all, I have never been able to understand why the people working there for 20, 25 or 30 years are called temporary. It is all because they are paid from different votes which are sanctioned by this Council every year. But surely this should not have affected the right of these people who have seen nothing but the Public Works Department's service and deprive them of the permanent service benefits. There is a very large number of people who have spent years of their lives in the Engineering Department, the Roads Department, and so on.

Another point which I have felt is that I have noticed on the roads frequently that there were large numbers of Asian foremen who were in charge of various camps and were in charge of different sections of the roads, temporary

roads, of course, and the labour gangs and they were doing an extraordinarily good job. They are all there in the Public Works Department, but not as foremen on the roads. I would like to draw the attention of the Minister that the people who have worked for years together on a particular job and have done it very efficiently and very effectively, why on earth they have been removed from there and wherever they are they appear to have been put under a new foreman, who probably can trace his origin to Yugoslavia or Greece or some such place. I cannot understand why those people have not been given the benefit of holding those posts permanently and preference given to the new people who, after all, have not more qualifications than the people who proved themselves of practical benefit to the Public Works Department.

With these few words, Sir, I beg to support the Motion. (Applause.)

MRS. SHAW: Mr. Deputy Speaker, Sir, I should like to congratulate the Minister for Works on his very lucid explanation of his department's work. I am afraid I do not feel, as the hon. Member for the Coast suggested, any complacency as regards the Public Works Department.

There are two points I must bring up. First of all, the Kisumu/Mau Summit road—the hon. Minister said that the trouble with this road was that by the time the Public Works Department had started work, the costs had again risen tremendously and therefore the estimates for that particular stretch of road were not adequate. If I may say so, this just merely bears out the fact that the Public Works Department are such very slow starters. In fact, I think they might be dubbed as the old chestnut which has been told often in this country of an American standing at the top of the Rift Valley and gazing into the great rift and being told by the man who was showing him the country, "This valley took millions of years to be formed", and a local inhabitant standing by said, "I did not know it was a Public Works Department job".

In a previous debate I stated that the maintenance money for the Lumbwa-Kisumu stretch was £55-10/- a mile and I was told by the Chairman of the Road Authority after that debate that

[Mrs. Shaw]

I was incorrect and that it was a very much higher figure. I checked up again on this figure when I was in Kisumu a week or two ago and the provincial engineer told me that the maintenance money for the stretch from Kisumu to Muhoroni to Londiani, which is the worst stretch up the Lumbwa Hill, was only £40 a mile, which I think comes out at about £57-10/- a mile average. In actual fact, the late provincial engineer of Nyanza stated that £100 a mile would be the very minimum to keep the road up to any sort of standard with the traffic density of 180 vehicles a day and the Chairman of the Nyanza County Council Roads Branch stated that in his opinion the figure to-day for maintenance to keep a trunk road up to a really first-class standard the figure would be nearly £280 a mile.

I have said before in this Council, and I have no doubt I shall have to say it many times again, that the money spent on the betterment of our roads, and there has in the last two or three years been a great deal of money spent on betterment, will literally be washed down the drain for lack of maintenance money. That is why in the Budget-policy debate I regretted that the hon. Minister for Finance saw fit to bring the new tax on petrol as a duty where it goes to general revenue and not as a consumption tax where it would go to the Road Authority.

The majority of Europeans, I am sure, would gladly have paid such a tax for the saving on running costs would be tremendous were our roads better.

Now, to turn to aerodromes and the remarks of my hon. friend, the Member for the Coast, about the Government not being tough enough with contractors, I heartily support, for this applies very much to the Kericho Aerodrome which involved a great wastage of public funds. The hon. Member for the Coast I believe stated that these contractors often hid behind bad weather. Well, in this case, they hid behind good weather, because they claimed it was because the grass had not grown that they were unable to fulfil their contracting obligations. I contend that Government should be a great deal tougher with this type of dishonesty—for dishonesty it is

—for Government is the guardian of public funds and they should not continue to allow these contractors to get away with this sort of wastage of money and bad work. I feel so strongly about the water supplies that I really do not know quite what to say. I believe the last speaker referred to Kilifi; well I refer to a township which has been in existence for many, many years, Lumbwa, and which was condemned in 1944 by the Township Committee and where the conditions to-day that prevail in that township were described the other day by the Government doctor—

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, Sir, might I ask, is the hon. lady referring to water supply and its creation? I would like to point out with due respect that that does not come under the Public Works Department; The Public Works Department is responsible for execution only, not initiation. I think she is referring to it under the wrong Vote.

MRS. SHAW: I thank the hon. Minister for his explanation. We have not, in fact, reached that quite happy stage because I believe the work has been undertaken by the Public Works Department inasmuch as the plans are now completed for the Lumbwa water supply, but no provision as regards money has been made.

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, Sir, so long as no provision has been made, that means that the scheme has not been initiated; therefore, Sir, with all due respect, it rests under the proper Head, which is Water Resources.

MRS. SHAW: Thank you very much. I shall bring it under Water Resources. (Laughter.)

Well, ending my few remarks, Mr. Deputy Speaker, I should like to return to roads and remind the hon. Minister that in the words of the report of the Planning Committee, roads and communications are a pre-condition for development.

With these remarks and especially that last one underlined, I beg to support. (Applause.)

MR. CROSSKILL: Mr. Deputy Speaker, we have heard a very clear story of tremendous development from the

[Mr. Crosskill] Minister for Works; development of great importance to the country. I name only two, the Embakasi Airport and the Mwea Irrigation Development which are vital to the future economy of this country and it is, therefore, rather a serious matter when he refers to staff difficulties and I do hope that he will be successful in persuading the Treasury to take on as many as possible of those who are in a temporary capacity on the permanent staff of the Public Works Department. I hope also that he would perhaps be able to point out to some of those who are apparently leaving Government service and going over to civil employment, who he states have an advantage over Government employers, that he will show to them a brochure on the advantages of Government service; they perhaps have not considered, for instance, the big advantage which accrues later in life owing to the pension element and perhaps other perquisites of the Civil Service such as extra leisure.

With regard to housing, the Minister did refer to a temporary type of housing which took only half the time in construction and cost only half as much as that of a permanent nature. I wonder in replying if he will comment on whether it is possible to apply this principle with regard to African housing. (Hear, hear.) I believe one of the greatest problems with which we are faced at the present time is the provision of adequate housing for Africans, particularly in Nairobi.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: On a point of order, would the hon. Member wait until the Housing is in debate? (Laughter.) (Hear, hear.)

MR. CROSSKILL: It is so important and I would prefer a proper reply from the Minister for Works. (Laughter.) I have been making that request, Sir, with regard to the use of temporary housing though I am filled with an amount of apprehension because he did say that the use of certain of this temporary building with regard to members of his own staff was inadequate and did not permit, I think, he said, of greatest efficiency and that there was loss of time. I could not well understand that point and perhaps he would amplify it in his reply.

I would like to congratulate the Minister on the very rapid work with regard to Embakasi. I remember when it was debated in the Memorial Hall, we were given to understand that it would be two or three years, I think, before it would be in operation. It is very cheering to hear that the runway will be usable next year, in 1956. I suppose it is an ill-wind that blows no one any good and I think we possibly have the Emergency to thank for the extra speed with which this is being developed.

On the question of roads which has already been raised, it is indeed sad that we cannot yet find the capital to macadamize a greater number of our main roads. All I can do is to ask the Minister to bear in mind that we must hold him responsible to a great extent for the bottleneck on the railway and that we are at the present time having to import double the number of cars, spares, tyres and other things owing to the bad state of the roads. Although I know that he simply cannot do anything more than he is doing about it at the present time, I can only echo what my hon. friend, the Member for the Coast, said, that what we gain on the road abouts we lose on the springs. (Laughter.)

Now, Sir, there is one point which I raised, I think, in this debate last year with regard to the misuse of our roads by enormous lorries or almost road-trains carrying beer and other commodities as far as Uganda. Now, it seems to me that, at any rate during the rainy times, we simply cannot allow the almost road-trains to proceed. Time and time again we have seen them stuck in the roads doing inestimable damage and I must say, Sir, that if the beer companies cannot afford to send their beer by railway, we certainly, the country, cannot afford to allow them to send it by road. (Hear, hear.)

Finally, Sir, I think we will all be glad to hear the extra facilities that are being constructed for Lamu and, there again, I say it is the effect of the Emergency.

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

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, I wish to add my congratulations to those already given by the

[Mr. Chanai Singh] other Members to the hon. Minister for his clear exposition of the Public Works policy.

Sir, the subject of trunk roads has been referred to by almost all the speakers in this debate. Now, Sir, here I think we should remember that a costly trunk road built by the side of a costly railway does not give as much help as it could. I personally think we can make more use of money spent on roads if especially trunk roads are built at a little distance from the railway. Suppose we had a road to Mombasa at 40 or 50 miles from the railway line, that will enable Kenya to develop areas where no satisfactory transport exists at the present time. There can, of course, be feeder roads, connecting these trunk roads with the railway. The cost of a trunk road is the same, whether it is built at a distance from the railway line or just close to it.

Sir, there is one complaint with regard to the building of water schemes that I wish to make. Some years ago the hon. Minister for Agriculture and Water Resources was very helpful and money was provided for a water scheme at Limuru, but the Public Works Department has taken a very long time in getting going. I believe they have started on it just now but they have taken much longer than they should have. I do hope that when water schemes for other trading centres are sanctioned they will waste as little time as possible.

I am also pleased to know that the Public Works Department is giving consideration to the status of temporary staff. There is one thing, Sir, which I have always found it difficult to understand and that is this. There is a large number of staff, especially artisans, whom they need from day to day, working for them for a great many years; still they continue to call them temporary, and my suggestion is, Sir, that they should have at least that number of staff which they need from day to day on their permanent staff. If they need any others for temporary schemes, then they can take on those others on a temporary basis, but at least the minimum number that they need permanently for one scheme or the other should be on their permanent staff.

With these words, Sir, I support.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I rise, Sir, in order to reply to one point made by the hon. Member for Mau with regard to African housing. The position is, Sir, that of African housing and the new methods which have been tried and have been employed and which have helped to build a school are under experiment, but the full position about African housing will be debated later, Sir, when we come to discuss the housing which is about the fifth Head from now—Head XXVI—Housing. For that reason, Sir, I think at that time full opportunity will be given to the hon. Member to hear what has been done about African housing. (Applause.)

MR. HARRIS: Mr. Deputy Speaker, Sir, I am a bit in a difficulty as to know how to debate in these Estimates a phantom and I would, therefore, ask your advice, Sir, because in the Estimates of the Office of the Chief Secretary, there is provision for £1,350 for a Parliamentary Secretary. But, Sir, I know if we raised it under that Head, we would be told that that gentleman is no longer in that Department; we now hear that he is in the Public Works Department as a Parliamentary Secretary to the Minister for Works. I hope, Sir, that I am in order in raising this matter under the Head. I see the Minister for Finance is getting ready to get up, Sir. I take it that I am in order in raising this phantom under the Head where I believe the phantom now rests. Because, Sir, I am very worried that—

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, Sir, if the hon. Member for Nairobi South is referring to the Parliamentary Secretary, and the phantom and where he should now be, I suggest, Sir, that he could not possibly be raised under Vote XXXV (1), which is Public Works, but should be raised under Vote XXXV—Ministry, Public Works, which is where the Parliamentary Secretary will eventually rest. I suggest, therefore, Sir, the hon. Member is out of order in raising it on this, but he will have an opportunity at a later date when the present list is completed and no doubt hon. Members opposite will place it early in this debate.

Mr. HARRIS: On the contrary, Mr. Deputy Speaker, it may be, of course, the printer, that my hon. friend, the Minister for Finance, controls, but under XXXV (1) I find such people as the Director of Public Works, the Deputy Director of Public Works, and if one refers back to the Office of the Chief Secretary one finds that people of equivalent rank are included in that particular Estimate.

THE MINISTER FOR FINANCE AND DEVELOPMENT: The simple fact is, Sir, if my hon. friend will look at it, he will see that that is not a Ministry on its own, but where Ministries are normally set out as an officer of the Minister as, for instance, on page 159; the Ministry of Local Government, Health and Housing—Vote XVI, my hon. friend will see Secretary for Local Government, Health and Housing—one Parliamentary Secretary, Sir. The destination of a Parliamentary Secretary is the Ministry and not the department.

THE DEPUTY SPEAKER: We did have this particular point the other day and a ruling was given that matters have to be raised separately under the main Vote, but not under Head 1.

Mr. HARRIS: On a point of order, Sir, my worry is this, that this particular phantom is moved from department to department according to which department we are not debating at the particular moment. (Laughter.) That is what is worrying me. When can I catch it?

THE DEPUTY SPEAKER: There is no doubt that this particular phantom will have to be taken under Vote VI—that is Chief Secretary.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, on a point of order, Sir, as the position of the Vote of the Chief Secretary has, I think, been debated in so far as it has been put down, it will still, I think, remain for my hon. friend to put the office on the list still to be debated in order to make sure he has this opportunity, but I would respectfully suggest, Sir, that although it does not appear in the detail, my hon. friend would be quite in order in discussing it on a policy

debate of the Ministry even though he could not find the item in the detail.

THE DEPUTY SPEAKER: I am afraid that Vote VI has not yet been actually debated.

Mr. HARRIS: Might I suggest, Sir, if the Minister for Finance gives me an assurance that in order to transfer this £1,350 from the Office of the Chief Secretary to the Ministry of Works, that it will be necessary to present to the Council a Supplementary Estimate to effect the transfer. That will give us all the opportunity required.

THE MINISTER FOR FINANCE AND DEVELOPMENT: May I, Sir, on a point of explanation refer my hon. friend to the fact that this afternoon, during his absence, Sir, I laid on the Table certain Supplementary Estimates of Expenditure which are to be dealt with. I believe I am right in saying, Sir, that in those Supplementary Estimates my hon. friend will find the provision he is now referring to being asked for. It is, of course, possible that my hon. friend has not had time, as yet, to study his Supplementary Estimates.

Mr. HARRIS: I thank the Minister. That is where we will chase the phantom. (Laughter.)

THE MINISTER FOR COMMERCE AND INDUSTRY: On a point of order, Mr. Deputy Speaker, did not you rule some time ago?

THE DEPUTY SPEAKER: I think the question has now been resolved satisfactorily so far as the hon. Member is concerned. (Hear, hear.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, after that charming and light interlude, Sir, I would say, Sir, that whenever the hon. Member for the Coast gets up and starts talking about economics I begin to shiver. (Laughter.) I am reminded of an old saying, "May heaven save me from my friend".

Now, Sir, the hon. Member made a most startling statement with regard to the economy of this country. A statement which I have no doubt would be very welcome and cheerfully received in some quarters overseas. A statement

[The Minister for Finance and Development.]

to which, Sir, I am perfectly certain that the great majority of people in this country could not subscribe. The hon. Member for the Coast said that this country was undertaxed. Now, Sir, if I may say so, as one who has spent a considerable proportion of his time in various quarters overseas persuading certain people overseas that this country was pretty nearly taxed to its limit—(Hear, hear.)—and that therefore it was essential to have financial assistance of a high order, that is a statement which I cannot allow to remain on the record unchallenged. (Interjection by Mr. COOKE: You are wrong.) My hon. friend says I am wrong; he is once again back at his usual game of solving problems by phrases. The hon. Member said that this country was undertaxed and that, indeed, we had only 21 per cent taxation on a national income of £123,000,000. Now the hon. Member for the Coast perhaps does not remember that during my period on that side of the Council, and during my time on this side of the Council, I have consistently held "that in the national income there is one sector which cannot be regarded as a taxable sector and that is African subsistence agriculture. If the hon. Member would just study his basic economics about which he is so fond of flying kites, to realize that particular factor which has been urged, not only by myself, but by many hon. Members on the other side, he will see that the picture is not 21 per cent as he visualizes but that the taxation burden of this country is over 25 per cent of its taxable income.

Mr. COOKE: The hon. gentleman is, of course, a great financial expert, but Sir Wilfred Woods said Kenya was undertaxed and, at that time, our national income was about £60,000,000 or £65,000,000 and it was the same ratio to our expenditure as it is to-day, but the hon. gentleman no doubt is a much greater expert than Sir Wilfred Woods so I bow to his knowledge.

THE MINISTER FOR FINANCE AND DEVELOPMENT: The hon. Minister for Finance at any rate, Sir, is dealing with the situation as it is to-day whilst Sir Wilfred Woods was dealing with the situation as it was in his day. (Interjection by Mr. COOKE: No difference.)

And the difference is that under the present system of taxation in this country we are taxed by 25 per cent of our available taxable income. I have urged time and again that this country is reaching near the limit—(Hear, hear.)—of taxation and that only the justification of the Emergency compels me to move and to recommend to Government that taxation should be increased. It cannot be regarded as being in the interests of this country. (Hear, hear.) Now, Sir, the hon. Member for the Coast airily quotes figures again; I do not know, Sir, sometimes where he gets them from. (Laughter.) I may be wrong—(Laughter.)—but, Sir, I have a statistical economic research division in the Treasury which settles down to work and produces figures from authentic sources. Now these may be wrong, Sir, I would not pretend that they may not be wrong, but according to the information which is being supplied to me, the level of taxation in the United Kingdom at the present moment is about 29 per cent and what is more important, because hon. Members have heard me say, I think, time and again, our difficulty, our competitor for capital is not the United Kingdom, our competitor for capital is Central Africa and Southern Africa. Do you think, Sir, the hon. Member could be once told that if he wishes to interrupt he can rise and make his statement?

What is the point of order?

Mr. COOKE: On a point of order, has the hon. gentleman any right to try to teach the Speaker his business?

THE DEPUTY SPEAKER: There seem to have been more interruptions than is really necessary. I will ask Members to confine them to the minimum.

Mr. COOKE: Mr. Deputy Speaker, if the hon. gentleman is greatly provocative he must, of course, take what he gets, but he is very provocative and purposefully so.

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, Sir, has the hon. Member got the right to speak a dozen times? (Laughter.)

Now, Sir, on the question of Central Africa and I have the figures again supplied to me, the national income of Central Africa is about £260,000,000, its

[The Minister for Finance and Development] revenue £37,000,000 and its percentage of tax to income, therefore, is just over 14 per cent; its percentage of tax to income is just over 14 per cent. Now, Sir, I am prepared to admit that these figures have been supplied to me rather quickly, but they have been supplied to me from figures which are in the brief already prepared.

MR. COOKE: You are responsible for those figures.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am quite prepared to be responsible for those figures. I trust the hon. Member is prepared to be responsible for his figures. (Laughter.)

THE MINISTER FOR COMMERCE AND INDUSTRY: On a point of order, is the hon. Member for the Coast in order in constantly saying, "You are wrong" without substantiating it? And constantly interrupting my hon. friend?

THE DEPUTY SPEAKER: I have already asked the hon. Member to keep his interruptions to the minimum and I hope I will not have to call upon him again.

THE MINISTER FOR FINANCE AND DEVELOPMENT: So, Sir, we arrive at a stage whether, indeed, far from, as represented by my hon. friend, the Member for the Coast, this country being undertaxed, it is, indeed, bearing a fairly heavy burden in comparison to its resources and its need for development. (Hear, hear.)

Now, Sir, my hon. friend then goes on to say that if I were to lift the level of taxation, that I could then have a great deal of money available to spend on roads; the figure he airily quoted was about £2,000,000 and he says what you lose on the roundabouts, or whatever it is, what you gain on the tax you lose on the springs, or something to that effect. (Laughter.) I would like to say to him, Sir, and I am sure he will appreciate this, and hon. Members opposite will appreciate this, that what you gain on the tax you may well lose on the grant. Because the hon. Member is dealing in an economic fairy land. The Budget of this country is a deficit Budget of over £13,000,000 and if there is additional taxation to be drawn from the people

of this country it will obviously be drawn to the reduction of the burden on the United Kingdom. Therefore, I have taken my stand all along on the fact that this country is heavily taxed for a developing country—(Hear, hear.)—that if there is a much heavier burden of taxation placed on this country, it will hinder development and it will drive away investment capital—(Hear, hear.)—and statements like those made by my hon. friend for the Coast without substantiation are a disservice—(Hear, hear.)—to this country. I think it is time that my hon. friend left economics alone until he understands them a little bit more or, alternatively, until he realizes the fire with which he is playing. (Interjection by Mr. COOKE: I will deal with you later.) I am certain the hon. Member will deal with me later, Sir.

But, Sir, the hon. Member then spoke about expenditure. Now, Sir, I must come back to the fact that the expenditure of this country estimated during this year is £40,000,000 and it is impossible to separate the Emergency expenditure from the general expenditure left. I have already said, Sir, that we have got something like £2,000,000, of which some £800,000 has already been transferred, still to be transferred, to the ordinary account from the Emergency. But I have already also stated both here and in the United Kingdom that we shall be dependent upon assistance from the United Kingdom for some years to come and, during that period, Sir, we will have to do without many things that may seem desirable and even essential. But, Sir, the number of hon. Members opposite are already, if I may say so, at their favourite pastime, of when you come to the Expenditure Heads you ask for more expenditure for your own particular interest but when you come to the taxation you oppose the increase in taxation altogether and that—(Interjection by Mr. HARRIS: That is unfair.)—I said many hon. Members and I think that is justified, because in this particular debate that we are having now, the hon. Members who have spoken nearly all of them have asked for additional expenditure. (Interjection by Mr. COOKE: Truly on roads.) I am sorry, Sir, but it is expenditure; if it is expenditure on roads, it is expenditure on roads, it is expenditure on

[The Minister for Finance and Development] but it is expenditure administration; but it is expenditure. (Laughter.) Sir, with all due respect to my hon. friend, the Member for Nairobi North, who has not yet spoken, I have referred to the Members who have spoken in this debate and that is the general position.

Now, Sir, one of the points raised by my hon. friend, the Member for Central Electoral Area, Mr. Chanan Singh, which I am sure my hon. friend, the Minister for Works, will refer to later on, is the question of temporary employees, and movement on to the permanent and pensionable staff. Now, my hon. friend, the Minister for Works, in his opening speech, did point out that some consideration was being given to this particular problem. But, Sir, I do feel that we must remember that in developed countries like the United Kingdom, like South Africa, people work through the whole of their life on a weekly wage and a weekly "notice" and that when you refer to the lower grades of employees; in developed countries, the lower grade of employees do not have that contract which is so common in this country—(Hear, hear.)—nor do they have a permanent and pensionable status applied to them. Sir, economically we must be realistic over this, there must always be, in any big industry, in any big Government employment a number of people who will exist through the whole of their life on a weekly or a monthly contract. The difficulty of pensions is something which is being studied by a Social Security Committee at the present moment.

DR. HASSAN: I referred particularly to those temporarily employed in the artisan class which are now taken on on a permanent basis by the Railways and why should such people not be taken on on a permanent basis in the Public Works Department?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Because, Sir, the Railway can run on a commercial basis and we have to run on the taxation of the people. (Interjection by Mr. HARRIS: Sounds like another High Commission.) (Laughter.) But whatever may be done by other people, Sir, I must still hold on behalf of the Government that

there must be a great number of people employed by Government who will remain on weekly or monthly contracts and cannot indeed be afforded that status of permanent and pensionable which, after all, will have to be largely preserved for the higher wage groups, at any rate, in my opinion.

I do not think, Sir, that there is anything else that I have to cover. I see my hon. and gracious friend from Nyanza has gone and therefore, Sir, I think I will wait for some opportunity to discuss the other point with her in private. (Laughter.)

MR. USHER: Mr. Deputy Speaker, Sir, I am glad that I succeeded in catching your eye because I was accused by the hon. and gracious lady who has found the amenities of the other parts of the building—(Laughter.)—even greater than those of this Chamber. She accused me of having accused the Public Works Department of complacency. I thought that I, therefore, must have spoken before, but I really do not remember it and I think, on the whole, I should say that they have considerable grounds for complacency, so has the Minister whose excellent review of his department was really quite a model, I thought.

There are one or two questions that I would like to ask all the same. First of all, can information be given as to how the cost of Mombasa water supply is going now? Particularly whether the terminal charge to the consumer is likely to be greater than it is at the present. The second question, of course, is whether the preservation of the hippo in the pool will be chargeable to the consumer's water in Mombasa? (Laughter.)

There is one dark saying in the memorandum on which I should like some explanation. The Minister did refer to the matter. It is in regard to the rents and on page 243 (a), I read "The additional provision is required for the payment of rent for houses being built for lease to the Government". Now, are there houses built or are they not built? If not, why not? (Laughter.) And who, above all, is building them? Why are they to be leased to the Government? I expect the explanation is a simple one—(Laughter.)—but, nevertheless, I should like to have it.

[Mr. Usher]

Might I, just before sitting down, refer to what was said by the Minister for Finance just now. I quite agree I think he was grossly unfair. The fact is, Sir, that we here like to spend the money in the way in which we like to spend it—(Hear, hear.)—and he likes to spend the money in the way in which he likes to spend it—the Government. We could bear economies with equanimity—a big cut in the Lidbury; but we do want our roads. But, of course, the twain will never meet.

May I finally say, Sir, how much I appreciate the action of the Minister in restoring to us his clock. (Laughter.) (Hear, hear.)

MR. TAMBENO: Mr. Deputy Speaker, Sir, the Minister for Works during his excellent speech mentioned the fact that there are some three professional trainees in the Public Works Department. In the Estimates there are six other non-professional apprentices and 15 others. I would like to ask what is the division as to the communities among these people who are the non-professional apprentices?

The second point, Sir, is the fact that there are some roads which were surveyed long ago and it may have been that they were surveyed by just laymen. I refer particularly to the one from Kabarnet to Eldama Ravine road which is very bad indeed and most dangerous. In some parts, well it goes to about 45 degrees with a very sharp corner somewhere in the middle, and I wish to ask the Minister whether it would be possible at some time to get surveyors to survey some of these roads and make them a bit more safe.

I beg to support.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call upon the hon. Member to reply.

THE MINISTER FOR WORKS: Mr. Deputy Speaker, Sir, I will try to reply to the various points which have been raised by hon. Members opposite and which have not already been replied to by my friends on this side of the Council.

Now, Sir, the hon. Member for the Coast raised the question of the Mzima Springs and hoped that the amenities of

the place would not be reduced. I would like to say, Sir, that whilst the construction is going on there, there is bound to be a certain amount of disfigurement, shall I say, of the present panorama and the scenery, but when the work is completed, I can assure him that as far as we can visualize there will not be any reduction of amenities which existed before. At the same time, Sir, I am glad to say to those who are interested in going down to Mzima Springs, that recently a small rest house has been provided where people can go and stay the night instead of what they had to do before was taxing the hospitable inclination of the contractors who were living on those sites.

The hon. Member for the Coast, Sir, and the hon. Member for East Electoral Area, Dr. Hassan, raised the question of the Kilifi water supply and also mentioned that that area on that part of the Coast was not being fully developed on account of lack of water. Now, Sir, one of the chief things about this water is that when the Mombasa major water supply project has been completed, it is possible to supply water to Kilifi, Malindi and the parts round about, provided that the pipe-line can be taken through the Tudor Creek and that can be only done, Sir, when the new Nyali bridge has been built. The other alternative, Sir, is that on the way to Mombasa at Mariakani a diversion can be made from Mariakani to Kilifi and then on to Malindi, but because the cost is so heavy, Sir, a little area like that could not possibly afford it. We have been exploring, Sir, other avenues of increasing the water supply at Kilifi and, I think, it is Sir, possible to do so, but at the moment the funds are so short, Sir, that unless we can raise some money from somewhere to pay for these projects, I am afraid we shall have to be content with the limited development that is going on there. But I would like to assure hon. Members opposite, Sir, that Government is fully aware that the development of the Coast is being restricted and that we will do all in our power to see that whatever help we can give in that direction will be done.

The hon. Member for the Coast, Sir, and also the hon. and gracious Member for Nyanza, referred to the question of the construction of aerodromes, and, in

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and the course of that, Sir, it was mentioned that the Government is not being tough with contractors when they do not fulfil the terms of the contract. Now, Sir, I would like to assure hon. Members that we are guardians of the public's money, and we are fully aware of our responsibility, but at the same time, Sir, whenever such breach of contract happens, it is our duty, as Government, to be fair minded about the thing and to see that if such a breach of contract happened because of some reasons and circumstances which are beyond the control of the contractors, we must take cognizance of the fact and we cannot possibly enforce the penalty. But in cases, Sir, where we are convinced that the contract has been broken deliberately by the contractor without any mitigating circumstances, I would like to assure hon. Members that we shall see we take our pound of flesh from such delinquents.

The hon. Member for the Coast, Sir, mentioned that the money which was spent on the Mombasa road was a criminal waste of money on the part of the Government, but I would like to assure him, Sir, that when that particular portion was taken in hand, it was done in consultation with the military authorities and a certain aspect of our defences, Sir, came into play and at that time we had to agree to undertake the work. Later on, Sir, the military went away and there was very little we could do and now, unless we spend the money which we are going to spend, we shall find that all the previous money is being lost and it is just, Sir, to recover the money and whatever else is left there that the Government is embarking upon completion of that bituminization.

The hon. Member representing the African Interests, Mr. Gikonyo, Sir, asked how many African artisans have been taken by the Public Works Department from the Kabete Training School. Now, Sir, as the hon. Member knows, there are two schools, one at Thika and one at Kabete, and, at the moment, Sir, and during the last two years, I would like to mention that a great deal of difficulty has arisen from the security point of view in taking on people for general work in the Public Works Department, but all the trainees at these two schools, Sir, are doing work on a contract basis

with the Public Works Department and that they are fully employed. But, Sir, as circumstances become normal, I would like to assure him that whatever artisans are produced by the trade schools the Public Works Department will make it its business to see that these people, wherever possible, are given preferential treatment in the employment of this department.

MR. GIKONYO: Mr. Deputy Speaker, as regards security reasons he gives, I would like to mention I did not particularly refer to the Kikuyu, Embu and Meru artisans. I meant also other tribes. I do not think there is a question of security as far as the artisans of other tribes are concerned.

THE MINISTER FOR WORKS: There is not, Sir, and for that reason I would like to assure the hon. Member that I cannot, at the moment, give him the detailed figures of it, but I will make a note of it and let him have those figures; but I would like to assure him that all the people who have been, and are being, trained at the State schools are given every possible opportunity and encouragement to see that they are fully employed. I will say that the teams of artisans both from Kabete and Thika are doing minor contracting work for the Government and are fully employed.

The hon. Member also, Sir, raised the question of temporary employees as was raised by the hon. Member for East Area and I think another hon. Member opposite. Now, Sir, the hon. Mr. Mackenzie and the hon. Minister for Finance have fully explained that there are certain limitations, but some permanent security in the pensions can be given to a limited number. One of the chief troubles, Sir, in the Public Works Department has been the fact that living in these uncertain times, particularly during the last two or three years, Sir, we do not know what is the maximum capacity of the Public Works build-up that we can afford, and unless we are able to gauge very closely, Sir, the position, and know that work will be always available for a certain number, it is very difficult and dangerous, Sir, to increase the permanent establishment of the Public Works Department.

I will grant, and I think hon. Members know that I, myself, am particularly

[The Minister for Works] interested in the case of these temporarily employed people, that better terms of service should be given to them and that wherever possible this temporary staff will be taken on to the permanent establishment as vacancies are open.

DR. HASSAN: I particularly stressed this point for your information, that there are permanent Public Works Department workshops, permanent Public Works camps, and people working there have supervising staff, engineers and others who are permanent, but with a view to keeping that permanent engineering staff in the department fully occupied, they want artisans and others permanently under them to run those workshops, mechanical and others, and those are the people who must always be on the permanent staff.

THE MINISTER FOR WORKS: I grant him that position, Sir, but I can only assure him that the matter is under close examination and the points he has mentioned we will take into consideration when the matter is being finalized, and I would like to assure the hon. Member that everything possible will be done to see that these people get a fair deal and that they get suitable remuneration. But, again I want to emphasize the fact, Sir, that whatever may be the desires, the actual execution of the desires must depend on the finance available.

The hon. Member for East Electoral Area, Dr. Hassan, raised the question of the road to Gazi and the road to Tanga. Now, Sir, I would like to inform the hon. Member that recently one of the bridges on that Gazi road was in a dangerous condition and work was undertaken with a certain amount of risk. When finally, Sir, the work was started, it was found that a great deal of difficulties arose in constructing that bridge; as a matter of fact one of the persons working on the bridge lost his life owing to the gases which came out of the river, but finally, Sir, at the cost of about twice the original estimate, that bridge has been completed. It is always in a reasonable state in the dry weather, but until, and unless, we have a lot more money for these schemes, I am afraid the only thing we can do is try to keep this road as passable as we can.

I would assure him, however, that the matter is having our attention and we will do all we can.

With regard to the Tanga road, Sir, one of the chief difficulties is that the Tanganyika Government on its side is not very anxious to improve the road in their sector and we feel, Sir, that until the Tanganyika Government agrees that if we improve the road on our side of the border, and they on theirs, that no useful purpose can be served by our improving the road to a certain standard and the position remaining the same on the other side. We have, Sir, been discussing this with the Tanganyika Government, and as soon as some agreement has been achieved, I would like to assure the hon. Member that all will be done to see that that road is improved.

The hon. Member, Sir, mentioned the question of ferries. Now, Sir, I would like to state here that by his statement there may be an impression created that the Public Works Department, or perhaps even the Government, is not very anxious to do something about ferries, and I think my hon. friend mentioned particularly the Likoni ferry.

Now, Sir, several difficulties have arisen in regard to this particularly ferry, and the responsibility is divided between the Municipal Board of Mombasa, as the ferry service is the principal outlet from the island, and the Road Authority, as it is one of the main trunk roads outside and affects the Colony. At one time, Sir, we thought that if the Railways could be persuaded to run these ferries, some of our problems would be solved, but they were quite determined about it, and they did not want to touch it with a barge-pole—in literal language. But, during the last two years, events have been taking place and I think the hon. Member being on the Coast Development Committee is aware that we have recently completed negotiations with a consulting firm in London and the work is going to be started in the next few weeks when a consultant will come out and make a comprehensive report—because the first time a report was made by another firm of consultants the consultants' reference was very limited and they could not give us a comprehensive report as to what is possible in that place. But, Sir, with this

[The Minister for Works] comprehensive report, I have not the slightest doubt that we shall get a clear picture of the position and then if the Mombasa Municipal Board on its side is prepared to carry its share of the burden, I have not the slightest doubt that the Government will consider very favourably to carrying the burden which will fall upon us. But I want to assure the hon. Members that we do not show complacency in this matter, but there are factors in this scheme which are beyond our control and we could not possibly do anything until some of the obstacles are overcome.

I am now, Sir, in a position to assure hon. Members that the report is being made and as soon as the report is received Government will give it its very active consideration.

The hon. Member, Sir, mentioned something about water supply and although water comes under the purview of the Water Resources Board, I think it is but fair that I should give some certain explanation about Machakos. Sir, I would like to say that during the last two or three days the Medical Department has already informed the Administration that unless the water resources of the town can be increased they will not permit any further development.

Now, Sir, there are schemes whereby quite large buildings for business purposes and about 30 or 40 residential houses, are being built, but unless we can get some water supplies to the town, these schemes will have to be temporarily stopped. This matter, Sir, is assuming grave proportions and I am in discussion with my hon. friend, the Minister for Agriculture, Animal Husbandry and Water Resources, and we shall see if it is at all possible for us to get a supplementary vote to develop this place because I think that from many angles, Government considers that Machakos is a growing centre and every encouragement should be given to it.

My hon. friend, Sir, also referred to the question of Asian schools and mentioned that enough schools had not been built, with a result that a great deal of hardship was inflicted on the Asian population. I can assure my hon. friend also that I am fully aware of the position;

that as many schools as we would have liked to build are not being done, but I would like to assure him that, if he looks at the development programme which is in education, particularly in Nairobi, four big schools are being built and we hope that within a very reasonable time the situation about the dual sessions will cease. In the coming financial year, Sir, as far as my department is concerned, we shall spare no effort in that direction to see that the development programme is carried out in full.

The hon. and gracious lady from Nyanza mentioned the question of the Kisumu-Londiani road, and I would like to tell her, Sir, that apart from the usual vote that has been given for that road, a special vote has been allocated for that and other areas for betterment work and for the maintenance of the road. I am sure that with this extra money, the provincial engineers will be able to maintain that road in a better condition than has been the case in the past.

The hon. Member for Mau, Sir, referred to the question of private enterprise as against Government, but, Sir, in these days, somehow or other the bogey of starvation which used to face workers in the old days when they were quite prepared to take on Government service in preference to private enterprise, is fast dwindling—particularly as regards the European staff—because of the fact that if they were in England, whatever happens they are not going to starve, and thereby, Sir, some of the private enterprise plums are more attractive than Government security and pension. But, as we say, Sir, we have to cut our coat according to our cloth and so long as it is possible, we have to maintain certain standards which, I am sure, under the Lidbury Commission Report—also with technical people—will be attractive enough terms to induce them to stay with us.

The hon. Member also, Sir, referred to the question of temporary accommodation and he said that I should elaborate on it. I will give, Sir, one example of the department which is under my portfolio and due to the fact, Sir, that the Public Works Department is housed in the place it is at the moment, there is a tremendous waste of time, Sir, of very highly paid staff in

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executing their work, and a great deal of time is lost because the arrangements in those offices have been slipshod and that nothing permanent has been done. Also, Sir, quite a lot of the technical staff has to get in touch with other departments which are in a place where it takes them quite a long time to come into town on a matter which could be dealt with in about five minutes. Quite a lot of time is being wasted in traffic and other directions when they have to come in. And, Sir, if we can afford it, and if we can find a way, I think it would be a great economy if all the staff could be housed in a proper building so that they can do their work efficiently.

Now, the hon. Member for Mau also raised the question of misuse of roads and I would like to inform him, Sir, that we are in touch with the big transport companies and also the big industrial concerns who use these roads with their lorries, and we have asked for their co-operation, particularly during the wet season, that they should desist from using the road whenever they can. If we find that enough co-operation is not coming, we shall certainly think again and devise some method and perhaps ask for some legislation whereby we can stop these big lorries using the road during the time when the roads are not in a fit condition to be used by such heavy vehicles.

The hon. Member for Central Area, Mr. Chanan Singh, I am sorry he is not here, raised the question of the Limuru water supply and said that a great deal of time was wasted by the Public Works Department in not getting on with the job. I would like to inform him, Sir, that we have been ready with our plans for quite some time, but one of the chief difficulties at Limuru was the fact that the particular site was not available and it is only in the last few weeks that the Administration has decided on the site on which the water supply can be installed, and I assure him that we are getting on with the job, but that the delay which was caused was not due to the Public Works Department.

The hon. Member for Mombasa, Sir, asked a question whether the cost of the Mombasa water supply would be in a way such as to increase the charges. As far as we can see, Sir, there will not

be increased charges because the original cost which was inserted in this scheme is being maintained and we are hoping that the water will be provided at the same charges as at the moment. That is all the information I can give at the moment.

He also, Sir, referred to the fact about the rent for houses which are being built. I think, Sir, I would like to tell him that one of the chief reasons is that we have been forced to get private enterprise to build houses for us, and particularly, Sir, these houses are required for the extra recruitment we have been compelled to make in the United Kingdom for our Administration and our police. Unless we are able to supply them with houses, we will not get the people to come.

MR. USHER: Would the hon. Minister be good enough to indicate the extent that these houses are being built by private enterprise?

THE MINISTER FOR WORKS: The number of houses for which we entered into the agreement is 100. The other fact is also that quite a few of our Government servants are still living in very heavily rented quarters outside and we can turn to them and say we have come to an agreement with private enterprise to build houses at a certain figure, and the people who will occupy these houses will get an opportunity to buy them on a tenant-purchase scheme if they so desire after they have been there for a year. I think, Sir, since we have not the capital to build, and the next best thing the Government can do is to get private enterprise to build these houses so that our Government servants can be properly housed.

The hon. Member Representing African Interests, Mr. Tameño, raised the question of trainees. I am sorry I cannot give him the figures on the Floor of the Council, but I promise him that I will let him have the figures from which he will be able to see that the non-professional trainees consist of all the races, whereas the professional trainees are only, at the moment, European trainees, for the simple fact that it requires a much higher education to go in for that course. Regarding the non-professional trainees, the Africans are employed in quite a fair number, but

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I will give him the figures and if there is anything further I can do in that direction, I promise I will do so.

Regarding the matter he raised, Sir, about the Kabarnet-Eldama Ravine road, I will also go into the question and if anything can be done it will be done, Sir—that is as far as I can go.

I think, Sir, these are all the questions which have been raised by hon. Members.

Before I sit down, Sir, I would like to express my appreciation and personal thanks to hon. Members opposite for the kind welcome they have given me and also for the very lenient way they have treated me and my work.

Sir, I beg to move. (Applause.)

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

THE CHAIRMAN: I would draw attention to a misprint on page 227. The vote should be XXXV—1 and that error is repeated on pages 228 and 229.

MOTION

VOTE XXXV—1—PUBLIC WORKS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £1,832,505 be granted to the Governor to defray the charge which will come in the course of payment for the year ending 30th June, 1956 for Vote XXXV—1, Public Works.

Question proposed:

Items 1 to 12 agreed to.

Item 13

MR. MACKENZIE: Mr. Chairman, I would like to take this opportunity to point out to the Council that in this sub-head, there is an error in Item 15 where the post in question is referred to as Grade II and, in fact, the reference should be Grade I.

THE CHAIRMAN: Could we have the correct item? I have not quite got that.

MR. MACKENZIE: The item is Head XXXV—1, sub-head 13, Item 15—2 Clerks Grade II and the grading should be Grade I. I understand, Sir, that there are a very small number of similar errors of this kind in the printed Estimates due entirely to the fact that whilst the estimate was being prepared, the grading team were still at work and these minor changes have come through whilst the estimate was in process of being approved. The number is probably not more than 10 in all. If effect is given to the recommendations of the grading team, I am informed that to do so will have no effect at all on the financial provision in any of the subjects and, in those circumstances, it is not proposed to move a formal amendment, but it is felt that the Council should be aware that there are these small alterations which will have to be made and which, in fact, is proposed to make.

Item 13 agreed to.

Public Works Department—

A—Buildings

LT.-COL. GHERSIE: Mr. Chairman, there are one or two remarks I have to make in regard to this particular Head, and it is really information I am seeking. In this item, Sir, A (2) was referred to by the Minister when he was making his policy speech. In the electrical maintenance of public buildings item there is an expenditure of some £11,000. Now, this was not provided for in previous years, at least it is not reflected, Sir, in the Estimates. Is this because this particular item was neglected in the past? Or is it a new item because of the large expenditure, namely £200,000, or was it originally included under maintenance?

THE MINISTER FOR WORKS: Mr. Chairman, I would like to say, Sir, that the amount provided for maintenance of public buildings has been put down to the figure which is quite below the danger zone in the amount of about £200,000 because the numbers of buildings are increasing. This £11,500, Sir, which has been provided for the electrical maintenance is Sir, that a large number of buildings which were wired years back require attention—some of the other buildings also which are not so adequately provided for, they are being serviced now, and that together with this

[The Minister for Works]

£11,000 is really a much less figure than we should allow if we are to maintain our buildings on a proper scale. This is the explanation I can give at the moment. Is there anything further I can say?

LT.-COL. GHERSIE: That is fairly satisfactory. What I would like the Minister to tell us, Sir, are we to understand, Sir, that the item "Electrical maintenance of Public Buildings" never existed in the past and it was incorporated under "Maintenance of Public Buildings" because this item has not appeared in the past and is a new item in these Estimates for £11,000?

MR. MACKENZIE: In the past the expenditure which will be represented by this £11,000 has been taken from the first item—Maintenance of Public Buildings. It was felt desirable that they should be separated and that is what has, in fact, been done.

LT.-COL. GHERSIE: It is a change in the Accounts.

A and B agreed to.

C—Rents

LT.-COL. GHERSIE: Mr. Chairman, I do not think the answer given to my hon. friend, the Member for Mombasa, was entirely satisfactory: at least it was not to me, I do not know whether he felt it was satisfactory. He raised the question of the payment of rent for houses being built for lease to Government and the Minister replied stating there were 100 houses being built. Well, Sir, this figure has increased from £280,000 to £330,000. Is it suggested that we are paying a rent of £50,000 per annum for 100 houses? That is point number one. Well, perhaps he would like to answer that first.

THE MINISTER FOR WORKS: Sir, the increase of rents by way of these new 100 houses which have been built is to the amount of £20,000. But the £50,000 which is the other increase, is made up of the difference which we will have to shoulder under the Lidbury Report where the civil servant will pay a much less rent than he has had to pay in the past. I think that is the position and which accounts for £30,000.

MR. USHER: Is it not the case that we passed the £50,000 as a supplementary estimate on the present year's work?

THE MINISTER FOR FINANCE AND DEVELOPMENT: That is correct, Sir. I think the hon. Member will see the memorandum note on page 243A, C—Rents. "The additional provision is required for the payment of rent for houses being built for lease to the Government, and to pay increased house allowances in accordance with the Salaries Commission Report."

LT.-COL. GHERSIE: Mr. Chairman, anyhow, the answer is that we are paying £20,000 a year rent for 100 houses. That was the answer given, I think.

Sir, there is one other point I would like to raise under this Head and it is this, Sir, and I am not suggesting to the Minister for Finance that we should embark on additional taxation, or am I asking for additional expenditure, but I would point out, Sir, that this large sum of £330,000 per annum capitalized at 5 per cent would give us a loan of over £6,000,000; whereas the Minister is not in possession of those funds. It is a matter that should be borne in mind, Sir, that we are paying this enormous sum per annum—£330,000—which is the obvious type of project for which we should obtain loan funds because it would be actually saving money—in other words, it is what one might term productive, I think.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Sir, I would undoubtedly agree with my hon. friend, the Member for Nairobi North, that if the capital was available this is obviously the avenue into which it should be directed. As hon. Members are well aware, the Development Committee sat and in its plan of expenditure, it was only able to provide my hon. friend, the Chief Secretary, with, I think, something under £1,000,000 for the three and a half years for European, Asian and African housing. We must face the fact that the amount of loan that we can raise in London, and on our local market, is very heavily limited and that the priorities which have been set inside the Planning Committee and the amount which we have committed to capital expenditure through the Planning Report, is likely to be the absolute maximum which we can get in the time available. I would say that I have explored, as the hon. Member I think would know,

[The Minister for Finance and Development]

other avenues than London, but it is very difficult to find projects which will appeal to lenders in other parts of the world who usually insist upon equipment, imported materials, etc., being the purpose for which their loan is used and very rarely, if ever, will take into account that large element of expenditure, local labour, as being the subject of the loan.

LT.-COL. GHERSIE: Mr. Chairman, I am not being critical, I appreciate all that, I am merely directing the Minister's attention to an obvious item where these loan funds could be well employed:

THE MINISTER FOR FINANCE AND DEVELOPMENT: I did say, Sir, did I not, that I agreed with the hon. Member, but it is really a question of the non-availability of finance.

THE MINISTER FOR WORKS: There is another point, Sir, I would like to inform the hon. Member that this has been made as a rough calculation because owing to the decentral of the rent control of offices, it is very difficult to get accurately what would be the effect of the increase and this figure given, Sir, must be treated as approximate.

MR. USHER: Mr. Chairman, might I point out that the allocation for staff housing is over £1,000,000 and to that you have got to add a great deal for European and Asian housing, for police buildings and such like.

THE MINISTER FOR FINANCE AND DEVELOPMENT: If I may say, yes, Sir, but the £1,000,000 is all that is available to my hon. friend the Chief Secretary. The other is institutional housing directed to a certain specific purpose.

D—Renewals agreed to.

E—Other

LT.-COL. GHERSIE: Mr. Chairman, I have one further point here—I want to seek a little further information. If I may refer, Sir, to D, this replacement of mechanical transport and plant at a cost of £255,000 and in E, the one I am raising, Sir, of Item 14, provision is made for that, Sir, under Appropriations-in-aid and it states it is fully covered by corresponding revenue as shown under Z—Appropriations-in-aid, but, Sir, the point I am really concerned

about is Item 8, heavy repair workshops and service stations for Government vehicles, £95,000. Now, Sir, if we turn to the key to the symbols we find this has a small (e) alongside it. It states, "covered by corresponding revenue". Now the two items I have just mentioned, Sir, namely £255,000 and £200,000, are covered by corresponding revenue under the Appropriations-in-aid, but I cannot quite understand where this is covered unless it is in the specific Head of every particular department where transport is concerned. Could that be explained, please?

MR. MACKENZIE: Yes, Sir. The revenue item which corresponds to the £95,000 for Item 8, is to be found on page 32 of the Revenue Estimates under again Item 8 under the departmental revenue of the Public Works Department.

I am informed, Sir, that the reason for showing this under revenue and not under the Appropriations-in-aid, is that this £95,000 represents the money that is paid to the Public Works Department in respect of the work which it undertakes for other departments where the sums that are reimbursed to the Appropriations-in-aid are in respect of the Public Works Department own fleet of vehicles and plant.

LT.-COL. GHERSIE: There is only one other question, Sir, I would like to ask. In arriving at these costs, is the labour factor taken into account? I mean is the work properly costed out?

MR. MACKENZIE: Yes, Sir.

E agreed to.

Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that this Committee do report to Council its consideration of and its approval of the Resolution on the Order Paper dealing with Vote XXXV—1, Public Works, and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

Mr. Stow: I beg to report that the Committee of Supply has considered and approved the Resolution on the Order Paper.

THE MINISTER FOR WORKS: Mr. Deputy Speaker, Sir, there is one point before the Council agrees with this Resolution which is that in reply to a question I was asked by the hon. Member for Mombasa, with regard to the water charges, Sir, I said that the charges will not be increased. What I meant was, Sir, that the charges will not be increased from that figure which was in the minds of the people when they first approved this scheme which was an increase of 50 cents from what it is now—an increased charge of 50 cents per thousand gallons—but this was, as I say, within the knowledge of people when the scheme was approved by the authorities concerned. I think I ought to make my position clear when I said there would be no increased charges. What I meant was that there would be no increased charges other than what was estimated for.

MR. USHER: Mr. Deputy Speaker, there has never been an admission at all there would be any increased charges. I have asked the question over and over again and was given—not assurances, but given to understand that I might keep quiet upon this subject.

THE MINISTER FOR WORKS: I am sorry, Sir, if I have given the impression that I was misleading the Member—

MR. HARRIS: On a point of order, Mr. Deputy Speaker, how many times can a Minister speak on this particular Motion?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: As many times as you ask questions.

THE DEPUTY SPEAKER: All speakers have been out of order on this. (Laughter.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XXVI—1—LOCAL GOVERNMENT

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I beg to move that Mr. Deputy Speaker do now leave the Chair.

I think, Sir, that it is very unfair that at least half, I am sure, of the hon. Members opposite have had their dinner and I have not—(Laughter)—having waited for this particular item for some considerable time.

Sir, I was attending a meeting the other day when criticisms were levelled at Ministers on this side of the Council to the effect that they had not really given any broad-line policy when introducing their Heads as I am doing to-day. Well, be it on the heads of hon. Members opposite, I will try and meet with the request and give a few details of what Local Government has been doing and what we hope it will do in the future.

Naturally, Sir, I will take it under the three heads of urban local authorities, African district councils and county councils and although we have had a surfeit of figures in this Council for the last number of weeks, I feel that the best indication of what activities a Local Government Authority has been entering into, is the amount of money they are spending and borrowing and indeed the amount of their rate revenue. I do not think, Sir, that hon. Members realize what a considerable advance there has been in the past year or two in all types of local authority as regards to their responsibility and their spending. For instance, taking the urban local authorities first; loans which have been sanctioned to different municipalities up to the end of last year amount to the following—Nakuru Municipal Council, £984,000, I am giving rough, round figures, which was a very considerable amount of money; Mombasa Municipal Board, I am sorry if I cannot yet say Mombasa Municipal Council, but no doubt the hon. Member for that area will raise the question later, £451,000; Eldoret Municipal Board, £214,000;

(The Minister for Local Government, Health and Housing)
Kisumu, £120,000, and Kitale, £29,000 or £30,000. That does not include, of course, the City Council of Nairobi—the greatest and largest of our local authorities. The total of all other urban local commitments is in the region of nearly £2,000,000 and Nairobi City itself is something like three times as much. Nairobi City also, of course, envisages a very large capital programme in the future and I will touch upon that in a minute.

Well, Sir, turning to the Nakuru Municipal Council, I would like, straight away, to say, that it is one of the most enterprising of the urban local authorities in the country; it has been very fortunate in the men to pilot it through the different phases, and it has shown considerable and very great initiative. (Hear, hear.) I was expecting to hear "Hear, hear", and obviously the hon. Member for the Rift Valley would be the first to say it, but I hope that other people will also say it, because I feel that Nakuru Municipal Council is, in itself, a very important example to all urban local authorities in Kenya. (Hear, hear.) It has also very especially taken considerable interest, and considerable trouble, over the African problems in its area as regards to housing and social services, and I do not think that proportionately any urban authority can exceed the development and the amenities it has provided for the working-class population. (Hear, hear.) They have their problems, Sir, and one of the problems at the moment is the lack of industrial development. It is one of the problems we are trying to help them out with, but it is not an easy one. The other great problem, of course, is the dust nuisance, Sir, it may have been seen in the newspapers the cries of the Nakuru Municipal Council as regards the dust nuisance from its lake. Fortunately, with the rains lately, the cries have not been so heart-rending as they have been previously. But it is a problem which they, and I, and others who are interested in this are trying to consider, everybody is trying to find a fairly economic way of stopping this dust nuisance, but all I would like to say, and here pour a little cold water, possibly, on the problem—which, of course, would solve it—is that the actual

amount of money that we foresee at the moment to completely cure that problem, is quite outside the bounds of the money available to Government from the Local Government Loans Authority at the moment.

Now, Sir, turning to Eldoret, they, too, have had their considerable troubles, and one of their main troubles at the moment is the difficulty of raising a fair rate revenue from the property as valued to-day. They have had a revaluation and I hope that will be an improvement, but Eldoret has, to-day, the highest rate percentage of any municipality in Kenya. There are great areas of land in Eldoret which are not required; they are not owned by Government, and, therefore, they do not get contributions in lieu of rates on them. They are owned by private persons and undeveloped and still, of course, they have to have their services. That, again, I hope, is being overcome by adjustments in the methods of rating and, to some extent, it has been overcome by the revaluation.

There is one other problem which is especially worrying Eldoret at the moment, and one that I know will interest the hon. Members opposite, and that is Asian housing. There is probably in Eldoret more overcrowding with regard to Asians than any other town in the country.

MR. GIKONYO: What about Africans?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I will discuss the matter of African housing under a different debate.

That, again, is something they are turning their minds to and I hope we can make land available to them and money available to them to relieve the problem to some extent. I want to make it quite clear, I am touching on Asian housing and European housing in this debate, Sir, because in the other debate under the heading of Housing, it comes under the heading, I think, of Central Housing Board, and I want to confine my remarks mostly then to African housing.

With regard to, as I say, Asian housing, especially in Eldoret, I want to make one point. As hon. Members know, Government is very short of capital

[The Minister for Local Government, Health and Housing]

money and it seems to me that there is available in private hands in the Asian community still quite a considerable amount of capital, and I would appeal to hon. Members of this Council representing Asians to put this forward to their own people and suggest that their private money should be invested in Asian housing, which is quite a good return—possibly not as good as some other ventures—but quite a good return and in that way they will be very greatly helping their own people. (Hear, hear.)

Sir, as regards Kisumu, that again is an urban area which is going ahead with great speed, and the special thing that has happened in the last year is instead of the District Commissioner being the *ex officio* chairman of the Kisumu Municipal Board, they now elect their own chairman and their present chairman just elected, Sir, is a distinguished Member of this Council, the hon. Mr. Riddoch. (Hear, hear.) (Applause.)

There again one of their particular troubles and one which we are trying to plan for, is the very difficult slum conditions around the perimeter of Kisumu town. There is no control affected or exercised by the African District Council under whose particular authority that area comes, and people have been allowed to put up all sorts of huts in the perimeter around the town with naturally great drawbacks with regard to the social life and conditions of health. I hope that we will be able to make an agreement and have a joint committee of the Kisumu Municipal Board and the African District Council to plan and to administer properly planned and properly erected housing for dormitory estates, one might say, both inside the perimeter of the town and outside, and that by-laws will be introduced by the African District Council to prevent any further slum conditions as they now exist. That, in itself, Sir, will be in principle a very important advance in that it will be the first time that an urban local authority and African district council will have conjointly exercised authority over one area. That, indeed, is my wish that more and more local authorities of these sorts should co-operate in the actual day-to-day problems affecting them both.

They, Sir, also have, in Kisumu, initiated and with great success have run a milk pasteurization plant and dairy and that is something that I think might well be an example to other local authorities, not necessarily urban local authorities, although, of course, there is the objection of monopoly in a matter which might be left to private enterprise of a semi-Government body. I still believe, especially in this particular town, that it has been of great benefit for the community both in reducing the price of milk and producing for the consumer a very good and hygienic article.

Kitalo, Sir, is going ahead. Its rate revenue is not very large, it is only £7,600 to give an indication, but they, too, in their small way, have considerable problems and slum clearance is one of their particular problems. I will touch later in another debate on the ways in which they are getting over their trouble of African housing difficulties.

Mombasa, to just compare having given you the figures of Kitalo, Mombasa's figure of rate revenue is: £308,000. As hon. Members know, Mombasa is going ahead very quickly with industrial and other developments; I have no doubt due to the activities of the hon. Members who come from that area. (Hear, hear.) However, the one new matter, the new principle, that was being introduced last year, that is in Mombasa, is the differential rate for the mainland. That is something I think the hon. Member for Mombasa has had in mind for some time. The mainland now is being rated, but at a differential rate from the island and that is quite right, as the services that can be supplied to the mainland at the moment cannot be really at the same degree as those supplied to the island.

Now, Sir, it has been touched upon in this debate the matter of communications to the mainland, and whether the Mombasa Municipal Board would be able to subsidize, or be prepared to subsidize, the cost of communications between the island and the mainland. I would like to give one word of warning that the Mombasa Municipal Board has by no means agreed that they should subsidize and I have not yet really officially been approached. I think it is one that has a few difficulties.

[The Minister for Local Government, Health and Housing]

Now, Sir, I did mention the status of Mombasa. I think I have said in this Council previously, and I certainly believe, I have believed ever since I took on this onerous duty, that local government should be extended at the coast. There has been a considerable demand for the raising of the status of the Mombasa Municipal Board to that of a council when they will be able to have their mayor all nicely dressed up in red clothes—which would be very hot at the coast. But I still believe, and I want to see, Mombasa raised to the status of council as soon as possible, but, on the other hand, I want Mombasa to realize one factor that I think that Mombasa town, Mombasa municipality, must realize that they are responsible, and must be responsible to a great extent, for the extension of local government outside their boundaries. (Hear, hear.) I do not mean by that that they should, that the Mombasa Municipal Board should, extend its boundaries to any great extent necessarily, but they must foster and help the establishment of local government in a much greater degree day outside the Municipal Board. (Hear, hear.) That matter, Sir, is being gone into at the moment. It is not easy, because numbers of people have different ideas, but a scheme has now come to me—has been put to me—which I think has a practical application, and I hope that the Commissioner for Local Government, to whom mind you, I am indebted for all the schemes and the ideas, may be able to have discussions with the people of Mombasa in the very near future.

Nairobi, Sir, again as a matter of comparison; Nairobi's rate revenue is £700,000 and I have said and told you that their commitments are something in the region of £5,000,000 in their borrowing programme, but their actual capital programme for the next few years is really rather a staggering figure and one, again, which hon. Members may not appreciate. There are difficulties, of course, in raising the money required for this particular programme, but we hope that they will be successful. The total for their capital expenditure only in 1954 was estimated to be nearly £1,500,000; in 1955 £2,300,000; in 1956

£2,500,000; in 1957 £1,250,000 and so on. I just gave you those figures to show that the Nairobi expansion and, indeed, the estimated expansion is really a very important factor in the whole economy of this country. It is important also in that, as hon. Members, some hon. Members, know, Nairobi was able to borrow from London directly on the London market which was a privilege extended to the City of Nairobi only, and no other city in the whole of Africa, in fact I do not believe in the Commonwealth, has been able to do the same. This, I understand, was negotiated by that very able financier, our present Minister for Finance. (Hear, hear.) But, unfortunately, I do not think that particular privilege can be extended much longer. The Government, of course, would welcome it if it were, but I doubt if they will be able to borrow much more on this market and therefore their capital programme over and above what one might say is "saleable" in the next year or so, may well have to come within the bounds of the Colony's capital programme; in other words the money to be borrowed by the Colony and re-lent to the City. That, of course, raises very important and difficult issues.

Again, as regards housing in Nairobi, I will touch on that in a later debate and there are only two other matters I wish to touch on here and that is social welfare. It is a problem especially in the City of Nairobi with which we have had great difficulty in trying to develop. It is again a matter of money, but we, the Nairobi City Council and myself, and, indeed, the Government recognize that especially in Nairobi welfare, although one does not like that word particularly, is necessary for the inhabitants.

ADJOURNMENT

THE DEPUTY SPEAKER: The time is 9.30 p.m. Council will stand adjourned until 2.30 p.m. to-morrow, the 1st of June.

Council rose at thirty minutes past Nine o'clock.

Wednesday, 1st June, 1955

Council met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

The Water (General) (Amendment) Rules, 1955.

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES)

ORAL ANSWER TO QUESTION

QUESTION No. 99

SIR EBOO PIRIBAI asked the Minister for Finance and Development: Have the cash compensation and *ex gratia* payments now been paid to certain Sudanese at Kibera, as was recommended by this Council on 22nd February, 1955?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Yes, Sir, in the majority of cases, but there are still three claimants whose present whereabouts are unknown and payments can only be made as they are located. I may say that every effort is being made to trace these individuals. The actual amount of cash remaining to be paid out is Sh. 200, divided between the three persons concerned.

MOTION

PAYMENTS FROM NYANZA PROVINCE COTTON SALES PROCEEDS FUND

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I beg to move that:

WHEREAS this Council on 9th July, 1952, resolved that the sum of £200,000 from the Nyanza Province Cotton Sales Proceeds Fund be used by the Development and Reconstruction Authority for the purpose of financing certain development projects in Nyanza Province:

AND WHEREAS this sum will not be sufficient to finance such expenditure up to 30th June, 1955:

BE IT RESOLVED that further payments not exceeding £80,000 be made

from the Nyanza Province Cotton Sales Proceeds Fund for such projects.

Mr. Deputy Speaker, Sir, I think this Motion is a comparatively formal Motion. Funds were originally provided for expenditure on approved schemes from the Cotton Sales Proceeds Fund as follows: firstly, by transfers of £60,000 and £35,879 to the Development and Reconstruction Fund for expenditure on cotton areas in Nyanza and the agricultural station, Matuga, in the Coast Province, respectively. Secondly, by Resolution of Legislative Council in July, 1952, £200,000 were released from the Nyanza Cotton Sales Proceeds Fund and £200,000 from the Coast Cotton Sales Proceeds Fund for spending through D.A.R.A. Estimates on certain defined schemes. These two sums were placed on deposit and the funds were credited to the Development and Reconstruction Funds monthly as expenditure proceeded.

My Ministry hoped that it had secured the release of additional funds when it made a one-line provision in the Development Estimates for 1954/1955 of £100,000 for Nyanza and £50,000 for the Coast schemes. These Estimates were duly passed by this Council and against the Estimates it was clearly shown that the money was supposed to come from these funds and it was anticipated that that would be sufficient authorization for taking the money from the funds because it had been passed by this Council for uses as shown, but, Sir, the Treasury have held that this was not really the right way to secure this additional money. Thus, on the basis of funds available, there will be an over-expenditure if all the estimated expenditure, including revotes, is incurred of £79,837 on the Nyanza schemes. To cover this over-expenditure, a formal release of £80,000 from the Nyanza Cotton Sales Proceeds Fund to the deposit account is necessary. If the sum is not spent, it will be duly transferred to the new Cotton Lint and Seed Marketing Board, as is provided under the new Ordinance.

In short, Mr. Deputy Speaker, we thought that this expenditure had been covered and that we had been authorized to take this money from the Coast Cotton Sales Proceeds Fund and the Nyanza Cotton Sales Proceeds Fund, and it is purely a formality to put the

[The Minister for Agriculture, Animal Husbandry and Water Resources] matter right that we now want the increased authorization of this Motion:

I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

MOTION

TRANSFER OF FUNDS TO COTTON LINT AND SEED INDUSTRIES BOARD AND TO THE COTTON PRICE ASSISTANCE FUND

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I beg to move that:

WHEREAS the Cotton Lint and Seed Marketing Ordinance, 1954, provides for the establishment of a Cotton Lint and Seed Marketing Board for the purposes of marketing and exporting cotton lint and cotton seed and to foster projects and services of direct benefit to the cotton industry:

AND WHEREAS it is proposed that the aforementioned Ordinance should come into operation on the 1st day of July, 1955:

BE IT RESOLVED that the sum of £70,000 from the Nyanza Province Cotton Sales Proceeds Fund and the sum of £100,000 from the Coast Province Cotton Sales Proceeds Fund be transferred to the ordinary funds and resources of the Board: and

BE IT FURTHER RESOLVED that the sum of £730,000 from the Nyanza Province Cotton Sales Proceeds Fund and the sum of £240,000 from the Coast Province Cotton Sales Proceeds Fund be transferred to the Cotton Price Assistance Fund.

Mr. Deputy Speaker, the Ordinance which was recently passed by this Council provides for the setting up of two funds, namely the Cotton Price Assistance Fund, which is intended to act as a cushion to offset recessions in price, and is proportionate to the equivalent fund held by Uganda for this same purpose, and the ordinary funds and resources of the Board are to be used to foster the development of the cotton industry.

The object, Sir, of the first part of this Resolution is to provide funds for this latter purpose for use as soon as the Board is set up after the Ordinance comes into force on the 1st of next month—1st July.

The Board's resources will subsequently be increased by the transfer of such portion of the money into Development and Reconstruction Funds as is not actually expended before 30th June, at the end of this month.

The second part of this Resolution is for the purpose of transferring the bulk of the Cotton Sales Proceeds Fund to the Cotton Price Assistance Fund. All these sums are round sums and the balance of the money held by the Director of Agriculture in the Cotton Sales Proceeds Fund and on deposit with the Development Fund will be transferred by further Resolution when the final accounts become available after 30th June.

In other words, this Motion is necessary in order to implement the provisions of the Ordinance which was passed at the end of last year.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XXVI—LOCAL GOVERNMENT

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

Debate resumed.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, when Council adjourned yesterday evening, I was discussing the activities of the City Council of Nairobi. This local authority, of course, and representatives of it, have a great opportunity to publicize their own activities—rather a greater opportunity than some—and they take advantage of it. Therefore, I do not wish to expand too much on these activities which are probably well known to hon. Members. I would merely mention, and re-emphasize, what I was saying yesterday evening, that the

[The Minister for Local Government, Health and Housing] expansion of social activities, especially in the African areas of Nairobi, is recognized by the Government and by my Ministry as something which is very necessary and very desirable. It is also, I think, recognized by the City Council and it will be one of the main subjects which will be part of the planning by my Ministry in conjunction with the City Council for the next year. There is no doubt, and I am certain hon. Members will agree, that in those areas that I have mentioned there is a necessity for the population to be provided with activities, both social, sporting, and so on.

The other point, Sir, which is of great interest, especially to some Members of this Council, and I think it is necessary to mention it, is that the Muslim community have approached me with regard to separate representation on the City Council. All I can say at this juncture, Sir, is that, according to the Ordinance, the Commissioner for Local Government will have to make an inquiry into, and so recommend, alterations in the constituency boundaries and so on and I have recommended that the Commissioner should so make an inquiry. It may take some time to complete, but not a very considerable time, and I hope my words will be shown to be sympathetic understanding of the feelings of the Muslim community in this regard. The principle, of course, having been accepted in this Council.

Now, Sir, the last part of the activities of urban local authorities concerns townships which are the minor urban authorities and, in fact, we only have to-day two self-accounting townships. They are Machakos and Malindi and to show what level of activities they have, the Machakos rate revenue is £729 and Malindi is £1,500. However, it is a very good start and I know that in both areas the township committees are most active and very desirous to develop. In fact, I am now studying whether it would be a good idea to have another status so that by an alteration of the Ordinance we could recognize the fact of a township imposing rates on itself. In other small townships, of course, the local authority is the district commissioner and they have no rates. In fact, the local authority in law in a self-

accounting township is the district commissioner and he is advised by a committee. I am studying that whole set-up and I personally feel that we might show recognition of the responsibilities they undertake when they do rate themselves by giving them a slightly higher status than they have to-day.

The remaining townships and urban areas are now incorporated in the county system in urban district councils. So the second section of the Local Government Authorities, which I wish to discuss, are the African district councils. The most important matter, I think with regard to African district councils is the recognition of local councils and the development of local councils. They are in existence in a number of areas, but they are not statutory bodies, but legislation will be placed before this Council in the very near future asking that it will agree to their becoming statutory bodies and bodies corporate. I certainly believe that we should encourage as much as possible the local interest at that level and, indeed, it is, of course, following the pattern of the counties. In that regard, the African district councils—I would remind hon. Members—have, in many cases, more authority and more functions than the county councils in the settled areas; but I think the proper growth and development of local councils will certainly add to the ease of administration and the prestige and development of the African district council areas.

I have spoken in this Council before, Sir, with regard to my intention to foster joint activities between the different types of local authorities and I mentioned yesterday the activity which I specially wish to foster in the Central Nyanza-Kisumu area of joint administration of dormitory towns or areas. There are other factors also in which, I believe, joint committees would be useful. For instance, although it has taken some time to arrange it, in the Nyanza areas between the African district council of the Kipsigis and the county councils in Nyanza with regard to ambulance services, dispensaries and so on, I still hope that in spite of difficulties that have been run up against that can be arranged. There are already one or two other matters in which joint committees function.

[The Minister for Local Government, Health and Housing]

Also, during the last year, another matter of importance to the African district councils was the publication of the rules governing the eligibility of African candidates to membership. I think hon. Members—I will not go into details of that—that are especially interested—the hon. African Representative Members—will agree that these rules are a great improvement.

Now, Sir, with regard to finance, there is to-day a committee sitting—indeed, it has reported, but Government has not yet considered the report—which has examined the relations between the Central Government and the African district councils in regard to finance. It is a very difficult, and I might say, tricky subject in that the financing of the African district councils has, I think one can admit, been slightly haphazard in the past and we really wish now to put the finance on a proper basis. I cannot go further than that, but I hope that the report of that committee will be—or anyway the parts that the Government can accept will be—in operation before the next time the Estimates are presented.

Again with regard to finance, there has been quite an improvement in the standard of accounting methods, techniques, etc., of accounting in the African district council areas, but, of course, they are very, very far behind the municipalities and the counties and that is a matter that I personally, and the Local Government Department, am interested in and a little bit worried about. There is no doubt that until the financial accounting and the financial policy is on a firm, and a really firm, basis, no great strides in further autonomy can be given to the African district councils. That is the basis of all their development and work.

In this regard, a number of African district councils, I am pleased to say, have now agreed to the secondment to them of European financial advisers. These men will be officers of the Local Government Department because otherwise we would not get the right men. Their careers and the opportunity of promotion, etc., would not be very great if they were only employed in one

African district council. Their job will be to put the accounting systems and the financial policy on the right lines and on the right basis and, at the same time, to train Africans in accounting and financial matters and, we hope in due course, that properly qualified Africans will be able to take over the duties entirely by themselves of the very important and very necessary duties of treasurer. There again, we will have to see how this works out, but I am sure that this is the right step. There have been, unfortunately, one or two African district councils that have not liked the idea and presumably from a political angle, but others, many of them, are agreed and I am sure that those who have agreed will progress more quickly. There is, of course, the usual difficulty of obtaining the right type and calibre of staff for this duty which is a very important duty and we are not finding it easy to do that, but I am glad to say that the first of these people will be on the ground in the very near future, I think in the Central Nyanza District.

Now, Sir, going on again with regard to staff and the aid that the African district councils require, we put into motion some time ago an idea that works officers might also be seconded to the African district councils. There have been one or two African district councils who have employed such officers and with very great success. The greatest example of this is South Nyanza where a works officer had been working with the African District Council for some time and the workshops, the roads and all the other activities, the buildings and so on, showed quite conclusively what a very great help this man was and is. In fact, he is not only earning his own keep, but he is making a very good profit for the council. I hope, therefore, to extend this system and, again, these works officers will be members of the Local Government staff seconded to the African district councils. I hasten to say, of course, that the African district councils will pay the full financial committee of both the financial advisers and the works officers.

There are also starting very soon, in fact, I am not sure they have not started, courses at Jeanes School, through the courtesy of my hon. friend the Minister

[The Minister for Local Government, Health and Housing] for Community Development, for African district council staff in book-keeping and accountancy and that, again, will help very greatly the clerical duties that are so badly needed with regard to finance and accountancy.

Another matter which may be of interest is that there is a Bill in draft at the moment in the Local Government Department which will provide for a provident fund under the Local Government Administration to which all African district councils will be invited to contribute to the benefit of their staff. This, I think, will provide very much greater security and a great attraction for African district council employees and county and municipal councils, if they wish, will also be able to join the scheme.

Apart from true local government functions of African district councils, they have, of course, rather peculiar and unorthodox functions which are extremely useful and valuable. For instance, the Kwale-Kilifi milk pasteurization plan at Mariakani which has now proved itself a great success. It not only provides a great many benefits, but also it provides a small profit for the African district councils and that in itself is most satisfactory. The Samburu African District Council is sponsoring a ranching scheme which also looks as if it may be a success and, in any case, has other great uses. In Machakos the African District Council sponsored the processing and marketing of sisal.

The African district councils cover very many different aspects; health and housing, marketing and all sorts of activities and, in fact, 71 sets of by-laws were approved by me last year which shows that they are not behind-hand in imposing legislation on their ratepayers. Some hon. Members might say we have quite enough legislation as it is, but, Sir, at least it shows an increase in activities.

Now, Sir, the last group of local government authorities which I wish to talk about are the county councils. The Nakuru, Nairobi and Naivasha County Councils were all born in 1953. Aberdare came into being in June, 1954, and the Nyanza County Council

came into being in 1955. I had the honour to be up there at their opening and a very pleasant time we had. I only hope it was a good augury for the future and I am sure it will be. However, there are other areas in the Colony which have not yet come in under the County Council Ordinance. A year ago I initiated discussions with the Trans Nzoia and Uasin Gishu and the Municipal Boards of Eldoret and Kitale.

The discussions were attended by officers of the local Government department and were quite protracted, but, unfortunately, Trans Nzoia District Council ultimately felt unable to associate themselves with a scheme. That is how it stood up to a few days ago, when I heard again from members of the Trans Nzoia District Council that they may again think it over. At the moment, of course, since the failure of that scheme, or the apparent failure, at that time, of that scheme, from then onwards the Eldoret Municipal Board, and the Uasin Gishu District Council, have been considering their own county. I think that the financial basis between those two local government authorities would be sufficient to support a county, although probably certainly not as widely based as I would like to see. On the other hand, I am doubtful myself whether the Trans Nzoia District Council and the Kitale Township, and hon. Members may remember the figure I quoted for the rates in Kitale as against Eldoret. I am doubtful whether those two authorities together would form a sufficiently broad financial basis for a county. However, as I say, I am still hopeful that the whole area may come into one county which, if it happens, will be the first time that a municipal board has come into a county council area—again something which I would like to encourage—and if it does happen, we might then see the realization of the Western Kenya County Council.

Discussions during the last year took place between Naivasha and Nakuru with the idea of amalgamation, but neither of those two counties saw any immediate financial advantage; however, I am still hopeful that in the future they may not only see financial advantages, but other advantages from such an amalgamation, because I am quite certain that again in that area the base should

[The Minister for Local Government, Health and Housing]

The Naivasha County Council is going through rather a difficult time at the moment and, indeed, there is a certain amount of restlessness within the county from some wards, and all this restlessness, and some of the dissatisfaction, keeps the whole thing in rather a liquid state. As I say, I hope, and I certainly want to initiate discussions again, that something further will develop during this coming year.

After the constitution of the county council, it has to consider, of course, the form of rating and it has two years to replace township rules, by township by-laws under the County Councils Ordinance. We have found that two years is too short, so it is not only Government that find difficulty in getting things done, but also local government with the direct representatives of the people. The new counties, of course, are now considering the form of rating and the powers which they wish to assume, and Nakuru, Naivasha and Nairobi are all public health authorities and the Aberdare are thinking about it; I think they will come in very soon. It has been agreed that County Inspectors be appointed to see that the by-laws are carried out.

I would like again to touch on the Nakuru County Council who have again shown—I seem to be patting the Nakuru area rather a lot on the back—but they certainly have shown a desire and considerable interest in developments of many kinds; especially are they active in the development of social centres in that area and application was made by Government on their behalf for F.O.A. assistance in this. I want to make it quite clear, I brought this up especially, that the F.O.A. have not agreed to this assistance as yet; the application has merely been made and whether they will agree or not, we do not know. My own guess is that it is rather a slender hope, but it was published in the newspaper some time ago. I think, the fact that in one of their debates somebody stated that F.O.A. assistance had been granted. That is not so; it has been applied for and we have to wait and see.

The counties are most definitely extending their activities and, again, I

think, it is of interest for hon. Members to be told of one or two of them which I think spring from the loan programme of the different counties. It does give an indication of how their minds are working and what they are doing with ratepayers' money. Nairobi, for instance, has borrowed, up to the end of last year, over half a million pounds, and they have spent that on macadam roads, central offices, drainage, offices at Thika; staff housing, sewage at Thika £205,000, water at Thika £100,000, plant and housing. That is quite a big capital programme which reflects their activities. The Nakuru County Council have been spending money on maternity wards, staff housing, conservancy and offices. Naivasha—staff housing, dispensaries and maternity wards, a social centre, road bituminization—that might be of interest to hon. Members who spoke on the Head of the hon. Minister for Works yesterday. It might be of interest to know that Naivasha County has borrowed £21,200 which is being spent on the bituminization of their roads, and, of course, the loan element is borne by the ratepayers.

The Aberdare County Council—social centres and markets, staff housing; £10,000 in Nyeri on roads and African housing in Thomson's Falls. Again, I do emphasize that, because it was agreed at the beginning; if you remember when the County Councils Ordinance was being brought in, it was a very troublesome one, that no money from rates should be spent on roads, but quite voluntarily the counties are now spending money on roads.

Nyanza County Council, of course, has not really got going yet, but from commitments which they have taken over their loan programme covers roads and drains for Kericho and staff housing.

All county councils have urban district councils underneath them, and, of course, rural district councils as well, but these urban district councils are composed of the townships within their areas, and we are giving some thought to the situation there, because quite obviously administratively it is not so easy for an urban district council to administer three or four townships which may be anything up to 50 miles apart. I will not say any more except that all counties

[The Minister for Local Government, Health and Housing] are thinking about the problem and especially Nakuru. It may be that we may have to make adjustments in the schemes to tidy up the administrative factor. But, at the moment, they are going along fairly well, but I think one must admit that the townships in these areas are not as good assets as we hoped they would be. The development of those townships are not such that they will produce a really good rateable value, and, in fact, the counties are finding that these townships are, in some cases, more of a liability than an asset. Especially in view of that, although I want to say straight away that there have been capital grants made to counties, when taking over such townships—the capital grant being in the region of £2,000 for each township—but out of that this particular difficulty of the counties we hope will be met in the form of a diminishing grant. Now, hon. Members will see that in these Estimates there is a token vote for diminishing grants to councils, and, indeed, the authority for the diminishing grants is in the Ordinance itself. But it is under discussion now with Government the amount of those diminishing grants and the basis on which they may be paid. Of course, once again, as so many Ministers in moving their Heads have had to say, at this time everything depends on the money that is available. So many things are desirable and so many things may seem, and in fact are, essential, but even those may have to be cut and, to some extent, reduced from what we would all like to see.

I mention townships in regard to urban district councils, and the difficulties and expenses the county councils have to undergo in developing those areas, but I would not like to omit trading centres, because they, too, are difficult areas for development and administration.

Now, Sir, I merely would like to end by saying how appreciative I am of the work, and the very hard work, that the Commissioner for Local Government himself has undertaken in the last year since I took over this Portfolio, and, also, the great difficulties that the Local Government Inspectors have had to undergo mostly through the shortage of

staff. We are rather behindhand in our audits, but it is entirely due to the fact that we just have not got the bodies. Our establishment is nowhere near full and so, because of that, the people we have with us have had to do very much more work and harder work than they really should do. I do remind hon. Members that auditing any accounts is a job that one has to take a certain amount of time over, and, of course, it is a job which requires well-trained men, and that is another reason why they are finding it difficult to get the men: I have had the most loyal and excellent service from the members of the Local Government Inspectors' staff and the Commissioner's staff as well.

Finally, I wonder if hon. Members realize the terrific amount of really voluntary work that is put into local government activities in all areas—both urban, rural, county and African district councils. I do not think many people realize that these people do not get any fees or allowances; their mileage may be paid for and that is all; they do not get Sh. 60 a day like hon. Members, nor do they get Sh. 30 a night subsistence like hon. Members, and they do, in many areas, almost as much work—almost as much work—as the hon. Members of this Council.

I beg to move. (Applause.)

THE MINISTER FOR COMMUNITY DEVELOPMENT seconded.

Question proposed.

MR. GIKONYO: Mr. Deputy Speaker, Sir, I wish to congratulate the hon. Minister for Local Government, Health and Housing on the very able manner in which he has given us a review of the activities of the local authorities in this country.

There are a few points that I want to touch on in this debate. First of all, I want to talk on African representation on the local authorities in the urban areas. We all know there is a very rapid development in commerce and industry in our big urban areas such as Nairobi, Mombasa and Nakuru. These developments inevitably bring with them the influx of Africans from the country into the towns in search of work. As a result, very many problems are created, such as housing, water supply and other things

[Mr. Gikonyo]

of a similar nature. I do feel that the ~~time~~ has come when the question of more representation of Africans in the councils in those areas should be considered, and I hope that the Minister for Local Government will take this matter seriously. I think, at the moment, we have two African councillors in all these urban councils, except in Nairobi where we have three councillors; even then I feel that Nairobi, more than any other town, deserves more African councillors. I do not believe that three Africans can adequately represent so many African problems that come before this Council from time to time, and I would ask in particular the Minister to consider the question of increased African representation on the City Council. I do feel that the time has come when an African be appointed to the aldermanic bench of that Council.

I was very pleased to hear that the Government and the City Council recognize only too well the need for social welfare for the Africans in Nairobi. At the moment there are no amenities for Africans in Nairobi; if there are they are very poor indeed, and I feel that it is one of these urgent problems that needs tackling quickly and very vigorously.

As far as the African district councils are concerned, I was pleased to hear that the Minister will bring before this Council a Bill to give locational councils statutory backing. It is a very good step that these people should be encouraged to take an interest in their local affairs at that level, because it is there that people start learning the functions and duties of citizens and from there they can go to the African district council. I feel it is a very essential thing to do, and in this regard I would like to ask the Minister the Government's policy as regards advisory councils in urban areas. As he realizes, these bodies have no statutory functions; their functions consist of giving advice to the local authorities. I do know that they sometimes give very useful advice, but I would like to remind the hon. Minister that there is a big difference in giving advice which may or may not be accepted, and taking a decision. I would like to ask the Minister whether he would not find it fit to consider the advisory councils in the same

way as the locational councils in the African land units. If not, then they serve no useful purpose, and therefore they should be abolished and in their place, increase the African representation on the councils that do exist in the urban areas, dividing the African areas of the towns into wards, and each ward to be represented by a councillor on the municipal boards, or municipal council, and the City Council in the case of Nairobi.

I was glad to hear that there is a committee working on this question of financial assistance to the African district council. As the Minister says, the Government assistance to the African district councils has been haphazard, and I would be very glad to hear what this committee is going to recommend so that the question of grants is set and each African district council knows exactly what amount of money it is going to get from the Central Government and therefore can base, or plan, their schemes on the understanding that they have so much money.

The question of financial assistants was raised by the Minister. He said that there are some African district councils who have accepted this assistance of finance officers from the Local Government Department. I think it is a good idea, but I think the reason why some of the African district councils refuse to accept this assistance is a question of fear. They fear that perhaps a lot of these officers will be seconded to the African district councils and, therefore, a lot of their money is going to be spent on salaries. I do feel that that may be one of the reasons why they refuse. They could not just refuse without reason, and in this regard, I would ask the Minister to do everything possible to encourage Africans from the African district councils to be properly trained, if not in this country, overseas, and when they come back, they will be able to take up jobs as treasurers and cashiers. The same case applies to works officers. I feel that the African district councils should be encouraged if necessary to give bursaries to some of their employees to go overseas and get the necessary training. I do understand that there is one finance officer at North Nyanza—I do not know whether my hon. friend, Mr. Awori, would know—but I understand that that

(Mr. Gikonyo) council gave him a bursary to go to England to be trained as a financial officer, and he is now to-day on that council. I feel such things should be encouraged. The Government has nothing to lose; the African district councils will put up the money, and therefore I do not see any difficulty in the way, and I do hope that those steps will be taken so that the African district councils will not have to depend on the local government department seconding the officers to them.

Mr. Deputy Speaker, I beg to support. (Applause.)

MR. SLADE: Mr. Deputy Speaker, Sir, the matter which is causing me the most anxiety in respect of this department is the question of the future financing of local authorities and their development. The hon. Minister in speaking to this Vote, has already told us the difficulties arising now in regard to some of these townships under county councils which have not, in the past, received all the attention that they should, and now need much money spent on them without corresponding revenue to provide for that expenditure. Therefore, Government has to consider the prospect of a diminishing grant. The amount of such a diminishing grant is a completely uncertain factor, according to the scale of the Government's pocket at the time. The consequent position being, Sir, that the unfortunate county council does not really know how it stands financially in the future, except that it does know that it is utterly dependent on the mood of the Exchequer, Sir, that is a most unsatisfactory position; in fact I would suggest an almost impossible position, not only with regard to the expenditure needed on some of these townships, but also from the more general point of view of the future development of local government, and the future transfer to local government of some of the present functions of the Central Government.

As I understand the general policy, Sir, it is to encourage local governments to take over by degrees various services which can be handled locally, and could perhaps be handled better locally, but which are, at present, handled and financed by Central Government. Well, Sir, I do suggest that

the time has come when we must consider very carefully how that is going to be arranged from the financial point of view. It is utterly unreasonable to ask a local government to take over any service and, at the same time, to say, "The money that you want to provide that service with must be found either by levying additional tax on your local residents in the form of rates, or by coming cap in hand to Government from time to time. It depends on just how Government feels and how rich or poor Government is at the time you are asking". The only solution that I can see, Mr. Deputy Speaker, is something on these lines. Government must recognize that as local authorities take over one service or another, they are relieving Government of that much financial responsibility and, in return for that, Government must concede to the local authority some permanent source of income, under its own control. I would say that the most obvious form of income that occurs to me, Sir, at any rate as regards settled areas, is the rents derived by the Crown from towns and rural lands. It does not seem to me, Sir, illogical to propose that as a local authority takes over increasing services and financial responsibility for services, so it should receive a larger and larger share of the revenue derived by Government from the residents in that area; because clearly there is an early limit to the amount that you can provide for all these services by rating, in addition to the general taxation which the citizen has to pay already. I hope I have said enough to make my ideas clear. I quite appreciate that this particular source of income, that I have suggested, may not be the only one, but what I do stipulate, and what I do ask the hon. Minister for, is an assurance that he and the hon. Minister for Finance and all others concerned, will now start planning how local authorities in the course of taking over greater responsibility for local services, can be assured of an income under their own control.

Mr. Deputy Speaker, I beg to support (Applause.)

MRS. SHAW: Mr. Deputy Speaker, I should like to add my congratulations to the hon. Minister on the review of the work of his Portfolio. He certainly did not run any risk of incurring criticism

(Mrs. Shaw) by the brevity of his remarks. I found the review most interesting and very encouraging, especially when I believe a County Council such as Naivasha had certain financial difficulties in the initial stages, so it is very encouraging to hear that Naivasha now is standing firmly on its feet and is paying the interest on its loan from rating.

I believe the Nyanza County Council is the baby of the county councils and there is no doubt that all infants go through teething troubles. I would very much like a ruling from the hon. Minister much on the same point that the hon. Member for Aberdare has just spoken on, only possibly a slightly different point but from the same angle, of who is to pay? I would like a ruling from him which would help us, and be a great assistance to our Council in taking over different functions. We would like to know who is responsible for the initial finance for schemes which have been planned and approved before Nyanza became a County Council.

I also am very glad to hear on a very parochial point that our ambulance is to be under proper control in the near future for the first time in its existence, as it is usually the other end of the route and very often the driver is incapacitated from too free indulgence in spirits, which makes the life of the patient much more in danger than it would be if he did not travel in the ambulance.

I also have one possible criticism to make—but it is not a criticism of that very hardworking Commissioner for Local Government, but only a criticism of the fact that we hardly ever meet at all as a committee. We get an endless amount of paper and little bits of paper on which you have to say whether you approve or do not approve or you wish to discuss, but I have never known a standing committee before that never sat. (Laughter.) I rather think it is perhaps an anomaly, but anyhow I would put before the Minister for Local Government that I think this is rather an unsatisfactory form of standing committee, because we never do meet; about every month I have to sign about two or three of these horrid little bits of paper and send them back, and it is very hard to really know what is going

on and the pros and cons for the many things that you are asked to give your opinion on without ever meeting.

I beg to support.

MR. LERICHE: Mr. Deputy Speaker, Sir, we can hardly expect district councils and township authorities to go in for something unless they have something to gain. I feel this is the case with regard to Kitale, I do not know much about Eldoret. I do know that there are people who realize they can gain a great deal by going into county councils.

Now, further, Sir, I would like an assurance from the hon. Minister that the door will be left open at some future date when, if Kitale, or Eldoret for that matter, decides that the time is ripe for them to apply to become a county council, that he will give his consideration to it.

I beg to support the Motion.

MR. CROSSKILL: Mr. Deputy Speaker, I have only one short point to make. I would like the Minister if he would, when replying, to state what his policy is to be with regard to land, which, for many years, has been gazetted for townships and trading centres, and which is now apparently excessive for present, and even foreseeable, requirements. I can later, if he wishes, give him specific instances of this. Certain of these areas are being misused, not used to the purpose for which they were gazetted. (Hear, hear.) That misuse, continued misuse, will make the solution of those problems more difficult as the years go on. I would like to know from him, Sir, whether he considers that they should be ungazetted or de-excised and how he proposes to deal with the problem.

I do, Sir, also support the request made by my hon. friend, the Member for Trans-Nezola that the door may be left open, hoping that the West will eventually join the throng of county councils. I feel also that my hon. friend would also feel it right that a terminal date should be fixed for the surrender of the West. (Laughter.)

I beg to support.

MR. AWORI: Mr. Deputy Speaker, Sir, being opposed to night sittings I could not attend the Legislative Council yesterday evening when the hon. Minister for Local Government moved the Motion.

[Mr. Awori]

However, the little I heard this afternoon impressed me and I would like, with others, to congratulate him.

I have got a few points which I would like to raise, Sir. First, I would like to support what the hon. and gracious lady for Nyanza said about the Standing Committee on Local Government. I am a member of that body and I should say that the hon. Member for Nairobi South and the hon. Dr. Hassan and the hon. and gracious lady are also members. Now, for the last three years, I have been a member of that committee and I have only attended one meeting and the gracious lady has not even attended one, maybe she never received a letter to that effect. I think it is most ridiculous because we get, as she says, letters saying that they want to give a certain salary to the Engineer of Eldoret, and asking whether we approve that he should get £2,000 or not; whether we wish to discuss it or not. And whether you write to say that you wish to discuss it, the meeting is never held, and I think that is most unsatisfactory.

There is also another matter, Sir, which I would like to raise. It is the question of the Municipal Board of Mombasa. Among the very few meetings I have attended—I think at one or two of the Standing Committee on Local Government, we approved that the Municipal Board of Mombasa should be raised to council status. Up to now nothing has come from Government to this effect. I would like, Sir, to know from the Minister whether the matter is still *baodo kidogo* or whether he is going to take action immediately.

Now, Sir, regarding African district councils, I would like to know what the policy of Government is towards African district councils. Are they going to be raised to county council status or not? And where are they heading to? Among the staff, I should say that the jobs are not permanent. What is the policy of Government regarding this matter? This has been asked over and over about this and I said that I would be able to say it before this Council. I know that local government, particularly municipalities, are doing much towards the welfare of Africans by running beer halls whereby they get some money to provide for cer-

tain amenities. But in certain instances, particularly in Naivasha, the competition is so great that the county council would not like an African to operate his own shop. Now I think that we do not want to discourage African business and all that, and if there are Africans who could run a business they should be encouraged instead of saying that because the money which comes out of these beer halls is utilized for African welfare therefore private companies or private persons should not be encouraged.

The other point, Sir, regards Kakamega township. Maybe it falls within the power of the hon. Minister for Works, but I think that it falls within the present Ministry. I feel it is high time that at least one of the main roads in that township should be bituminized. I do not know what the Minister will say about this. I would like, Sir, to support what the hon. Mr. Gikonyo said regarding increased African representation on a number of bodies, particularly, the Nairobi City Council. I feel that the Members we have are not enough, they should be increased and at the same time either one or two raised to the Aldermanic Bench.

I think, the final point I would like to raise, Sir, regards African trading centres. So far they pay rent on the plot, but it is not really legal, they are not able to go to the bank and borrow some money, although they have got a plot and a shop built. I would like to know the policy of Government whether they are going to give them a lease of 40 years or 30 years or whatever the period is; so far it is not so. I would like to know whether Government is going to take up this matter.

Before I sit down, Sir, I would like to support again what Mr. Gikonyo said regarding finance officers. My own African district council turned down the question of having a finance officer because we have got one who was trained in Britain and we feel that he is doing a good job; therefore, we should encourage more Africans to participate in the work of local government. Therefore, we do not see the necessity of having a European finance officer to this end.

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

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, I wish to comment on two

[Mr. Chanan Singh]

points. The hon. Minister referred to Asian housing and gave Eldoret as the example of a township where there is a lot of overcrowding. In fact, overcrowding exists in other places also. On my last visit to Kiambu, a small trading centre, I found that the people had barely one room per family to live in. The minimum number of persons per room was five. There were as many as nine or ten persons living in one room. One would expect, Sir, that in a small place like Kiambu there should be no difficulty about getting an acre or two of land, but apparently there is some difficulty. I wrote to the District Commissioner and he told me that he already had the matter in hand.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: On a point of order, Mr. Deputy Speaker, trading centres of that sort do not come under any local government authority, it is administrative.

MR. CHANAN SINGH: I am sorry, Sir, that will probably come under the Housing Portfolio.

Well, Sir, the other matter that I wish to refer to is the question of rates. I believe, Sir, that in some places, especially Nairobi, the method of raising rates is not correct. The amount that a landowner is required to pay should have some relation to the services provided. Rather than relate the rates to the value of land, they should be related, in my view, to the value of services provided. Now, Sir, it is well known that the value of land, in places like Nairobi, is artificially inflated or artificially cut down. That is not a proper factor to be taken into account. I feel that this is a matter that should be reviewed or, at least, kept in view for an opportunity that may offer.

I beg to support.

DR. HASSAN: Mr. Deputy Speaker, Sir, the excellent speech given by the Minister for Local Government for the work done by the local governments in Kenya, deserves congratulations and specially the staff, the Commissioner for Local Government, who have done excellent work in this department. The Minister very kindly referred to the action he has taken towards Muslim

representation on the City Council of Nairobi. I appreciate it and I must thank him for taking so much interest in Muslim representation; Muslims have not been representing their interests directly in the Council for the last ten years. They are very perturbed about it because they always feel that a settlement of this question not being done immediately, is likely to affect their relations with the other communities. I would request, Sir, that a little more pressure be brought on the Government to get this question settled as soon as possible and, if it is a matter that the City Council and other authorities have to take longer time to collect statistics and prepare papers and so on, then I would suggest, Sir, for the purposes of satisfying the Muslim demands, that they should even be nominated for one year. They would be satisfied until such time as all the paper work is done by the municipalities.

The second question is, as my African friend just now raised, the question of the status of Mombasa City Council. The report of the Commissioner and the Standing Committee went through last year, and we have heard nothing about it officially as to what action the Government intends taking in this matter.

There is one matter that I would like to bring to the notice of the Minister. It is the question of African locations in the Town of Mombasa. Although the administrative staff and the technical staff of the Municipality of Mombasa is swallowing almost 30 per cent of our revenue, yet every time we have heavy showers of rain, the houses of the Africans in their locations are flooded and they go through a terrible amount of inconvenience and hardship and losses. Surely all these very highly qualified, technical people, paid for out of the taxpayers' pockets, should have been in a position to give protection during the last five years. I would like you, Sir, during your visit, to pay serious attention to this matter.

Some of my European friends touched upon the working of the county council as to how they are going to raise the funds to run it. Of course, the county council is a sort of local government for the people who wanted it and who got it and those people who want local

[Dr. Hassan]

government, they have got to pay for it with reasonable assistance from the Government. I hope that nothing is given any consideration with regard to the funds of the township councils to be used for these rural councils. County councils, like African district councils, will have to manage their affairs from the taxes they will be called upon to pay. In the towns we find the question of site values and other taxations have been raised to such an extent that we find it is very hard for a person of the middle income group to have enough funds to pay the rents of houses. Of course, this system serves a very useful purpose to owners of those plots because it increases the value of their plots, and the taxes are to be paid by the tenants. In the same way, the county councils, which are in the rural areas, will have to be taxed on the properties held by the residents there. I know establishment of county councils will be found by the people residing therein, to be too early in some places, where the income coming from those areas was not enough to run those councils and to demand that we should have control of all the services completely when we have no funds to run county councils, it does not appear to be a very desirable sort of demand.

I was glad the Minister touched upon development by the District Council of the Kwale pasteurization plant providing fresh milk for Mombasa, and I think it should have been mentioned that it was also the District Council of Kwale and Kilifi because the District Council of Kilifi was the district council which actually undertook to pay the cost of all the services, for the best part of about nine years and Kwale District Council joined at a much later stage.

The ranching scheme of Samburu is another matter which does not concern Kwale alone, because part of it is in the Kilifi district. There is 100 miles square in the Kilifi district—and 100 miles square in the Kwale district—which was dealt with under the Coast hinterland scheme for which the Government spent £12,000. Although part of Kwale has been developed earlier, part of Kilifi is also to be dealt with at a later date.

I am glad that the Malindi Township is also Malindi Municipality or whatever

you call it, Sir; the Minister has given his blessing to it. It is a small town and the foundation of such a committee laid down there, will help and assist in developing that growing town which is one of the best and ideal places for the up-country residents to go for a change on the seashore. (Hear, hear.)

I beg to support the Motion. (Applause.)

MR. TAMENO: Mr. Deputy Speaker, Sir, in supporting the Motion I would like to draw the attention of the Minister for Local Government to two things.

The first thing is that we have African district councils which are, say, rather backward, and it happens sometimes, Sir, the president overrules them in whatever they are against, which the president himself upholds should be passed. This is a very important thing because I do not think that the president really has power to overrule the decision of the councillors. I have one case in mind and if the Minister would like to know it I will let him know it later on.

The second point, Sir, is that some of the African district councils happen mainly to consist of councillors who are members of the Civil Service, that is, chiefs and headmen; I do not in any way speak in a derogatory manner about this change of headmen, but I feel, Sir, that it is right and proper that other people who are not in the Civil Service should be in the council, and that a law should be made to limit the number of civil servants who want to be councillors on the African district councils.

The last point, Sir, is about financial officers which he mentioned and works officers. I do not think it is right for these officers to be seconded from the Central Government to the African district council; this is more or less an imposition. I suggest, Sir, that these officers should be directly employed and be responsible directly to the African district council.

Mr. Deputy Speaker, Sir, I beg to support.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I rise only to deal with one particular point, though it has been made by two or three hon. Members opposite.

[The Minister for Finance and Development]

This is a question, Sir, of staff and the African district councils. The position where, indeed, as my hon. friend the African Representative Member, Mr. Gikonyo, Sir, said there was a certain suspicion and fear about the introduction of these staff and the payment of the salary. Well, Sir, I would like to emphasize that it is important, from the African district council's point of view, that they should get the highest possible quality officers and particularly on the finance side and that at the earliest possible moment. If I might quote, Sir, from a recent report which was made on local government in Zanzibar: "A council with good councillors but moderate officials will be most probably a most moderate council in so far as efficiency is concerned. A council composed of councillors of moderate capacity but with good-quality officials may well become an outstandingly good council. It is wise, therefore, for a council to have the best officers it can afford and, indeed, in some cases, better than it appears it can afford". Because without experienced officers to guide and lead the councillors, the council can very well get into difficulties and particularly financial difficulties. That is obvious; and has been obvious, for some years now in so far as African district councils are concerned; they are, indeed, suffering from this lack of officers with good local government experience and good local government experience is different to Central Government experience in many cases.

Now, Sir, the impression appeared to rest in the minds of my hon. friends that (a) it was necessary to send Africans overseas to get local government training and (b) that a short period overseas training in a local government office or working with the local government authority would equip those men immediately to walk into such positions as treasurers. Well, that is not so. Even when a man gets a qualification in local government service in the United Kingdom, and he may well be a qualified member of the Institute of Municipal Treasurers, he does not come straight in from that point and take over a position of responsibility as a treasurer; he is many years working his way up from

being a junior clerk right the way through the system until he achieves, after years of learning and of experience, a position of knowledge which equips him for the taking over of responsibility. I would like, Sir, with your permission again to quote from this report which was made on local government in Zanzibar and, perhaps, Sir, I had better disclose that I made it. But, Sir, it expresses the opinion that I have held for many years. It expresses it, Sir, and I desire to quote it to show that it has been produced not only for this occasion but is, indeed, an opinion that I have formed after many, many years of experience in the local government field, particularly in this country, and, if hon. African Representative Members will substitute for the word "Zanzibar" their own African people; they will soon, I think, see what I am trying to emphasize. "As more and more local men enter the local government service with the idea of making it a career, and it can be a very satisfying career, they will find it necessary to gain experience by seeking posts and serving with other local government authorities in East Africa before they can be regarded as sufficiently advanced to secure, as will be their natural ambition, the chief posts with local government authorities in their homeland.

"This matter of persuading Zanzibari to enter the field of local government service is very important, I believe, not only to the proposed municipal council, but to His Highness' Government, in view of the inevitable expansion of local government work. It is a fallacy"—I would ask my hon. friends to pay attention to this particular point—"It is a fallacy to think that experience and knowledge of local government work, of a standard sufficient to fit one to occupy posts of senior responsibility, can be gained more quickly than in any other field of work. It is important that Zanzibari shall gain this experience, for they are more likely than other people to provide the necessary continuity and the knowledge of local conditions and requirements which are such an important part of local government work. It is also an error to think that it is necessary nowadays to send people to the United Kingdom to gain such experience and

[The Minister for Finance and Development]

training except where the highest qualifications are aimed at. There are several local government authorities in East Africa who have very highly qualified officers in control of and working in their departments whose presence ensures a reasonably high standard of achievement in local government work. Service with such authorities can give the training and experience necessary to set the aspirant to local government service on the right lines. I would recommend to Your Excellency that His Highness' Government should approach an authority of this kind, such as the Nairobi City Council, to ask if it would accept people to serve apprenticeships in its various departments for a period of at least five years with the idea of fitting such people to return to local government service in Zanzibar at first in posts of junior responsibility with the idea that when they have gained further experience they shall be considered for promotion to the more senior posts. It is perhaps necessary to stress that even the obtaining of qualifications does not fit one to take over immediately positions of high responsibility. Experience, to be gained through service in junior posts, is essential. It is important to remember this in regard to local-government work. A study of the length of service given to local government authorities by senior officers before they have reached the responsible posts they now occupy will underline this point.

"In so far as the finance side is concerned, it is now possible for people to qualify for membership of the Institute of Municipal Treasurers by taking their examinations in East Africa, provided that the local government authority for which they work is a recognized and properly constituted authority."

Now, I do ask my hon. friends, the African Representative Members, and I think they know how much I, in other positions, like my hon. friend the Minister for Health and Local Government, have valued the advance of African local government, to pay particular attention to that fact and not to let fears and suspicions stand in the way of them developing their local government structure on a sound basis, the first

of which is a high standard of well-trained officials, experienced and competent to take responsibility, and opening the way for their own people to move through all these channels to the time when they can occupy those places.

MR. TAMENO:—On a point of order, Mr. Deputy Speaker, could we have this report of the Minister in the Council, please?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Certainly, Sir.

MR. COOKE: Who is the author?

THE MINISTER FOR FINANCE AND DEVELOPMENT: The hon. Member for the Coast, Sir, obviously was not listening. (Hear, hear.) (Laughter.)

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I just rise to speak on one point and that is with regard to the Nairobi Advisory Council which, I think, is now named Nairobi African General Ward Council or something to that effect.

The hon. Representative African Member said that he does not consider that the Council as now constituted serves any good purpose and he suggested that if such councils cannot be given more power, then they would rather that they should be dissolved and more members increased on the Nairobi City Council. Well, in my view, Sir, it is very difficult to give such constant power when they have no power operating or power of imposing tax. The African district councils impose taxes and therefore they have powers; now if you give those people power, we may give them power to undertake certain work, where will they get the funds to provide such work? I believe, Sir, that the ward councils, as they are now called, are serving a very useful purpose because what they are doing is to give advice, and my experience is, as I have dealt with this for some time, whenever you give advice such advice is usually very carefully considered and action taken on such advice, such advice as considered to be useful, and if it involves finance, if that finance is available and I would rather think than such councils should be encouraged.

The hon. Member said that with regard to the City Council that African members there are very few. I quite agree

[The Parliamentary Secretary to the Minister for Local Government, Health and Housing]

with that, but he said that they never had been considered because they are few, but I do not agree, Mr. Deputy Speaker, because if that is the case then we can also say he is serving no useful purpose here, because there is only one or three among the whole of this Council. Therefore, Sir, I think the best thing to do is to encourage them. However, I am quite in agreement that if it is possible at all, some consideration should be given for more Africans to be increased in the Municipal Board, the Municipal Council, the City Council, because I believe that greater numbers will be able to give more valuable advice to the Council.

Sir, I beg to support the Motion. (Applause.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call upon the hon. Mover to reply.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, Sir, I have quite a number of points to reply to. The first few points were raised by the hon. African Representative Member, Mr. Gikonyo. He rather laboured the point of further African representatives on urban councils and my hon. friend, my Parliamentary Secretary, has replied to those points to a great degree.

I would like to correct the hon. Mr. Gikonyo in one matter—that is, the Nakuru Municipal Council has three African members as well as in the Nairobi City. Now, the matter of more African members, Sir, on local government, is the type of thing the Government always has in mind, but hon. Members must realize, I know they do, that such increase of membership is a delicate matter and is not one that one can rush into and give assurances at all times. However, I personally believe that to some extent the wishes of the hon. African Members can be met by slightly more authority and responsibility being given to the ward councils, that is the City and advisory councils in other urban areas. I will most certainly go into that fact to start with to see if we cannot give them a little bit more. For instance,

as an example—I am only thinking aloud at the moment—a sum of money could be made available to them to spend at their own request or rather on their own planning. That is a sort of line which I think would be best followed to start with and I will certainly have a discussion about that.

Now, Sir, there is another point I would like to make that has been made by hon. Members—I do not know by hon. Members in this debate but by people both inside and outside this Council—when discussing the matter of aldermen. The hon. African Representative Member said that there should be African aldermen. Well now, we have got to be very careful about aldermen; they are elected by councillors and I am by no means certain that aldermen, as such, should be set in communal departments. They are elected by all councillors and, if one starts talking about one Muslim, one Hindu, one so and so, and so on, it may lead us into difficulties.

MR. GIKONYO: If African City Councils, why not Africans also?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I do not think the hon. Member is correct because I know the constitution of the City Council does not lay down aldermen by their race. That, of course, is an entirely different thing and that, of course, may—the hon. Member may—recognize that that proves who are the best aldermen.

One other point, Sir, the same hon. Member mentioned the financial assistance to African district councils. I would remind him that my words were, "The financial relationship between the Government and the African district councils". Whether that will result in financial assistance or not, whether the alteration and the proper basis of that relationship when worked out will result in financial assistance or not, remains to be seen; I do not want to give the impression that by altering and amending the relationship between the Central Government and the African district councils that that necessarily means a great deal more income to the African district councils. It may do, in some cases it may not.

Now, Sir, as regards financial advisers, as mentioned by the same hon. Member and also, I think, by the hon. Represent-

[The Minister for Local Government, Health and Housing]
 tive Member, Mr. Awori, and also by the African Representative Member, Mr. Tameno, and I would like to deal with his point first. He said that the financial advisers should be employed by the African district council and not seconded to the African district council from the Central Government. Now I thought I made that point quite clear. We would not get the right calibre there; it is not a career one can foresee as attractive to an employee of an African district council. If a man has only got to look forward to that for his career, I do not think you will get the right calibre of man. Whereas if he, on the other hand, is a member of the Government and, therefore, has the full promotion posts of Government opened to him, then we will get the right calibre, but I think the hon. Member felt that there would be insufficient control over these financial advisers through secondment. It is not so. Through secondment there will be considerable control and I think that should meet what I understand to be his fear.

MR. TAMENO: On a point of explanation, I actually did not mean that. What I really wanted it to mean is that the African district council itself has to decide whether it can afford to employ these officers or not and not to be imposed upon by the Government.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I have no powers to force these financial advisers on African district councils. I am not at all sure that I should not have those powers, but at the moment I have not, and they are not being forced, it is only those councils who agree to have them who will have them.

I would like the hon. Member to note what I have just said; it might be that I should have those powers. (Laughter.)

The matter of trading—the hon. Minister—I am sorry I am trying to follow the right procedure—the Minister for Finance, there is too much of this "hon. Minister" about, has dealt with this very adequately and I think that answers the point from the hon. Member, Mr. Gikonyo.

The hon. Member for Nyanza asked for a ruling as to who is responsible for schemes initiated and planned for before county councils took over. I think that is about approximately it. I think the best way I can answer that, Sir, is that the new county council takes over the liabilities, the assets, the rights and obligations of the former district council in the area.

The hon. Member also complained about the standing committee. I understand that it is difficult to get a full agenda to the standing committee and that the items that come up, bit by bit, are urgent and important and, therefore, have to be dealt with, but I will certainly discuss this matter with the Commissioner for Local Government and see if we cannot meet the wishes of the hon. Member.

Mrs. SHAW: I thank the hon. Minister for giving way. On a point of information, I think it has been a change of policy lately; I have been on the standing committee for quite a long time, when I was originally put on the standing committee, we did have meetings and, in fact, although the hon. gentleman said I never attended a meeting, I have attended meetings, but latterly, in the last year, I do not think we have had any meetings, at least I cannot remember meeting for many months.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, as I have said, I will consult with the Commissioner for Local Government on this matter and let the hon. lady know.

THE DEPUTY SPEAKER: It is now a quarter past Four. Council will suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I think I was dealing with the questions asked, and the points made, by the hon. Member for Nyanza, and I had said that I would look into the matter of the standing committee which never sat! I will come back to that point, Sir, later.

[The Minister for Local Government, Health and Housing]

The hon. Member for Trans Nzoia said that a district council could not be expected—presumably—to become a county council, unless they had something to gain by it, but although it may not be apparent straightaway that there are pounds, shillings and pence to gain, but what matters in these particular areas—I would say that there is quite a considerable gain—a financial gain almost immediately for the four local authorities which one had in mind. I am quite certain that there would be a saving of staff straightaway, but of course, to my mind, the most important thing that areas gain—or district councils gain—is the greater degree of autonomy, and the matter, in fact, that they have much more in their own hands. Now, the County Councils Ordinance does not impose duties on areas. It is really enabling, and it is entirely up to the areas concerned as to what schemes they perform and what duties they take over to start with, and onwards, as well as to what duties they take over as they develop; and I would certainly give the assurance that he asked for that the door will be left open, and I shall be pleased to consider any scheme which his particular area wishes to put forward to become a county council.

The hon. Member for Mau raised the subject of land—the excessive amount of land now within township boundaries, and whether it would not be a good idea to de-gazette or excise—presumably—that land, and give it out to other uses. He did say that an amount of that land is being misused. If those townships are in urban district council areas, I would say that that misuse can probably be stopped through by-laws. There is no reason why it should not. With regard to existing land—and I would remind the hon. Member that, although that land is vacant, most of it is Crown land, I would say, and, although it may be vacant, there is a considerable element accruing to district councils from the contribution paid in lieu of rates by the Crown on that land. That, of course, is the urban rate, and I would remind him that if that land was outside the township, then the rates—as they normally are—would be smaller as they would be on rural land. It is a factor that needs to be considered, because—as I said when I

introduced this Head—the urban areas are the areas from which it is difficult to find revenue, and if you are going to cut even a portion of that revenue out, in the way that it would be done by excising, then it would make it even more difficult for the urban district councils to carry on.

There are other factors also with regard to land—the land in the townships. I personally believe that considerably more use can be made of that land than has been done hitherto, and I will leave it at that.

The hon. Member for Aberdare, Sir, raised a number of points, mostly on the matter of financing the services taken over by county councils. I think he misunderstood me in one aspect, and I want to make it clear that when I spoke about diminishing grants, and the fact that discussions were now going on within the Government as to the amount of those grants, and how they would be handed out, it is not thought every year the amount to be handed out would have to be considered in relationship with the amount in the exchequer. Once it is decided what total amount will be paid in diminishing grants, and on what basis it will be paid, then there would be no variation; unless, of course, there was some very great catastrophe whereby Government would have to go back on policy already decided. That is a matter of conjecture, and I do not think of any great probability. I hope I have made myself clear. If once the type of diminishing grant was agreed, and the degree of the diminishing grant was agreed, there would not be any variation from year to year according to financial stringency.

Now, Sir, the hon. Member also suggested that the county councils should be allowed to have the rents from the land within their area. This is a matter of very grave policy, and it is certainly not one on which I would give any comment at the moment, except, in fact, that I think it would be very unlikely that Government would agree. After all, if such a matter was agreed for county councils, then a precedent is set up which would have to be agreed for urban councils and every type of local authority in Kenya, and it would mean therefore that all land rents would go into the pockets of the local authority. It is a very large prob-

[The Minister for Local Government, Health and Housing] lem, and one with very considerable financial, economic and political reverberations, I might say!

On the other hand, if the unoccupied Crown land should be given over to local authorities—which has been suggested by some local authorities—and that when they developed it they would then receive the rents—there again there are arguments against because it would mean they would take over these large areas of land, which the hon. Member for Mau has described, and they would not be able to develop those areas immediately. It would take a number of years for them to develop those areas and, in the meanwhile, they would get nothing as a contribution in lieu of rates from the Crown, and there would be a definite reduction in income to the local authorities.

Again, the hon. Member stated that the local authorities must have some definite form of revenue before they were expected to take over services. Well, the service that the local authorities are taking over—first it is becoming the health authority—that is, it is becoming the health service in their area. The Government quite recognizes that where a local authority takes over a service which had previously been undertaken by Government, of course a contribution—and a generous contribution—is made by the Central Government to that local authority, and, in fact, if a county council takes over health services, and they become the health authority, that county council gets a 95 per cent grant of the total expenditure on that health service. That is a diminishing grant over a period of years, and it diminishes to 50 per cent, but this is a rather complicated one. It is laid down that the actual amount of money will never be less than the first contribution. I can see the hon. Member for Nairobi North—who, as we know, is a very distinguished accountant—is puzzled himself, but it means, of course, that when a local authority takes a service over, they take it over and only pay 5 per cent towards it. Ninety-five per cent is paid by the Government. That service is bound to expand. As it expands, the local authority pays more out towards the cost of expansion, but they never have to pay more than the original cost

of the service, less 5 per cent. That, I think, Sir, shows the attitude of Government towards local authorities taking over such services and, to my mind, it is a generous contribution.

The hon. African Representative Member, Mr. Awori, also mentioned this matter of the standing committee which never sits, and I do not know if it is the same committee referred to by the hon. Member for Nyanza, but the point is that that standing committee never sits because it is dying on its feet. This particular standing committee has authority over only certain things, and it has no authority over the county councils. It has authority over district councils but, as more county councils are formed, so the standing committee starts to die and wither. However, I am not taking the credit for that remark to myself. That was from my chief adviser on local government—the Commissioner for Local Government—and I will add that we are discussing the set-up of this committee, but I will repeat what I said previously that, although these matters which come before the committee are important and urgent, they are becoming fewer, and the chairman of the committee did not think it was advisable to bring members down a long way for one subject on the agenda, although, however, as I say, the matter will be discussed further.

I am sorry the hon. Member to whom I referred just now, Sir, was not here when I proposed and moved this Head, because a number of questions that he asked me were dealt with when I did so. For instance, the Municipal Council—the Municipal Board—of Mombasa, and altering its status to that of Municipal Council, I did deal with in my opening remarks. I also dealt with the fact of the county council status, and the African district councils, and I do not think I need repeat those remarks. The hon. Member can always read the HANSARD. If he is not satisfied, then I will be prepared to discuss it with him.

Again, also the matter of being pensionable, I also mentioned the contributive pension scheme for African district council employees. The point about the Naivasha beer shop, which the hon. Member brought up, has only to-day been brought to my notice, and I am going into it, and we will see what can

[The Minister for Local Government, Health and Housing] be done, and I quite appreciate the fear that he has expressed.

With regard to Kakamega Township, this really does not come under my portfolio, as the Kakamega Township is not within either an African district council area, or a county council area, nor is it a self-accounting township. I do not think that I really can be held responsible, but I am informed that the Road Authority has a small programme of bituminizing of townships, but no demand has been made to the Road Authority from Kakamega, but, however, it has now been put on the list.

With regard to the leases of trading plots in African trading centres, I am afraid I must ask the hon. Member to give me time to find out what that is all about, and I will certainly go into it.

The hon. Member for Central Area discussed the matter of rates and the methods of raising them, and said that he did not think that the method was correctly established in Nairobi. He said that the raising of rates should be, to some extent, related—or, in fact, to a considerable extent, or an entire extent, as far as I can make out—to the services provided. Now, I am surprised to hear that remark from the hon. Member, and I am sorry he is not here because on other occasions, and in other debates, I think this particular hon. Member has always stressed the fact—and strongly—that taxation and contribution to revenue should be based on wealth and ability to pay. Now he has rather switched to saying it should be based on the amount of services provided. That, Sir, I think, is rather a different tack. Now, Sir, there is no doubt that rates must be related to ability to pay, and the value of property, and there are, of course, a number of services provided by local authorities which are paid for directly, such as water conservancy, dustbin removal and all the rest of it, and they are definitely paid for according to the services provided, so that element does come in to local authority finance, but I can say that there is no intention at the moment of altering the basis of paying rates on valuation. It is a fundamental principle of all rating, I think, all over the world.

The hon. Member for East Electoral Area, Dr. Hassan, mentioned the flooding of the African locations in Mombasa, and the difficulties that the residents there are having. The Mombasa Municipal Board has a storm-water drainage system in mind, but the cost, I understand, will be something about £1,000,000 and, I am afraid, Sir, that we cannot look forward to implementing that scheme for some time, although they are planning to put it into effect by stages. Also I think the hon. Member was referring to the Swahili type of settlement in the African locations, and I would remind him that—although slowly—we are trying to clear those areas, and certainly the inhabitants of the Port Tudor Estate and the Chaogamwe housing, where it has been done, do not and will not suffer from this inconvenience. However, again it is matter of capacity—both financial and building and so on.

The hon. Member also mentioned the financial assistance with regard to county councils, and that the rural areas should pay for themselves in the county council areas. Well, I want to make it clear that in the county council areas the county rural districts are paying for themselves—and more. Actually, a number of them are subsidising the urban areas. It is the urban areas which are a direct loss and a liability to the county, and those are the areas—and it is on the basis of those areas that this grant, I hope, will be made. There will be an element of help to the rural area, but a small one—a very small one—compared with the urban. It is also difficult—that is, the present situation—and I hope the hon. Member will appreciate that, where you have large areas of agricultural land, it is very difficult—and not right—to rate too heavily. It is a principle, again, all over the world that agricultural land, if rated at all—in some places it is not rated—is rated very lightly because of the general economic structure of the country, and that will have to carry on here. So, therefore, there is a limit to the rating of agricultural land, but I again stress that, at the moment, they are paying for themselves, and the urban districts are not.

I will not go into further detail, Mr. Deputy Speaker, on the matter of

[The Minister for Local Government, Health and Housing] Muslim representation on the City Council. I think I described what the situation is—and the hon. Member knows my sympathy—except to say that it would be very difficult to nominate members for one year, because that would mean replacing somebody else and, unless schemes were worked out, it would be difficult to know how to do that, and who to displace. I do not think it will take the time he fears—I do not think it will take two or three years, or anything like that. I think he will probably be quite happy at the length of time it does take.

With regard to the Mombasa Municipal Board—it is the same point made by the hon. African Representative Member, Mr. Awori—and that I dealt with in my opening remarks. I am sorry if I did not make it clear that the Kilifi African district council is concerned with the milk scheme—and, in fact, initiated it—and I also should have voiced my appreciation, from the African district council point of view, of the great work that the hon. Dr. Hassan himself put into this scheme. (Applause.) He was, indeed, one might say, the father of it, and I am sure he is happy with the great success of the flourishing baby that he has fathered.

I think there is only one Member left, and that is the hon. African Representative Member, Mr. Tameno. I have answered one point of his, and the other was that there are certain African district councils which the president overrules. I am quite sure that the president has no power to overrule the African district council, and it may be that the provincial commissioner has overruled on certain occasions. The provincial commissioner has certain powers over certain things, but the district commissioner or the chairman certainly has not got the power, as far as I know. If the hon. Member—as he said he would—would like to tell me of one specific case—if he would like to do so afterwards—I will certainly go into it.

Also, with regard to the matter of the number of Government nominees on African district councils, I think that in every African district council there is an elected majority and, although there may be Government nominees, I think

a number of them are extremely useful, and give good advice on specialized subjects and so on. They certainly do not rule the roost. The elected members have a large majority in the say.

Mr. Deputy Speaker, I think I have covered all the points that hon. Members raised. I do thank them for the expressions of appreciation of my opening remarks, and I hope I have given them some idea of the very large and wide activities of local government authorities in Kenya, and I hope they will appreciate and support the continued development of local government in this country which, to my mind, is the basis of all development.

I beg to move. (Applause.)

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XXVI—1—LOCAL GOVERNMENT

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move that a sum not exceeding £32,831 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1956, for Vote XXVI—1—Local Government.

Heads (1), (2) and Z agreed to.

The question was put and carried.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move the Committee do report to Council its considerations and approval of Vote XXVI—1—Local Government, and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

Mr. Stow: I beg to report that a Committee of Supply has considered and approved a Resolution that a sum not exceeding £32,831 be granted to the Governor to defray the charge which

[Mr. Stow]

will come in course of payment for the year ending the 30th June, 1956, for Vote XXVI—1—Local Government.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XXIX—1—LABOUR

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Deputy Speaker, Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair. The object of this Motion, Sir, is to enable us to consider Vote XXIX—Labour, and I propose to take this opportunity to speak very briefly on the labour policy and the work of the Labour Department.

The expenditure on this department, if this Vote is approved, will go up to £234,000 for the year 1955/1956 as against about £202,000 in 1954/1955. The increase is due—firstly—to the salary revision, and secondly to a small number of new posts. The total cost of the department is less than one per cent of the total expenditure; but in my opinion, and I think the Council will agree, the importance of the department is out of all proportion to its size and I think we must recognise that in future years, and in the not very distant future, the cost of the department must inevitably increase, if it is to continue to perform its functions satisfactorily.

There are about half a million people in employment in Kenya; the majority of them Africans. That labour force is essential to the agricultural and other industries of the country and it is therefore obviously of great importance that conditions of employment shall be satisfactory, and that the labour force shall

be as efficient as possible, as stable as possible, and contented. Inevitably there will, from time to time, be differences between employers and employees on wages and other conditions of employment, and therefore it is important, firstly, that there should be some regulation by law of the essential basic conditions of employment; and secondly, that there shall be machinery established by law for the peaceful and amicable settlement of these differences, and ultimately for outside conciliation or arbitration if the settlement between the parties proves to be impossible, as of course it must sometimes.

For these purposes to which I have referred, Kenya has now—thanks to the activities of previous Labour Commissioners and previous Labour Ministers—a fairly comprehensive body of labour legislation. It is the main function of the Labour Department to administer that body of law. The most important of the Ordinances are the Employment Ordinance, the Resident Labourers Ordinance, and the Employment of Women, Young Persons and Children Ordinance; that group, of course, deals with basic general conditions of employment. Then we have the Trade Unions Ordinance, the Wages and Conditions of Employment Ordinance, the Trade Disputes (Arbitration and Inquiry) Ordinance, and the Essential Services Ordinance, the object of which are to provide negotiating machinery, to regulate negotiating bodies, and to make provision, as a last resort, for conciliation and arbitration if direct settlement between the parties proves to be impossible. Finally, we have the Factories Ordinance, the purpose of which is evident from its name, the Workmen's Compensation Ordinance, and the Registration of Persons Ordinance. The last is not, I think, necessarily the function of a labour department, but it is convenient for historical reasons, and on account of the close connexion between registration of persons and the other work of the Labour Department, to have that law administered by a special section of the Labour Department.

During the past year or so, as Members are aware, important steps have been taken in our wage policy, both in urban and in rural areas. We have approved the Government Sessional

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Paper on the Carpenter Report. I believe that in the future that report, and the Council's approval of it, will be regarded as a most important step in the development of our policy with regard to wages and conditions of employment in this country. Members will recall that, as a result of the approval of that report, we have established the minimum wage for the urban areas on the more realistic basis suggested by the Carpenter Report. In 1956 we shall be due, in accordance with the report and the Sessional Paper, and this Council's decision on those documents, to consider the first step towards an adult wage, which will provide not only for the worker himself, but also for his wife. I have recently asked the Wages Advisory Board to start considering what the amount of that step should be; and at the same time I have asked them, also in pursuance of the report and the Sessional Paper, to consider what alterations should be made in the house allowance, in moving towards a house allowance appropriate to a married man.

A good deal is still to be done to improve urban wages levels, but still the increase in the statutory wages in the towns—the main towns for which there is a minimum wage—during the past two years has been considerable. The Nairobi minimum wage, for example, has risen by Sh. 22/50 since 1st May, 1953, and the house allowance by Sh. 6, making a total of Sh. 28/50 per month. That represents an increase of about 48 per cent during this period, which is considerably more than the increase in wages generally over that period. It shows the effect of the policy laid down in the Carpenter Report.

With regard to rural wages, Members will recall that a committee has been set up with the Chief Secretary as chairman to consider the recommendations made in the Carpenter Report regarding rural wages. I propose in view of the existence of that committee to say no more on the subject at the present time.

One of the most important pieces of negotiating machinery is to be found in the Trade Unions Ordinance and in the Trade Unions themselves. I do not propose this afternoon to say much about

trade unions, because we have a Motion, which I believe will be debated tomorrow, by the hon. Member for Mount Kenya, on this subject, and I have no doubt we will have every opportunity then to discuss trade unions very fully. At the moment I will content myself by saying that we have, at the present time, 23 bodies registered under the Trade Unions Ordinance, of which 7 are employers' organizations, and the remaining 16 are workers' unions. The Trade Unions Ordinance throws certain obligations and duties of inspection and supervision on the Registrar of Trade Unions who is, as Members will know, the Registrar General. To enable him to discharge those duties properly, we provided, I think a year or more ago, a post of Assistant Registrar (Trade Unions) in that department. It was only possible to fill that post comparatively recently—I think it was some time towards the end of 1954—and when I came back to this Portfolio, one of the first things I did was to discuss with that officer the progress which he is making in his work. He told me that it is very satisfactory. He works closely in collaboration with the Labour Department. He receives very willing co-operation from the officials of the unions themselves, who he says are very glad to have his advice. He told me that he believed that the office side and the accounting side of the trade unions is improving very much as a result of what he is able to do.

Another important piece of the legislation relating to negotiating machinery is the Wages and Conditions of Employment Ordinance, to which I have already referred. Part I of that Ordinance provides for the setting up of the Wages Advisory Board, which has two main functions. One, which Members are aware of, is to advise the Government on minimum wages in those places where minimum wages exist, and to advise the establishment of minimum wages in other places if they think it necessary. In addition to that the Wages Advisory Board has another and quite separate function, which is to advise the Minister, either of the board's own volition, or at the request of the Minister, regarding the setting up of wages councils, which are contemplated by Part II of the Ordinance, for particular industries or types of employment. As a result of the advice of

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the Wages Advisory Board, we have set up already wages councils for three trades: the tailoring and garment making industry, the transport industry, and the hotel and catering industry. I have recently asked the board to consider the setting up of wages councils for four other trades, and they are considering that matter now. It is the policy of the Government to increase the number of these wages councils so as to provide for particular industries a method of direct negotiation between the two sides on wages and conditions of employment.

In addition to that the Wages and Conditions of Employment Ordinance also makes provision for other forms of negotiating machinery. It provides for joint industrial councils, of which at the present moment we have one, the Mombasa Dock Workers' Joint Industrial. It also provides, in another section, for works councils and staff councils, of which there are 60, covering about 45,000 employees.

It also makes provision in another section for negotiated agreements in particular concerns, settled between the employer on the one hand and the workers on the other, to be registered with the Labour Department. Twenty pieces of such negotiated agreements have been registered.

Finally, there is provision for an employer to lodge with the Labour Department a memorandum setting out conditions of employment, and wages which they undertake to pay, in cases where it has not proved possible, or it is not found convenient, to negotiate an agreement, and therefore the document is not a negotiated agreement. That second class of document is called a registered memoranda, and there are 87 of these lodged with the Labour Commissioner.

So Members will see that an increasing use is made of this Ordinance for the purpose of negotiation between the two sides.

This is a convenient moment to refer to a comparatively new section of the department: the Trade Testing Section. I refer to this now because it is the policy of the wages councils, and a policy which I think everybody will agree

should be encouraged, to link wages with degrees of skill as ascertained by trade tests. I believe that is a policy which should be encouraged. For that purpose, you must have the machinery to carry the trade tests. The Trade Testing Section of the department came into existence in 1951, and we owe it very largely to the foresight and imagination of Mr. Carpenter, who at that time was Labour Commissioner; I must confess that when he first put the proposition to me I was a bit sceptical about it, but he convinced me that it was a good thing, and it is now quite plain that he was right. It started off with a single officer. The tests were conducted in the premises of industrial firms, and they were conducted very largely, almost entirely at first, on a part-time basis by people employed in those firms. Now the business has become too large for that method to be continued, and there are now six posts in the section, of which two have not yet been filled. We are asking for no increase in the year 1955/56. The tests are now conducted, to a large extent, by the trade-testing officers of the department; but people in industrial firms are still used to a certain extent on a part-time basis, and it is still the practice to conduct the tests on the premises of the firms concerned. The tests were devised in the first place in collaboration with firms actually engaged in the trades concerned, so they have a real practical value, and they are related to the requirements of the particular industry. At present there is provision for tests for three artisan grades—grade 3, grade 2 and grade 1—going upward of course; and in future, when the Royal Technical College is functioning, there will also be trade tests for craftsmen A and B, and finally for master craftsmen. It is the policy of the department, and of those wages councils which have so far been set up, to relate wages to degrees of skill as exhibited by trade tests. I am informed by the people in the Trade Testing Section of the department that this development is welcomed very much by industrial firms, and valuable co-operation is received from firms in administering the scheme.

Now, Sir, I will go back for a moment to the various types of negotiating machinery. Under the Trade Disputes (Arbitration and Inquiry) Ordinance, in

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1954 no action was necessary; but in 1955 Members will recall that we have had one Board of Inquiry into the "recognition dispute" which occurred between the City Council and the Kenya Local Government Workers' Union, and the report of that Board of Inquiry, as Members know, was recently published. We have also had one inquiry under the Essential Services (Arbitration and Inquiry) Ordinance by Mr. Justice Windham into the Mombasa dock workers' dispute.

I referred in my opening remarks to the Factories Ordinance. This is a valuable piece of legislation which was enacted just over three and a half years ago. The progress made under the Ordinance has been a little disappointing, because it has proved extremely difficult to recruit the necessary staff of factory inspectors. Of the present sanctioned establishment of one chief factory inspector and four inspectors, we have now three inspectors, and we have hopes of filling the other posts in the not too distant future.

A factory inspector has been available in Nairobi at the headquarters since the Ordinance came into force, and another one is now permanently stationed at Mombasa to cover the Coast Province. It is hoped that a new office will be opened in Nakuru in July of this year, and the inspector who is to be stationed there will cover the Rift Valley and Nyanza Provinces. About 4,200 premises have been registered as factories throughout the Colony and the present establishment of inspectors is the minimum required to deal with that number.

It is satisfactory to record that the plant inspection service under the Ordinance, which is largely carried out by private people employed in industry, who do it on a fee basis, has been carried on in spite of the Emergency.

It is now unusual for a new factory of any size to get beyond the planning stage without consultation with the Factory Inspectors Section of the Labour Department, in order to make sure that the plans do comply with the requirements of the law. I am told that many of the newer factories show a great attention to design and good working conditions and

many of them, in these and other respects, bear comparison with good factories in the United Kingdom. It is evident that some firms, in their approach to safety and health and welfare, are not content with the bare minimum which is required by the law.

I would like to make some reference to the work of the Specialist Medical Officer, who is an important member of the Labour Department. This officer undertakes investigations into questions of industrial hygiene and conditions of work in so far as they affect the health of the worker. In particular he undertakes inquiries into any industrial processes which are directly dangerous to health. At the present time investigations are being conducted into the harmfulness of certain dusty processes, particularly in the carding of sisal; other dusty trades will be investigated in due course. The medical officer also inquires into any particular cases where industrial diseases are notified. He works in close collaboration with the factory inspectors in work on factories in order to safeguard the health of the workers. He maintains close touch with the Medical Department. He has been a member of a committee which has reported on the use of toxic chemicals in agriculture.

I also referred to the Workmen's Compensation Ordinance which was enacted in 1948. This Ordinance applies to all workers in the Territory engaged in manual work, irrespective of earnings, and to non-manual workers up to a wage of Sh. 500 a year. Compensation is paid in respect of accidents arising out of and in the course of employment which result in death or injury. In the year 1954, in respect of fatal accidents, and accidents where permanent disability resulted, the following total amounts were paid: for fatal accidents, £14,320; injury only, but permanent disability, £18,000 odd, making a total of £33,130. That covers private employers and the Kenya Government and the Railways and the High Commission. The Kenya Government figures are higher than they would ordinarily be because of cases resulting from the Emergency.

Members will find, under Item 10 of this Vote, a new post called Training Supervisor. This is provided as a result of the approval by this Council of a proposal made in the report of the Carpenter

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Committee and endorsed by the Government in its Sessional Paper that this post should be created. It is a recognition of the fact that industrial supervision is in itself an art, or a technique, which can be improved by study, particularly the study of the particular trades and types of work in which the supervision is to be carried on. The purpose of this post is explained fully on pages 115 to 117 of the report of the Carpenter Committee, and I will not quote it now. It does represent a positive attempt on our part, on Government's part, to provide the means of improving methods of supervision, and thereby improving levels of skill, and increasing output by that means.

I should also like to refer to a committee which was set up in 1954, or maybe 1953, as a result of a Motion by the hon. Member for Aberdare, to examine the necessity for some arrangements for security in old age for workers of all communities. That committee has made very good progress with its work. The chairman and another member have recently visited the United Kingdom, where they have had consultation with the Ministry of Pensions, the Government Actuary, the Colonial Labour Advisory Committee, and other people who have special knowledge of this subject. I have seen the members since their return, and they tell me that they got a great deal of very useful information as a result of this visit. I am hoping to receive the report of this committee by the end of this year—I say hoping, because I cannot guarantee it. I mention this because I know that at the time that the debate which resulted in the appointment of this committee took place, all Members attached great importance to this matter; and it has been referred to subsequently on a number of occasions, and the importance of it has repeatedly been emphasized.

Well, Sir, I think that is all that I wish to say in introducing this Head, except to express appreciation of the work of all the people who have assisted in the work of the Labour Department on a voluntary basis, such as the Labour Advisory Board, the Wages Advisory Board, the various advisory committees, wages councils and so on. These people do a lot of hard work in an inconspicuous way. Much of it is laborious and tedious, but

it is all very necessary, and I think we ought to be grateful to them for what they are doing. I would also like to express appreciation of the work of the Labour Commissioner and his staff. Theirs, too, can sometimes be a thankless job; it is also a hard one; I think they have done it very well and I personally feel grateful to them for it.

Now, Sir, I beg to move.

THE MINISTER FOR COMMUNITY DEVELOPMENT seconded.

Question proposed.

MR. CROSSKILL: Mr. Deputy Speaker, I have just two or three small points to put to the hon. Minister. I would like to ask him, Sir, when he is replying, whether he would confirm or otherwise that the basis on which minimum wages are fixed is in relation to the cost of living. I do not think that is clear, certainly not in my own mind. I believe the bodies who advise the Wages Advisory Council would advise in accordance with the rise or fall in the cost of living index.

I think everyone, Sir, welcomes the trade-testing process which is now in force. That will enable wages to be paid in relation to skill. I think also we are all agreed that wages should be paid in relation to other characteristics such as energy, productivity and character. I hold, Sir, that it is impossible to bring this principle properly into operation until we have registration and identification of labour. (Hear, hear.) I do urge the Minister to tell us his plans for the implementation of some satisfactory method of registration and identification at the earliest possible moment. I believe he will tell us, and I will agree with him that the methods of registration and identification of the Kikuyu is now very satisfactory and I hope that he will continue this process so that all other tribes may benefit from the undoubted benefits which do accrue to the good man who can identify himself and who can produce certificates of competency, and ability in past work on which he may claim merit and a consequent higher standard of wage. (Hear, hear.)

I refer again, Sir, to the Carpenter Report which was debated some months ago and reiterate the words which I spoke then. I believe that the principle

[Mr. Crosskill] is wrong of the adult or married wage. I do again say, Sir, that I believe this principle, which is introduced, may well militate to the disadvantage of those whom it is intended to benefit. (Hear, hear.) I agree very strongly with the necessary introduction of a minimum wage. I agree also with necessary protection for those of old age, but I believe to interfere between those two points in this principle is quite wrong. I believe that the law of supply and demand should obtain between those two limits. I believe to interfere there may well work to the disadvantage of those whom it is intended to benefit. I believe that the principles of merit and ability, skill, productivity and character should be the points which should gain advantage and that no advantage should be given particularly to any age, or state of marriage.

Sir, I beg to support. (Applause.)

MR. LETCHER: Mr. Deputy Speaker, Sir, there is only point I wish to make. The Government has made itself responsible for imposing a minimum wage. I would like to know from the Minister what Government has done to protect the employer against those who love to sit and sun themselves all day and at the end of this day demand a day's pay?

Sir, I beg to support the Motion. (Applause.)

DR. HASSAN: Mr. Deputy Speaker, Sir, I think after all that has been explained by the Minister for Labour regarding the labour conditions, the improvement, development and future welfare, I do not think that there is anything for me to speak on it with the exception of one point. He has given details of quite a number of units of his department and there does not appear to be the name of an officer given here who advises the immigration authority whether a certain person's services are needed in Kenya or not. I know certain injustices have been done to certain factories in this country. I remember a case of a tanning factory at Tsavo where some of their old employees, having done their period of service, left the service and they wanted some new experts to come and help them in the tanning and colouring of the hides and the leather in the factory. All their representations failed. They even approached me

and I recommended that the firm relied entirely on the services of these two experts and that they had engaged them in Pakistan and they should have been permitted to come. Finally, I was informed by the immigration authority that some expert in the Labour Commissioner's Office had turned down these applications with the result that for two months this factory has been closed.

I would like to ask the Minister if he would kindly make some inquiry into this matter and give some information of the expert knowledge of that gentleman who appears to know about the profession of every technical line that is introduced into Kenya.

With that, Sir, I support the Motion.

MR. GIKONYO: Mr. Deputy Speaker, Sir, I am sorry I was not here when the Minister for Labour opened this debate. There are one or two things that I would like information on and I am sorry and I hope I will be excused if I ask questions to which the Minister might have supplied the answers.

One is the question of whether up to now he has any African labour officers in the department? I know there are a number of labour inspectors, but I think that the time has come to appoint African labour officers.

The other is that there is a current rumour that has come to my notice that some unscrupulous employers, particularly amongst the Asians, take on Africans for quite a number of weeks before they sign them on, because they know that the labour is not very stable now. The African comes from up-country or from Ukumbani and works for three weeks and then he leaves the employer and goes to another; so there is a practice of some employers taking on employees for some weeks and when they decide to go they do not pay them. Quite naturally, these fellows being new in the towns, having come from the reserves, they do not know who to go to. I have not got any specific case, but a rumour has come to me. I do not know whether that is true. It is a point that the Labour Department might investigate.

With these remarks I beg to support.

MR. USHER: Mr. Deputy Speaker, Sir, I have one or two questions to ask the

[Mr. Usher] Mr. Osher. The first relates to his staff, or rather to the staff of the Labour Commissioner. During discussions on the Libbury Report, it was given to be understood that the position of senior labour officers and of labour officers would be reviewed. Now, Sir, I have heard that that of senior labour officers has been reviewed, but I have heard nothing in regard to labour officers. I would be glad to know if there is any information yet available and if the review would be, as it were, continuous. That is to say, that as these officers, particularly those who have perhaps not got sufficient experience for recognition, will gradually be absorbed so that all the senior labour officers and all the labour officers will be in one category.

The second thing I want to say, Sir, is in regard to the adult wage. I, myself, welcomed the establishment of the adult wage and hoped that we should progress to it as was suggested in the White Paper. In fact, the other day I certainly said that I agreed heartily that a low-wage economy was essentially bad for the country and I pointed to cases where I could prove that where there was proper supervision and adequate wage structure—industrial concerns had undoubtedly gained by increases of wages. To that I stand; but, Sir, I am very troubled about the labour, particularly individual labour, where those conditions do not obtain. That is to say, where supervision is not easy or even possible and where there is no particular wage structure. I would ask the Minister if he would kindly let us know in what way to deal with this situation. It is very easy to say that if a man does not suit you; if he is lazy and incapable, you need not employ him, you may dismiss him. But I want to know what happens where it appears from common experience that there is a whole class of workers who are taking advantage of the increased wages—I am not speaking of the minimum wage because, of course, the raising of the minimum wage has naturally put all wages up—what happens when there is a whole class which is not giving satisfaction and which is not responding to the generosity which has been accorded to them? (Hear, hear.)

Sir, I beg to support.

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, there is one point that I wish to put forward for the consideration of the Minister for Labour and that is the procedure for recovering workmen's compensation. I suggest that something simpler should be devised. An officer of the Labour Department, for example, can be deputed for this work. If there is a claim for compensation, he should be authorized to say what the compensation should be. It should not be necessary in the first place to go to a magistrate's court. But if one of the parties wishes to appeal, he can go to a magistrate. The present procedure is that a case has to be filed in a magistrate's court. That, I think, should not be necessary.

Now, Sir, it has been suggested that labour should be registered. It was with great difficulty, as the Members of this Council know, that the old registration system was abolished. I do suggest that there should be no registration of labour again without consulting the views of the African community. But I will agree with the speakers who suggest that it would be greatly helpful if workers carried with them testimonials from their old employers. I think it is more in the interest of the workers themselves, than of the employers. These details were entered on the *kipandi* and now the employees have given up the *kipandi* and have not formed the habit of obtaining testimonials from their employers. I personally think, in a matter like this, we should get the co-operation of the trade unions. They can encourage their members to obtain testimonials from their employers on leaving the service.

Finally, Sir, I wish to say that I was greatly distressed to learn from the hon. Mr. Gikonyo that he has a complaint against the Asian employers. He said it was a rumour, and I personally think it is no more than a rumour. If there is an Asian who breaks the law, I certainly think he should be dealt with properly. And, in a case where an Asian breaks a law, he is just a law-breaker. I do not think there is anything particularly Asian about him, and no occasion is due to him on that account. There must be some provision in law insisting on an employer to advise the Labour Department of the engagement of employees within a certain period—

[Mr. Chanan Singh]

48 hours or 72 hours; I believe there is something to that effect. In any case, Sir, there again I suggest that the help of the trade unions should be enlisted and it should be possible for trade unions to represent cases of employees to the Labour Department so that necessary action can be taken. But I am convinced, Sir, that this practice, if it exists at all, is not widespread. I have not heard of any cases; no worker would do work for 15 or 16 days in these days for an employer without making sure that he would be paid for it. In any case, Sir, the office of the Labour Department is open and I know that employees who have grievances in regard to payment of wages do go to the Labour Department. But I support the hon. Mr. Gikonyo's demand that the Labour Department look into this; I am interested because the name of my community comes into it, and Mr. Gikonyo because he represents the African community.

I support the Motion.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Mover to reply.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Deputy Speaker, Sir, the hon. Member for Mau asked what is the basis of the minimum wages which are prescribed in the nine urban areas to which we have a minimum wage at the present time. The answer is, of course, in the Report of the Carpenter Committee, on page 64 where it sets out the list of items which are taken into account in computing the minimum wage. That is the basis on which the Advisory Board works. As I explained, I have recently asked them to consider what amount of advance should be made in January, 1956, towards the adult wage, the principle of which has been accepted by this Council. The Council will recall that the adult wage is 1.67 times the bachelor wage, so that the adult wage also will be based arithmetically on the cost of the various items which are set out in paragraph 166 on page 64 of the Carpenter Report. The same Member, Sir, asked me what plans I have for an alteration of the present system of documentation of workers. The answer is that I have no plan for that at the present time. Members are aware that

under the Employment Ordinance, as it now is, it is necessary for a worker to have his identity certificate and, in addition, there is provision for the employer to complete a prescribed form, which is known as a buff card; to send a copy to the local department, keep a copy himself, and give a copy to the worker. Now, I know that there is a body of opinion among employers that that arrangement is not satisfactory and the hon. Member will recall that in the recent discussion with him and other Members, I said that if they would submit to me in writing the way in which they think the present system is defective, in detail, and state exactly what they wish to achieve by some different system, I will certainly be prepared to consider it. But, Sir, I must say now, firstly, that I personally would be strongly opposed to an extension to the other tribes in Kenya of the special arrangements which have been introduced for the Kikuyu on account of the Emergency; and secondly, that in this matter, as in other matters, it is necessary for the Government to take public opinion into account. The other day, when we were discussing the Education Vote, I was asked to say what the Government's views are about multi-racial education. On that occasion I said that there are wide differences of opinion on that subject; that it is one on which various sections of the community hold very strong views; and that those are facts which the Government must have in mind in dealing with the matter. Well, I suggest that in the same way, the Government must have in mind public opinion in dealing with this matter of the documents to be carried by African workers. I would like to remind the Council of a report of a Select Committee of the Legislative Council which was made on this subject in 1946. There are some Members still here now who were Members of that Select Committee, and they will remember it very well, I am sure. With your permission, Sir, I will read a few extracts from that report. Paragraph 32 on page 7 says: "It is very clear that the existing system"—that is the system of registration—"has created intense antagonistic feeling among many Africans, to the point where they demand total abolition without any alternative. Because of these feelings, some of them were unable to concede that any alternative system could

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provide the desirable essentials, both from their point of view and that of the administration, without again subjecting them to the hardships of the present system". Again paragraph 34, "Some Africans gave it as their opinion that some form of identity and registration is essential and realize the necessity for it, not only as an administrative measure, but as being to their own advantage in conducting personal and business affairs". Again paragraph 37: "As regards the combination of identity and work particulars in the existing document, it is considered to be unsatisfactory, because it was represented that identity in itself has little or nothing to do with employment record. It had the further disadvantage that whenever identity had to be proved, the record of employment had to be produced as well. The weight of evidence was strongly in favour of divorcing identity and employment particulars. There was also, in this connexion, strong dislike of the continuous record of employment which is shown on the present document. In general any scheme to provide for a separate record of contracts for each employment would certainly be welcome". Again paragraph 38: "Almost all African witnesses were of the opinion that the inclusion of the wages column tended to depress salaries. They pointed out, that, in their view, employers invariably based the wage offered on the last, or even the lowest wage, shown on the registration certificate. It is their opinion that because of this, many African employees are unable to obtain a wage compatible with their qualifications or ability".

That was the report of the Select Committee. The views of the African people on this subject is certainly one factor which I, at any rate, will take into account in making up my mind what ought to be done on this problem. That does not alter the fact that I am quite prepared to examine anything which may be put up by Members who think that the present system is unsatisfactory, if they will state plainly and fully why they think it is unsatisfactory, and precisely what they think ought to be achieved.

The hon. Member for Trans Nzoia, and one or two other Members, asked

what the Government thinks should be done about the idle man who will not work; what are Government's proposals? This is a simplification of a hardy annual, which is, what plans has the Government for improving efficiency and output of workers? Well, now, I have already given some indication of the ways in which the Government thinks that can be done. Briefly, in my view is this; firstly, education is required—basic education; that means the horizon of the worker will be extended, his wants will increase, and he will be provided with an incentive to exert himself more, in order to satisfy his increased needs. Secondly, technical education; to improve the skill of the worker and so improve his output. Thirdly, supervision; close and selective supervision, so that the particular job for which the man is best fitted may be assigned to him; so that the idle man may be got rid of, and the hard worker and the competent man may be advanced and paid more. Fourthly incentives, and closely connected with incentives, the relating of wages to degrees of skill through trade tests. And I would like to make it plain that in granting a trade test certificate it is not only the man's skill which is taken into account; his character and his general satisfactoriness as a workman are also taken into account.

I do not pretend, Sir, that we can achieve a very rapid improvement in standards of skill and output by these means; but I do think that experience in other places has shown that that is in fact the way in which standards of skill and output are improved; and I believe that the same methods will work here, as they have worked in other places.

The hon. Member for Mombasa wanted me to say what should be done if everybody who is available is so idle that he will not work properly. I do not believe that that is a situation that exists. I believe that if—

MR. USHER: But I did point out that I said if a whole group of people—and I was thinking of one particular group of workers that I see about now—had failed to respond to the generosity that has been bestowed upon them.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Well, Sir, as I say,

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I do not believe that a whole set of people, all the employees of a particular concern, can be so bad, so idle, that none of them will work properly. I still think that the proper thing to do is to get rid of the man who is idle and incompetent, and to advance the man who is a good worker, and has a satisfactory output.

The hon. Member has said repeatedly that these people have not responded to the generous treatment which they have received. Well, Sir, I think that we have made satisfactory advances in wage policy in the last year or two; but the fact remains that the minimum wage is still based, to-day, on the requirements of a single person; and we know very well that most of the people who are living on that wage are, in fact, married, and many of them have got families; so that to talk about generosity seems to me to be unrealistic.

The hon. African Representative Member, Mr. Gikonyo, wanted to know whether we had yet any African labour officers. The answer is that we have not; but as soon as there is an African who is suited in all respects to be a labour officer, he may be assured that an African will be appointed to that grade. The fact that there is not an African labour officer does not mean in any way that we have got a prejudice against the employment of Africans. I can assure him of that.

The same hon. Member also wanted to know about the alleged employment of certain Africans, recently coming into Nairobi, who are not signed on and do not get their wages. I am afraid I know nothing about it, but I will have it investigated by the Labour Department; if there is any truth in it, the appropriate action will be taken.

The hon. Member for Mombasa was interested in the salary scales of senior labour officers and labour officers. He will see from the Estimates that two posts of senior labour officers have been elevated to the super scale. The scale of the labour officer has not been altered from the Lidbury scale; but I am satisfied, and so is the Labour Commissioner, that the present structure affords a suitable avenue of promotion to the staff of the Labour Department. It is

sometimes an advantage to an officer to have a broken scale as opposed to a continuous scale; because if the man is on a continuous scale, he has to go through every step of it; if, on the other hand, it is a broken scale, there is an opportunity for a man to be promoted to the higher grade before he has reached the maximum salary of the lower grade; and he therefore gets quicker promotion than he would do if he was on a continuous scale. That has in fact happened in the Labour Department in the past. We are satisfied that there is, under this salary structure, satisfactory prospects of promotion for the officers concerned; but the Member may rest assured that if it turns out in future years that officers get stuck at the top of the lower scale, then I will certainly try to get an increase in the number of posts at the higher level.

The hon. Member for Central Area, Mr. Chanan Singh, asked about a point under the Workmen's Compensation Ordinance. I am informed that except in the case of death, there is already provision for the employee, or the labour officer, acting on behalf of the employee, to agree on compensation without going to court. But if the hon. Member cares to pursue this with me, or with the Labour Department, we will certainly see whether there is any opportunity for simplification of the law. My personal opinion is that there is not. I believe that anything which it is proper should be done by a labour officer, can already be done under the existing law by a labour officer. However, we are quite willing to explore the matter if the hon. Member thinks that would be useful.

Finally, the same hon. Member was opposed, I think, to a system of compulsory registration of workers, and he thought we might try and get the trade unions to encourage the increased use of testimonials. That is a thing I strongly agree with. I have been very struck since I have been in this country with the fact that testimonials seem to be so little given and used. Hon. Members will excuse my referring to Ceylon, but that is a country I know a lot about; in that country nobody ever thought of engaging a worker of any kind unless he produced a wad of testimonials from previous employers. I have been very surprised, since I have

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been here, that the same importance does not seem to be attached to testimonials as it is elsewhere. I do not know what the reason for it is, but I certainly think that we might try to do it. The testimonial is greatly to the advantage of the worker himself. And it will, of course, be necessary when we get these trade-testing arrangements operating fully, for a worker to be able to establish that he is in fact the man who has passed a certain trade test, and therefore qualifies for a particular level of pay.

That is all I have to say, Sir. I beg to move. (Applause.)

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XXIX—1—LABOUR

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that a sum not exceeding £234,689 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th of June, 1956, for Vote XXIX—1—Labour.

Question proposed.

1 and 2 agreed to.

3—Other Charges.

LT.-COL. GHERSIE: Mr. Chairman, I was not certain if I heard the Minister correctly during the course of his policy speech, but I would be awfully glad if he could confirm if I have got his figures correctly or not. He was referring, Sir, to the amount paid out throughout the Colony in regard to workmen's compensation—it is Item 15. I think the hon. Member said the sum of £47,320 was paid out over the whole of the Colony, of which £14,320 was in regard to fatal injuries, and £33,000 in regard to ordinary injuries. I think he also said that the bulk of that was paid out on account of the Civil Service. Would you confirm that? I was not quite certain.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: I will, Sir. The actual figures—I did not say that—I think the actual figures for the year 1954 were

these; perhaps the hon. Member would prefer that I gave them to him afterwards—I do not mind.

LT.-COL. GHERSIE: I want to ask a question on this, Sir, if you could just confirm the figures.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Certainly, yes. Well, in 1954 the figures were these: fatal, High Commission, £70; Railways, £790; Kenya Government, £7,590; other employers, £5,870; total, £14,320. In January, High Commission, £100; Railways, £1,880; Kenya Government, £2,050; other employers, £14,780; total, £18,810; making a total of £33,130. I should make it clear that that is only in the case of permanent disability; in addition to that, of course, there were cases where the man was not permanently disabled, and therefore was getting half-pay during the period that he was off work. Is that what you wanted?

LT.-COL. GHERSIE: I have got the figures correctly, actually. Why I misunderstood the Minister was because I thought he was attributing more than half of this to Government employees.

Now, I realize, Sir, that it is the general policy of Government to become its own insurance agent, or carry its own insurance, and I believe it is the procedure adopted even in the United Kingdom, particularly in regard to motor vehicles.

I was wondering, Sir, if Government had considered, as this figure seems to be increasing now, it has gone from £8,000 to £13,000, whether they have considered approaching an insurance company with a view to paying a premium, as any commercial firm would do, in order to cover the amount paid out in regard to workmen's compensation.

THE MINISTER FOR FINANCE AND DEVELOPMENT: The point is, Sir, that we have not considered this from that point of view. We keep our eye on these figures. The hon. Member for Nairobi North realizes that we have a very large number of employees and that the risk we run, as against the amount of money one has to pay to an insurance company, is one that needs to be fairly well balanced. That is why local Government authorities very often carry their own risks in this regard, because it has been proved to be a much better paying proposition from the point of view of

[The Minister for Finance and Development]
the authority. If we see any danger of the one occurrence or the other, I can assure the hon. Member for Nairobi North that we shall keep an eye on it.

LT-COL. GHERSIE: Mr. Chairman, I thank the Minister for the explanation, but I think, Sir, he is a little inconsistent. He said—which was his opening remark—he had not given this matter consideration, and now he is talking about watching the actual balance. Is he really pursuing the matter, that is what I am trying to get at.

THE MINISTER FOR FINANCE AND DEVELOPMENT: We have not considered, Sir, the actual question of relating it to a commercial insurance premium, but we have, however, Sir, taken into regard the burden and the risk; in other words we have considered the problem as a whole, but not on a specific decision as yet. I think the hon. Member will realize that the figures given of employees at the present moment was something like 45,000, and if he will work out what we are, indeed, paying in this item, as against the premium we would have to pay, he will see that it is unlikely that, as yet, we have reached a point where it will pay the Government to move on to a commercial insurance basis.

I agreed to.

50, C and Z agreed to.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee do report to Council its consideration and approval of the Resolution in regard to Vote XXIX-1 Labour and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that a Committee of Supply has considered and approved the Resolution that a sum not exceeding £234,689 be granted to the Governor to defray the charge which will come in the course of payment for the year ending the 30th of June, 1956, for Vote XXIX-1—Labour.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council daily agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, may I beg leave of the Council, Sir, to adjourn now. We have got three minutes to go and the hon. Director of Medical Services will be moving this Head and I am sure he would prefer to move it to-morrow.

ADJOURNMENT

THE DEPUTY SPEAKER: If that is agreeable, as there are only three minutes to go, Council will adjourn until 2.30 p.m. to-morrow, Thursday.

Council rose at twelve minutes past Six o'clock.

Thursday, 2nd June, 1955

Council met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

The Colony Supplementary Estimates of Expenditure No. 9 of 1954/55.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

THE MINISTER FOR FINANCE AND DEVELOPMENT: With your permission, Sir, I should like to apologize to my hon. friend, the Member for Nairobi South, because, when he raised the question the other day of the provision for the Parliamentary Secretary, I told him that it was included in the Supplementary Estimate that had been then laid. That was incorrect, Sir, it is included in the Supplementary Estimate which was laid to-day and not included in those laid on that day.

MOTION

ACTIVITIES OF TRADES UNIONS

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, I beg to move the following Motion:

THAT this Council requests Government to introduce amendments to the Trades Unions Ordinance for the following objects:—

- (1) To ensure that the objects and activities of trades unions and allied organizations are exclusively related to the wages and other conditions of employment in the trade concerned.
- (2) To ensure that all trades union officials have had practical experience of the trades and occupations they represent.

Mr. Deputy Speaker, Sir, I would first of all like to refer to the speech I made in Legislative Council on 14th October, last year. I spoke at some length on that occasion on the subject of trade unions and I would like to remind the Council of what I said then. Referring to the Government, I asked if it was their intention to see that the trades unions, which

have been approved or spontaneously sprung up, are run on sound lines. Or secondly, did they mean that the growth of trade unionism was to be encouraged at the taxpayers' expense. I went on—“What I would like to say is this, that, if it is the former, I should give it my entire support, because in the hands of irresponsible people trade unions will rapidly be corrupted. It is, I agree, most essential that Africans should be protected from the rackets and dishonest practices which can so easily be built up under the cloak of trade unionism. If, however, it is Government's intention to encourage the growth of trade unionism as though it is almost a form of religion—which apparently some people in the world to-day believe it is—then I would warn the Government that I believe they are playing with fire”.

Having referred to the British trade unions, I continued: “Now, Sir, I have been speaking of people who have enjoyed the benefit of many hundreds of years of civilization and of civilizing influences. In this country the African is only beginning to emerge from the primitive and barbarous past, and if *Mau Mau* is to be regarded as a pointer, many of them still have quite a long way to go. I would therefore urge the Government to proceed with the utmost caution when considering the whole issue of trade unionism in this country, or they may find that the trade union organizations only provide a very fertile breeding ground for subversive activities of various sorts, such as proved to be the case, I regret to say, in the case of the Kenya African Union.

— Now, Sir, I suggest that the warning I conveyed on that occasion has been entirely justified by certain recent events. First, there was the strike at Mombasa, and I would like to ask the Government whether an inquiry was held to find out who was responsible for organizing it, or who in fact organized it, and, if so, what the findings of that inquiry were. Secondly, in recent weeks we have seen the highly provocative and entirely political resolutions sent to the I.F.F.T.U. in Vienna by the Kenya Federation of Registered Trade Unions. No one, I am sure, would suggest that these resolutions dealt with matters which could conceivably be regarded as coming within the legitimate sphere of

[Group Captain Briggs] the trade union organization, particularly an organization which is still only in its infancy.

Now, at this stage, I would like to remind hon. Members, very briefly, of the course which trade unionism in the United Kingdom has taken since it emerged from the old trades guilds in the 19th century. In the earlier stages, their activities were entirely concerned with and concentrated on the negotiation of wages and conditions, though in the years prior to the Great War the trade unions developed an increasing interest in politics and at the same time tended to merge into larger organizations.

Now, this phase culminated in the General Strike of 1926, which sought to hold up the whole of Great Britain to ransom and paralyse the country. That was entirely unsuccessful, owing to the co-operation of the general public who rallied round the Government of the day and the strike failed. Subsequently, legislation—the Trades Disputes Act—was introduced to prevent a similar attempt being made in the future to use the trade unions and the trade organizations as political weapons.

Now, that Act was only repealed in 1946; I will repeat—in 1946—no doubt on account of the fact that responsible leadership of the trades unions had emerged, or in the case of most of them in any case, and as a result any large-scale attempt to use the trades unions as a political weapon would have been very unlikely, although it may be borne in mind that the Trades Disputes Act was repealed during the time the Labour Government was in power. Furthermore, despite the existence of a coalition Government in the United Kingdom, during the late war, the Trades Disputes Act was never touched, it remained in being throughout the war, and it was kept in being. Now, whether Government faces the fact or not, we are at war, and I maintain that the need for proper control of trades unions and trades unions organization is even more necessary here now than it was in the United Kingdom during the late war.

Now, I am well aware that certain of the really great trade unions in the United Kingdom have provided certain facilities for training young men to fit

them for Parliamentary duties, and a good many of them have stood for Parliament and they have generally turned out to be very responsible Members of Parliament, but I would point out that this is a very recent, comparatively recent, development and it has only emerged after the trades union movement has gone through many years of gradual evolution and development, and I might add, an emerging responsibility.

Now, it is common knowledge that during the post-war years the leadership of certain trades unions in the United Kingdom has been infiltrated by the Communists. Also other rival trades unions of various sorts, under less responsible leaders, have sprung up. These developments, and the present situation in the United Kingdom, which has caused them to declare a State of Emergency, must be causing the great trades union leaders in England, the responsible trades union leaders, and the British Government, very great anxiety. In my opinion, if any form of effective Government is to be maintained, you cannot have a State within a State and that is the ultimate result of irresponsible trades union leadership and lack of discipline. It can, if uncontrolled, become a monster which usurps the rights of the community and destroys the freedom of the whole community.

Now, Sir, there is, I submit, a lesson to be learned from all this. It is that if such difficulties and dangers appear in the application of trades unionism to civilized and, generally speaking, well-educated people in Europe, how much more careful we must be in developing this same system in a country the majority of whose people are still in a relatively primitive state, and, in the case of some, I might add, still possessed with savage instincts.

Now, Sir, the purpose of this Motion is to ensure that trades unions in this country and particularly federations of trades unions, fulfil their legitimate functions as such and that they are not used as a political weapon against the community and, further, that their leadership comes from the trades concerned and, so far as possible, to exclude from their ranks the professional agitator, the Communist agent and other undesirable people. The proper function

[Group Captain Briggs] of trade unions and federations of trades unions and other such organizations is to negotiate on wages and conditions and it is, in my opinion, an abuse of the democratic system to use them for purely political purposes, or for the purpose of providing a platform for those with political ambitions or who are merely looking for a lucrative and a comparatively easy form of employment. (Hear, hear.)

Now, Sir, I submit that it is most undesirable that we should slavishly follow the pattern of trade unionism in the United Kingdom. Let us adopt what is sound and let us discard what is unsound and what, I might add, is probably dangerous. As I see it, before the existing Emergency has yet finished or nearing the finish, the Government appears to be preparing the ground for another one. In case any hon. Members opposite may think that I am without experience of trade union matters and that, therefore, I am prejudiced against them, perhaps I should mention that I spent some 18 years of my life in a responsible position, in the early days as manager and later as managing director of a shipping company and, as a result, I was in very close contact with the trades unions in the United Kingdom and I may say that I met trades union officials—the late Mr. Ernest Bevin, for whom I have the very greatest respect, and many other trades union leaders, down to branch secretaries. I would like to say that I was privileged to have the personal friendship of quite a number of them. I am, therefore, not opposed to trades unions as such, but I believe that they must be built up from below and should be done under strict control and firm guidance until they have, themselves, acquired experience and a sense of responsibility, and that is going to take some time.

Now, on the matter of guidance, I was very disturbed to read a Press report of a meeting which was attended by my hon. friend, the Minister for Education, Labour and Lands, in which he appealed to the Federation not to take a certain course, and, of course, they immediately took that course, despite the Minister's advice. It is quite clear that the advice which is tendered by Government is not acceptable to the

Federation of Trades Unions and I personally think it is most undignified for a Minister to have to appeal in matters of that sort. I do not think it is generally appreciated that in a primitive country there is a paramount need for discipline. Without discipline, you cannot allow organizations to develop. They must be told, they must be disciplined until, as I have already said, they have acquired a sense of responsibility and there must be powers to maintain that discipline. I think there is some misconception in the minds of some of the hon. Members opposite as to what discipline means. Discipline does not mean suppression or repression, nothing like it. Anyone who has served in the armed forces of the Crown knows very well that they have never been suppressed. It is a very fine thing discipline, it will do no harm to anybody.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Hear, hear.

GROUP CAPTAIN BRIGGS: I am glad the hon. Member agrees—(Laughter.)—I hope that he will implement it. (Hear, hear.) Personally I believe that the Government have committed and are committing a very great folly in forcing the pace in the way that they have done and in the way that they appear to be doing in regard to the development of trade unions. It must surely be clear that *Mau Mau* will direct their special attention to the trades unions and the federation of trades unions. If the Government cannot see that, then I can only say that they must have their heads firmly buried in the sand.

I would like to refer to remarks made by the Minister for African Affairs last Thursday in the course of the Emergency debate because it is quite clear that my hon. friend was speaking on rather the same lines as I am speaking on today. He said in the course of his speech: "I do agree with the hon. and graceful lady representing Nyanza about the dangers of what may happen after the shooting war. I had the impression certainly that in the minds of a number of these terrorists, one of their reasons for wishing to surrender, and among a certain section of them, was certainly that they came to the conclusion that they could not win this battle of violence and they, therefore, had the idea that they were going to swing over to some sort of

[Group Captain Briggs]

political battle, the manifestations, or whatever it may be, in a political significance after the shooting war was over. Sir, I can only say that Government is very fully aware of this and this will certainly be watched, but the danger is not one to minimize; it is certainly not one to minimize in dealings with the *Mau Mau* terrorists as they are at the moment. This I can assure hon. Members was very much in my mind when I had these discussions."

The next point, Sir, I would like to turn to, arises out of a question I put down a short while ago and Government's reply. I would like to ask the Government to state the reasons for their late industrial relations officer—resigning his position and returning to the United Kingdom? My information is that he had formed the opinion that the Africans were not yet sufficiently advanced to partake in trade unionism in the full sense. That Government are seeking a substitute in the United Kingdom at the present time, rather suggests to me that they may be seeking for a "yes" man and I hope that is not true. Otherwise the obvious course would have been to have sent someone home from this Colony, with a knowledge of the conditions, and arrange for him to undergo a course in trade unionism. There is no great mystery about trade unionism and it seems to me that if Mr. Mboya, admittedly a very intelligent young man, can, in the course of a short course in the United Kingdom, gain all the knowledge and experience required for the responsible position of General Secretary of the Federation of Trades Unions, it should not be beyond the bounds of possibility to find a suitable European in this country to train in those same duties. (Hear, hear.)

Now, Sir, at this juncture, I would like to ask the Government to provide the Council with some information concerning the Kenya Federation, as I believe it may well be a potential political weapon. I would like to know the composition of the executive committee and how it is elected. I would like to know whether the not infrequent public statements reflect the views of the trades unions, conveyed by democratic methods, or whether they only reflect the views of two or three of the leaders of that Federation, two or

three individuals. I would like to ask Government what is the exact legal status of the Kenya Federation of Registered Trades Unions. Is it registered as a trade union? Because if it is not, surely, in view of its political activities, it can only be regarded as illegal in view of the very necessary ban on African political organizations—a ban which I believe it would be entirely disastrous to remove at the present time, or for a very considerable time to come, certainly until the Emergency is well over. It is my belief that pandering too much to democratic theories in primitive countries can only too easily lead to the loss of those liberties which the democratic system stands for. Quite recently Members of Government have in public expressed views to me which suggest that they are allowing ideological theories to take precedence over the principles of sound Government. I would remind them that they have a responsibility to this country, the whole law-abiding community of this country of all races, and I believe that they have no right to expose them to the risks which I believe their experiments will expose them in the future unless they do take action on the lines of this Motion.

Lastly I would say this. The Emergency is not over. In my opinion the question of whether a State of Emergency continues indefinitely may well depend on the decision Government makes to-day on this particular issue. In 1946, the Government of the day committed the folly of allowing Jomo Kenyatta to return to this country, despite the fact that he had undergone presumably a course of training in Russia and we all know that anybody who goes to Russia does not go there without some definite purpose and quite clearly would not come back without a very definite purpose indeed. I believe that if the Government makes the wrong decision now on this issue, as they did then, and do not accept this Motion, then they will have to bear the responsibility of the inevitable results of their lack of vision.

Finally, I would refer very briefly to a statement made by the General Secretary of the Kenya Federation of Registered Trades Unions in last Friday's *East African Standard*. I suggest that this young man would have been wise to have read this Motion more carefully and to

[Group Captain Briggs]

have waited to hear what is said before making the statement he did. Firstly, there is nothing in the Motion—nor indeed in what I have said to-day—which seeks to destroy the trades unions—

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Will the hon. Member give way?

GROUP CAPTAIN BRIGGS: If the hon. Minister does not mind, I have very nearly concluded and he will have ample opportunity of speaking in the course of the debate.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Will you tell us what he said?

GROUP CAPTAIN BRIGGS: I am going to.

What I was saying was that I supported the development of trades unions on sound lines, but I am equally opposed to the creation of what might well become a subversive agency.

Now the part of the statement to which I am referring is as follows:—"Allegations that the trades unions in Kenya are taking part in political activities were denied yesterday by Mr. Tom Mboya, the General Secretary of the Kenya Federation of Labour. 'Misunderstanding had arisen,' he said, 'as many people did not understand the difference between a trades union and a trades union federation'." Later on the statement read, "The Kenya Federation might have expressed certain views that might be termed political." Now, I do not know how the General Secretary reconciles those contradictory statements, but the plain fact is that they are contradictory, and the point that I particularly wish to draw the attention of the Council to is this. The third paragraph of the statement reads—regarding this Motion—"This he, considered was an attempt to kill trade unions in the Colony."

Now, Sir, I have already dealt with that unfounded suggestion. It went on, "The Federation would use all its strength to oppose the move." Now, here, Sir, we have a direct threat against the will of this Council. It can only be interpreted as a threat to use the Federation and use it as a political weapon. What I want to know is this. I want to know, Mr. Deputy Speaker, Sir, whether

Government is going to face this issue now? Or is it going to evade it? That is the position which confronts Government and it is a threat that shows clearly the need for the legislation called for in this Motion.

That concludes my remarks, but, before I sit down; Sir, I would like to ask the Government to allow a free vote on this matter. I believe I am right in saying that early in 1952, when the present Session of Legislative Council started—an undertaking was given to the Unofficial Members on the Government side that the Whip would be applied very sparingly; but it appears to every Member in this Council that, in point of fact, the Whip is applied on practically every occasion. I hope on this occasion that the Government will set their way to allow a free vote on this issue, which has no financial implications of any sort whatsoever.

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

Mr. Usher: Mr. Deputy Speaker, Sir, in rising to second this Motion, I may say that the ground has been amply covered by the hon. Member and that I have very little to add.

I have come into this Council as a friend of the trade union movement and, I know, that I have behind me organized industry. They have gone out of their way to foster it and to see that men are properly instructed in the way of trade unionism in its fair sense. I also, Sir, was a member of the select committee on the Trade Union Bill. It is an interesting thing, Sir, that the opposition of a minority on that select committee was all concerned with the co-existence of staff, associations and organizations, employees associations and organizations and probationary trade unions. Now, Sir, it has always rather puzzled me why this opposition should have been so pronounced and now I am beginning to see the reason; the reason was surely that certain people wished to open up the possibility of the trade unions involving themselves with other than the avowed objectives; that is to say, the relationship between employers and employees; between employers and employees; between employers and employees; those are the

[Mr. Usher] objectives and the interests of the workers are in many cases extremely well looked after and advanced by the lesser organizations.

Sir, the hon. Member went to the very root of the matter when he indicated that efforts were being made to impose trades unions where they do not exist, to impose them from above instead of allowing them to become of natural growth. That, Sir, is a process as it seems to me that is utterly undemocratic. Let the thing grow naturally. I suppose it is all part of what they call, in Marxian jargon, "Making the masses politically conscious". Sir, I also am extremely curious to know what is the federation which has caused such anxiety to the true friends of a trade unionism in the country. We know, or we think we know, that it is not a trade union. We do not know whether it is a society. It is interesting, Sir, to note that the Societies Ordinance was enacted a few months after the Trade Union Ordinance and the intention of the Government in this matter was made very clear in the Societies Ordinance. For instance, we will observe, Sir, that refusal to register a society may be based upon the society's connexion with an organization or group of a political nature established outside the Colony. Now, Sir, we have from this federation a row of motions which show that it has made an incursion into the field of general politics and upon highly controversial issues. What, Sir, then is this federation? Is it a society? If it is, why is it? How can it have been registered? Again, the Registrar shall refuse to register such a society, if it appears that local societies are likely to be used for any purpose prejudicial to, or incompatible with, peace, welfare and good order in the Colony or if it is in the opinion of the Registrar undesirable. Now, Sir, we can only suppose that the Registrar reflects the opinion of the Government as to whether a society is or is not desirable.

Sir, I think there is a great danger that we lose sight of the history of our own trade union movement in Great Britain. In its later manifestations we see that its strength and its usefulness depend upon the political sense of political mature people and the great character of

such leaders as Bevin and Deakin, and those people have set their faces against the improper political use of the trade union in England. Therefore, Sir, I would say, in amplification of what the hon. Member said in regard to an adviser from home, let us seek an adviser who is brought up in the right tradition of trades unions. Let us have a man from the Trade Union Congress who knows how to advise these budding unions in their proper activities and to steer them clear of activities which will merely bring the movement into disrepute in this country and cause it to founder.

Hon. Members, Sir, will have read, recently, how angry are the British people at the developments in England to-day. Anger, Sir, is also growing in this country when we read the kind of pronouncements that have been published recently—(Hear, hear.)—and, as they say in England, they are saying here to-day, "We will not have it", neither will we have it here, Sir. I also ask for a free vote.

Sir, I beg to second. (Applause.)

Question proposed.

MR. HARRIS: Mr. Deputy Speaker, Sir, in supporting the Motion, I would like first to touch on the expression in the first clause of the Motion—"to ensure that the objects and activities of trades unions and allied organizations are exclusively related". I feel, Sir, that in this country because other countries have had longer to be developed than we have, that we are trying to impose on the trade unions of this country a super-structure which is completely unnecessary and completely out of time with experience in other countries. I think it can be taken, Sir, that the home of constitutional trade unionism is probably Britain and if one studies Great Britain—that does not include Ireland—if one considers the history of the development of the Trades Union Congress of which this shadow in Kenya is supposed to be a counterpart, then one finds that the first reference to a proper trade union was the Amalgamated Society of Engineers which was formed in 1851. The Miners Federation having had two or three abortive attempts of getting together finally formed their federation in 1888 and the Gas Workers—that would not apply in this country, Sir, unless it is in this

[Mr. Harris] Council—and the dockers formed their union in 1889. Now, Sir, you notice that up to 1889 I have not mentioned the formation of the Trades Union Congress; in fact, the Trades Union Congress first appears in the "nineties" when it confined its activities entirely to labour legislation; that was its sole function, Sir, until the shadow of the 1926 general strike became apparent in Britain and in March, 1926, the Trades Union Congress called a meeting of trades unions to consider the possibility of strike and concerted action in the event of strike. But, Sir, that was in 1926, 77 years after the formation of the first official trade union in Britain.

Now, Sir, I do not know when the first official trade union was formed in Kenya, but I would have thought that 77 years on would have been ample time for this completely unnecessary super-structure of persons who have not served their apprenticeship in trade unionism which is so necessary in the fabric of its British counterpart.

Now, Sir, I would like to touch on some of the difficulties that have been experienced recently between the Nairobi City Council and its workers, its staff associations and the Kenya Local Government workers trades union. In 1948, Sir, the now hon. Nominated Member, Mr. Gikonyo and myself, were members of the Nairobi Staff Sub-Committee. We dealt with all matters appertaining to the staff and a committee was set up to consider and make recommendations on the salaries and conditions of service of all the employees of the staff. On the African side, Sir, and that is the only side I intend to deal with to-day, African representatives of the African Staff Association freely negotiated that agreement, as they did subsequently on other occasions when there were disputes on African wages.

Now, Sir, in 1951, there was a member of the African Staff Association who to-day is the general secretary of the Federation of Registered Trades Unions. In 1951, Sir, he left the employ of the City Council and was, therefore, unable to use any influence in the Staff Association, as he was no longer a member of the staff. It seems to me, Sir, most

peculiar that in 1955, the suggestion is made that that African Staff Association which has freely negotiated with the Council over many years should be discredited and a new body should be introduced as being alleged to be the only one that can negotiate with the Council, and, extraordinarily enough, it calls itself, "The Kenya Local Government Workers Trades Union" and, of course, operates under the General Secretary of the Federation of Registered Trades Unions, one of the late employees of the Council.

I feel, Sir, that the Minister would be well advised to get advice on the development of trades unions in Kenya from people who have spent their lives in trades unions working from the bottom up. By that, Sir, I do not mean starry-eyed gentlemen who have a vested interest in the development of trades unions. I would refer him, Sir, to such gentlemen who have seen the development in Kenya over a short time, people like Mr. George Brown, Mr. Charles Hobson, Mr. James Johnson and Mr. Ronald Williams; all of those men, Sir, owe everything they have to their faithfulness to the trade union movement and their belief in the benefits that the trade union movement can confer on workers generally. I would ask him to get their advice as to what they have seen of the way trade unionism under this federation is developing in Kenya. I know, Sir, that he can probably, if we start bandying names about this Council, he can probably reply with Mr. Fenner Brockway, Mr. Michael Foot and Mr. Leslie Hale. But, Sir, I think you will find that the trades unions of Britain have developed rather from the council schools than the public schools and I would prefer to accept the advice of the four gentlemen I mentioned first rather than those that I mentioned second. (Hear, hear.)

Lastly, Sir, in the development of trades unions I think one should remember the way which it is expected and hoped that the trade union will develop. Government have seen fit to permit this Local Government Workers Trades Union. But, Sir, it is, of course, entirely a wrong concept of trade unionism. Trade unionism should be developed by activity and not by employment. What you have now in this Local Government

[Mr. Harris]

Union in Kenya to-day, you have drivers, masons, labourers, a whole hotch potch of people. Well, Sir, surely, if we are going to use trade unionism for negotiating wage agreements, conditions agreements, it has got to be conditions for all drivers, all masons, all clerks, not for all the people who happen to be employed by one person and I would, Sir, ask the Minister to consider that aspect and see whether the next time he gives advice he might not use a bit more force to see that it is accepted, and suggest advice along those lines.

I beg to support. (Applause.)

MR. GIKONYO: Mr. Deputy Speaker, Sir, I rise to oppose the Motion before the Council. (Hear hear.) The other day, I was reading a book on trades unions and I found a definition of a trade union as follows. With your permission, Sir, I wish to read it: "A trade union is a continued permanent organization created by the workers to protect themselves in their work, to improve the conditions of their work through collective bargaining to seek to better the conditions of their lives and to provide a means of expression for the workers' views on the problems of society."

MR. HARRIS: Might we have the authority?

MR. GIKONYO: The authority is, "Notes on the British Trade Union Movement, by the International Confederation of Free Trades Unions", and if the hon. Member wants the page and verse, I can give it.

The problems of society are many and varied; they may be problems in the relation to education; problems in relation to agriculture; problems in relation to housing. They may be even problems related to forced labour, or detention without trial. All these problems are problems of the society and, in my view, I feel that the workers, as a class, should express their views on them. The motive behind this Motion is to cripple the activities of trade unions in this country. In Britain the T.U.C., although it remains largely an industrial body, a number of its affiliated unions participate in politics directly, more than 80 unions are affiliated to the Labour Party. These

unions support the candidates with funds from the unions when they stand as Labour candidates, both for local and for national elections. Furthermore, T.U.C. is affiliated to the International Confederation of Free Trade Unions as is the Kenya Federation of Labour. The activities of I.C.F.T.U. definitely extend beyond the boundaries of those related to wages and other conditions of employment. As far as I know, there is no registered trade union in this country which interests itself with the activities other than those related to the wages and conditions of labour. Kenya federation labour is not a trade union by itself and its activities should include the expression of views of the workers of the trade unions. There is nobody in this country, or in this Council, who will deny that for many years the policy of lower wage economy has existed in this country for a long time and that policy must go. I feel that that is one of the reasons why many people in this country do not want trades unions. My hon. friend, the Member for Nairobi South, has just stated that Nairobi City Council have refused to recognize a trade union of its own employees because, I feel, they fear that if these workers were organized, they could collectively bargain for better conditions in their employment. The employers, naturally, are interested in obtaining the maximum work from the workers at the smallest possible cost. On the other hand, when the employees ask for better conditions for their work, better wages, of course employers know that it will result in extra cost to them and therefore, naturally, they must oppose. That is quite understandable, and I am not surprised that a lot of accusation has been levelled against the trade union movement in Kenya.

It is common knowledge that at the present moment in many trades and occupations, the persons engaged in those trades and occupations are either illiterate or semi-illiterate, and I feel that in my view it is quite right and proper that they should avail themselves of the knowledge and experience of trade unionists who are not actually employed in those trades; otherwise the effect will be that they will not be able to organize and, therefore, will not be able to collectively bargain for the better conditions and better wages for their work.

[Mr. Gikonyo]

I want to deal with a few points that have been raised by the hon. Members. The hon. Member, the Mover, suggested that *Mau Mau* will turn their attention to trades unions. If that is the case, I am sure the Government will not shut their eyes to this; it is part of their duty to see that no undesirable person takes part in trade unionism. All our interest is that the workers should be able to bargain for their wages, and that a subversive movement has no chance in the movement, and I am sure Government will be alive to this point.

The question of an industrial relations officer was mentioned, that he left this country because he did not think the Africans were ready for trades unions. My guess is the contrary; that the employers in this country would not have him, and therefore he could not remain in this country.

The question of a federation has been touched on—that it is a political organization. If that is so, we would like to know? And the Government is here to tell us whether it is registered as a trade union, or as a political organization, and we would be very glad to hear from the Government—because it is a new idea; I have never heard of it.

The question of our imposition from above was touched upon by, I think, the Member for Mombasa. I do not think there could be a federation without trades unions. First of all, you have your trades unions and then they federate into a federation and, therefore, the question of imposition does not come in. I quite agree with him, however, on this one point, that is the question of an adviser from the T.U.C. I would be the first man to support the idea, because I feel if we had a good adviser to advise our local people—our local unions here—we would have no need to have this Motion, and, if that could be done, I would welcome the suggestion.

My friend, the Member for Nairobi South, referred to the question of the growth of trades unions in Great Britain. He says that it took 70 years before a general meeting of the trades unions was called. I do not think in the modern world we would expect the people here to take 70 years to do so, because those people in Britain in those days had no

experience in trade unionism; in the present time, we have so many people with methods and experience and, therefore, it is very easy to teach the lesser, inexperienced, in the movement.

The question of a city council was touched on; he referred to the fact that he and I were members of the staff of the sub-committee of the city council. That is quite true, and I believe they used to put the views of the workers to the committee very well indeed, but I do not see any reason why if the workers wanted to form themselves into a trades union, somebody, or the council itself, should prevent them from doing so, because if they feel their case would be well served, and well represented by trades unions, as opposed to staff unions, I see no reason why they should not have that chance.

Mr. Deputy Speaker, I beg to support. (Applause.)

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Deputy Speaker, Sir, the Government cannot accept this Motion. In explaining the reasons why the Government cannot accept it, I think it will be convenient if I deal with the two parts of the Motion separately.

I will begin with the first and the more important part of the Motion, which reads: "To ensure that the objects and activities of Trades Unions and allied organizations are exclusively related to the wages and other conditions of employment in the Trade concerned". The object of this part of the Motion is to exclude trades unions and allied organizations from any kind of political interest and activity, although that may be a subsidiary and subordinate part of their activities. The Government cannot accept that. It would be unrealistic to think that trades unions will not have some political complexion, and some political interest and activity. But the object of the Trades Union Ordinance, and the policy of the Government, is to ensure that the *main* activities of the trades unions are the relations between employers and employees; that is to say, wages and other conditions of employment. We think that it would be contrary to the tradition of free speech, which I think everybody in this Council values, to debar these bodies from any kind of political discussions not

[The Minister for Education, Labour and Lands] exclusively related to wages and conditions of employment.

For example, let us consider a matter on which the *Federation of Trades Unions*—not the unions themselves—recently wrote a letter to the Press. I am talking about the method of selecting Africans for the Legislative Council. I do not think it could be said that that is a matter exclusively related to the wages and conditions of employment in any trade; but it seems to me a perfectly proper, legitimate and natural thing that members of trades unions, and the *Federation of Trades Unions*, should take a very keen interest in that matter.

A second example is to be found in housing policy which has already been referred to by the hon. African Representative Member, Mr. Gikonyo. That is not a matter exclusively related to wages and conditions of employment in any particular trade, but nevertheless it is obviously a matter in which trades unions, and the *Federation of Trades Unions*, would have a strong interest.

Secondly, Sir, the Government considers that it would be impracticable to decide whether a particular topic was or was not exclusively related to wages and other conditions of employment. I have already given two examples of border-line cases, and it is very easy to think of many others, so that in our view, the proposed amendment would be quite impracticable.

Thirdly, Sir, I believe that to legislate in the way which is proposed in the first half of the Motion, would not have the effect desired. It would not, in my view, stop trades unions, and trade unionists, having a political interest and discussing political matters, but it would force that discussion underground. In our view, it is much better that discussions of that sort should be free and open for everybody to see and read, rather than it should be secret and underground. Those are the reasons, Sir, the main reasons, why the Government cannot accept the first part of the Motion.

I will now turn to the second part of the Motion. It says: "To ensure that all trades union officials have had practical experience of the trades and occupations

they represent". Now, Sir, section 29 (1) of the present *Trade Unions Ordinance* reads as follows: "All the officers and members of any trades union shall be persons actually engaged or employed in an industry or occupation with which the union is directly concerned, and no officer of any such union shall be an officer of any other union: provided that (a) the office of Secretary may be filled by a person not actually engaged or employed in an industry or occupation with which the union is directly concerned; and (b) the Registrar may, in his discretion, permit any other office to be filled by a person not actually engaged or employed in an industry or occupation with which the union is directly concerned".

The Members of this Council who were members of the Select Committee which dealt with this Bill in 1952, will recall that this particular section was most carefully considered at that time. It was finally approved and passed in that form because it was then recognized that it is necessary to permit trades unions, taking into account the present stage of educational development in the country, in some cases to employ people as officials who are not engaged in the occupation which the union represents. The *Trade Unions Ordinance* cast a number of obligations and duties on the officials of unions, and those duties cannot be properly performed unless the official is literate, and has some degree of education. It is, therefore, necessary, at any rate at this stage, for the arrangement contained in section 29 to be preserved.

I have already said that it is the policy of Government to use its influence to secure that the trades unions do devote the greater part of their energies to wages and conditions of employment, employer-employee relations, and connected matters. As Members must be well aware, I have on many occasions both in public and in private, said that to representatives of the unions. And so, Sir, I propose to move the following amendment to the Mover's Motion:

"That all words after 'Government' be deleted and replaced by the following—'to continue to use its best endeavours to ensure that trade unions concentrate their activity in the field of employer-employee relations; and to examine the

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Trade Unions Ordinance, No. 23 of 1952, in order to ensure that legal power exists to prevent a trade union from departing from the main objects for which it was formed and registered and becoming a political society devoting its main energies to general political questions".

That amendment says "to examine the *Trade Unions Ordinance*".

In section 2 of the Ordinance, a trade union is defined to mean "any association or combination the principal objects of which are, under its constitution, the regulation of the relations between employees and employers, or between employees and employees, or between employers and employers". Section 16 of the Ordinance provides that "the Registrar may in his discretion, refuse to register any trade union or probationary union if he is satisfied that the principal purposes of the trade union registration are not in accord with those set out in the definition of a trade union contained in section 2 of this Ordinance". Section 17 of the Ordinance gives the Registrar pretty extensive powers of cancellation of the registration of the union if he thinks that it is necessary on the grounds set out in that section. Later sections of the Ordinance provide that a union whose registration is cancelled must cease to exist.

We would undertake in the amended Motion to examine the law again, in order to make sure that power does exist to prevent a trade union from departing from the main objects for which it was formed and registered, and becoming a political society devoting its main energies to general political questions. I must make it plain straightaway that that power is not needed at the present time. There is no trade union, to my knowledge, and I have discussed this carefully with both the Registrar and the Labour Department, which at the present time is not devoting all its energies to its proper employer-employee relations functions. Now I was listening with great interest to the speeches on the other side, because I was wondering whether any speaker would give me an example of a trade union—not the *Federation*—a trade union which has engaged in political activity. So far no such example has been given.

That brings me on to the *Federation*. The question whether the *Federation* is a trade union was examined long ago by the law officers, who decided that it is not a trade union; therefore it is not registered and is not required to be registered under the *Trade Unions Ordinance*.

GROUP CAPT. BRIGGS: Would the Minister say whether it is legal or illegal as such if it is not registered as a trade union? I was under the impression that all political organizations were banned.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: I was just coming to that. The question whether the *Federation* ought to register under the *Societies Ordinance* is a difficult one from the legal point of view, which the Attorney General has been examining. He will be speaking later on and he will explain the position under that Ordinance.

It is quite true that the *Federation*, as Members have said, has made some political pronouncements. That is quite true. Personally I see no objection to their doing that, and I would like to make it plain that to my knowledge the greater part of the activity of the *Federation* is devoted to the subject matter with which the trades unions are concerned. There is also no doubt that the existence of the *Federation* has helped the trades unions to improve their efficiency as trades unions. There is no doubt at all about that.

Various Members on the other side have made complimentary references to the *Trade Union Congress*, and I agree that the *Trade Union Congress* is a very responsible body. I shall be letting out no secrets if I say that, to my knowledge, the *Kenya Federation* is constantly in touch with the *Trade Union Congress*, who take a great deal of interest in it, and gives it a lot of advice; so that the *Federation* is in touch with a body which, as they themselves have said, is a very responsible body.

One hon. Member wanted me to give certain details about the constitution of the *Federation*, how the members of the executive were elected, and whether it is democratic. I am sorry I have not got the necessary particulars with me at the moment: I will not attempt to give them

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out of my head, but I shall be pleased to provide the hon. Member with that information.

I was also asked, Sir, about the circumstances in which the industrial relations officer left here. It was stated, I think, that he had formed the opinion that the African people are not yet able to understand trade union principles, or to run a trade union satisfactorily. He did not resign, he went on transfer to another Colony. So far as I know he never expressed opinions of that kind. He certainly did not express them to me, and they certainly are not shared by other officers of the Labour Department who have long experience of trade union work, particularly in colonial territories.

There was some suggestion from one or two Members, firstly that trades unions have, in some way, been brought into existence artificially by pressure from the Government; and, secondly, that somehow or other, the Trade Union Federation has been forced on the trades unions by some external agency. Both those statements are quite untrue. The trades unions which exist now have been formed spontaneously. The Federation itself was also formed spontaneously, and certainly without any encouragement from me or from the Labour Department, or from any other part of the Government.

The hon. Member for Nairobi South referred, and at some length, to the recognition dispute between the Nairobi City Council and the Local Government Workers' Union. That has been the subject of a report by a Board of Inquiry, which was appointed by me under the appropriate Ordinance. The report is now being considered by the City Council, and I think it would be quite wrong if I made any statement on the subject at the present time: I would much prefer not to do that.

MR. HARRIS: Thank you for giving way, Sir. I was very careful not to prejudice any consideration. The point I was making was that it was extraordinary that one body, the African Staff Association, had been in negotiations with the City Council for many years successfully, and it is not until a new body comes along, trades union, that there is a

protracted and rather recriminatory disagreement.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Well, Sir, that is one of the matters which is covered in the report to which I referred; I think it would be better if I did not say anything about it at the present time.

Finally, one hon. Member—I think the same hon. Member—invited me to discuss the development of the trade union movement in Kenya with certain gentlemen whom he named. One, I think, was Mr. James Johnson, and the other was Mr. Williams, both of whom—unless I am mistaken—were members of the Parliamentary Delegation, which some months ago visited Kenya. If those are the two gentlemen to whom the hon. Member referred; I did, in fact, discuss trades unions with them; both of them were strongly in favour of the policy we are now following—that is, the policy of fostering and encouraging the trade union movement.

AN HON. MEMBER: Not a federation?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Now, Sir, I have nothing more to say, and I beg to move the amendment standing in my name.

THE MINISTER FOR LEGAL AFFAIRS
seconded.

Question proposed:

THE DEPUTY SPEAKER: In view of the terms of the amendment, I propose to allow the debate to range over the amendment and the original Motion and, unless hon. Members feel irresistibly impelled to speak twice, I trust that they will confine themselves to one speech in the debate.

MRS. SHAW: Mr. Deputy Speaker, Sir, I rise to support the amendment because I feel that it fulfils the purpose of the original Motion. As the hon. Mover said in his excellent speech, the power of the British trade union today has been shown in this last week, and the misuse of that power has unhappily been only too well demonstrated by the dislocation of the whole life of Great Britain by strikes called at the instigation of two trades unions.

Now, since the repeal of the Trades Disputes Act in 1946, there appears to

[Mrs. Shaw]
be no brake on the power of the British trades unions and, at their will, the country can be held to ransom. Trade unionism, I believe, if it confines itself to its legitimate purpose—which is to safeguard the interest of its members as regards wages and conditions of employment—is an excellent and most desirable development.

Now, Sir, through the very nature of their membership, the power they wield is immense and, Sir, power is a very heady drink, and if it has gone to the heads of the mature people of one of the greatest democracies, how much worse effect will it have on the mass—for the most part of illiterate people—on whom the trade union movement of this country must depend for the bulk of their members?

In a previous debate I said that people in Kenya, in their present state of development, were not ready for the freedoms of democracy. Now, this is one of those freedoms, and though we, as a child of the Colonial Empire, may fall heir to privileges which Britain, through her hard work has won, we must deserve those privileges. The fact that the first Colony-wide African association—the Kenya African Union—was used as a vehicle for the spread of *Mau Mau*, behoves us to beware that the Kenya Federation of Trades Unions does not become a cloak for subversive activities, for it was only the other day that the newly formed Musical Society was found to be nothing more than a subversive association—at least, I go for my information—like my hon. friend, the Member for the Coast—to the Press. (Laughter.) That is the danger, Sir, and I support this Motion because I feel we must develop slowly in this matter of trades unions, and would be well advised to adopt the motto of that great Labour leader—whose statue has just been erected in London—the late Mr. Ernest Bevin—"of patient plodding towards a distant goal".

With those few remarks, Mr. Deputy Speaker, I beg to support. (Applause.)

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, I feel the original Motion was largely misconceived, because both the objects of it are more or less covered in the present Ordinance, and I also feel

that the amendment now before the Council is at least unnecessary, because the Ordinance is as strict as it could be. Reference during the debate has been made to the Trade Union Congress of the United Kingdom. I am sure, if the present Ordinance were to be submitted to that great body for its opinion, the result would be that the Ordinance would be condemned as something undemocratic and something restricting the right of workers to associate for legitimate purposes of employment.

Now, Sir, here we have the right given to a registrar to refuse registration. There is also contained in this Ordinance the right of the Registrar to cancel the registration of a trade union. That, I feel, Sir, is quite improper, and I think no law on the subject of trade unionism should go further than this; and I am sure the Trade Union Congress can never approve provisions like these. Thus, there is no scope for making trade union law any more strict than it is, but, since the amendment seeks only to make an examination of the existing law, I have no hesitation in supporting it.

Now, Sir, the definition of a trade union in the present Ordinance—as has been pointed out—makes it necessary that the "principal" objects of a trade union shall be the employer-employee relationship—that is, the trades unions shall be concerned principally with the conditions of work and labour. If a trade union indulges in politics, and politics takes up more of its time and energy and money than the employer-employee relationship, I am sure a union like that can be banned under the existing law. It is only if a union indulges in politics as a subsidiary part of its activities that it cannot be prevented from functioning.

Well, Sir, so far as my own views on this matter of indulging in politics are concerned, I am convinced that, in the present stage of development of this Colony, it is suicidal for any trade union to indulge in politics. There is plenty of work for any sincere trade union to do in the legitimate field of trade unionism—(Hear, hear.)—and, in any case, it is in the interests of the trades unions themselves that they should not unnecessarily antagonize people. The employers will be antagonized in any case, but it is necessary that they should not antagonize others who are not employers,

[Mr. Chanan Singh] and who have interest in the development of the trade union movement in this Colony. I think, therefore, Sir, it is necessary that some people, at least, should take a vow that they will not allow politics to enter into trade unionism—at least until trade unionism is fully developed. By that, I mean until the workers are so organized that they can trust to their own unions to look after their interests effectively. I feel, Sir, that that time is a long way off, so that, in my view, trades unions should not indulge in politics at the present stage of their development. Now, Sir, it is common knowledge that trade unions in other parts of the world do take part in politics, but that, I say, is no reason why that should be done in Kenya.

The second paragraph of the Motion, Sir, is equally unnecessary. The only officer of a trade union which the law allows to be an outsider is the secretary. I think, Sir, the hon. Minister for Labour has pointed out that it is necessary that this provision should be retained at the present time. Some unions' officers are from the trade and are illiterate, as a class. They will have to go to somebody to draft their petitions, or even to write letters. If they are not allowed to employ a secretary who is educated, they will have to get the work done unofficially by somebody. It is better that we let them have a person whom the Government knows, and whom the employer knows, to be the secretary of the union. I think, Sir, it is nothing but proper that the unions in Kenya should be allowed to have an outsider as their secretary.

Then the Ordinance also allows the Registrar, in his discretion, to permit any other office to be filled by a person not actually engaged or employed in the industry with which the trade union is concerned. Well, Sir, here it is only up to the Registrar to give specific permission for the employment of an outsider, and I am sure the Registrar can be relied upon to see that permission is given only if it is necessary.

With these words, Sir, I support the amended Motion.

MR. AWORI: Mr. Deputy Speaker, Sir, while I support the Government amend-

ment, I have just been thinking whether I should bring in a Motion in this Council to say that the Church should not interfere in politics because, so far as we know, no Member on this side of Council has proposed it.

Now, I know exactly what the hon. Mover who proposed this Motion—he comes from the most troubled area, and sees all the trouble that has arisen, so he is a bit afraid that, after banning the Kenya African Union, and if the Africans have no political organization, they are using the trades unions for expounding their views. This, I say, is not true. It is very difficult indeed to say that the trades unions should not interfere in politics. As my hon. friend, Mr. Gikonyo mentioned when he was opposing the original Motion, the Trade Union Congress in Britain supports the Labour Party. Now, even in this country, after the proper organization of the trades unions, still we will have Africans participating in politics. Does it mean that if the general secretary of the organization was to stand as an Elected Member of the Legislative Council, he could not do it?

Now, Sir, before I go ahead, I am very much surprised that no Member at all has mentioned the great work which was done by the trade union officials in Nairobi at Mombasa. This is a tribute which I thought either the hon. Mover of the original Motion, or the hon. Minister for Education and Labour would say. I should say that the general secretary, who has been mentioned in this Council, and who is listening to what is going on in the public gallery, did a lot to stop the strike which was costing the country a great amount of money. No tribute at all was paid to him. I can well remember—and hon. Members in this Council can remember—in 1947 there was a strike in Mombasa. During that time we did not have proper trade union officials in this country. Sir, from my knowledge now, we have people who are trained—some have gone for courses abroad—and they are doing a lot to see that the trade union movement goes into proper line. As far as the constitution of the Trades Unions Federation is concerned, I am afraid I will not be able to state, because I am not a member, but what was said in the original Motion—and I am sorry, Mr. Deputy Speaker, if

[Mr. Awori] I might mention it—it concerns some Members who might be confused that the officials do not know anything in regard to the union they represent. I know that the secretary of the Kenya Local Government was a staff member of the City Council—as the hon. Member for Nairobi South said. Now, definitely he knows exactly the interests of the workers there, and I know most of these people who are in different trades, like Transport or the Garment Workers' Union—they are all members of that. At the same time, Sir, we must understand that most of the Africans are still illiterate and uneducated, and it will be difficult if we allow officials who are uneducated to take up official positions in the trades unions. Therefore—as the hon. Minister for Education and Labour said—the law allows that they would be able to get someone as a secretary from outside.

It was mentioned, Sir—and I believe that the hon. Mover of the original Motion had this in mind—what happens as far as the intervention of the Kenya Federation as to African election is concerned? As I said when I started, it is true that they should participate in this matter and give their views. After all, anyone, I think, might be able to stand, and most of the workers will be the electors, so we will not be able to stop them from giving their views as to this effect. I support the amended Motion. I believe it is quite true that trades unions should not be able to indulge, to my mind, in politics. Their duty should be to help the workers as far as wages are concerned, and the interests of the workers, but we cannot be able to change the law to see that at no time should they be able to indulge in politics.

Finally, Sir, I would like to ask from Government one point. We have had one gentleman in this country—Jim Burry from the I.C.F.T.U.—and he came to help trades unions in this country. A week ago he went overseas, and he is supposed to come back. However, there is some rumour that there is some pressure from some people in this country that he should not be allowed to come back. I would like to know whether Government will accept that rumour, and whether he will return, or whether he will not return.

Mr. Deputy Speaker, I beg to support the amendment.

MR. CROSSKILL: Mr. Deputy Speaker, I rise to speak briefly in support of the original Motion put before us, and I do so for this reason. I believe that never before has a more weak, docile and ineffective Motion been put before this Council by Government. "That all words after 'Government' be deleted and replaced by the following: 'to continue to use its best endeavours to ensure...'" I beg of the Government to cut out those first few words. (Applause.)

A government should govern—and should be able to "ensure" without qualification.

Mr. Deputy Speaker, I beg to support the Motion.

MR. USHER: Mr. Deputy Speaker, I rise merely to correct a statement made by the hon. Minister for Labour—if I may use the word "correct" in relation to so august a personage, I understood him to say that great pressure had been brought to bear upon this Government to foster the Trade Unions Ordinance.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: I said nothing of the sort. What I said was that the Government had brought no pressure on any group of people to form a trade union. Nor had the Government exerted any pressure on the trades unions to form themselves into a federation.

MR. USHER: Was the hon. Minister referring to the home Government or to this Government?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: What I said was this: that the Government had not exerted any pressure on any group of workers to form themselves into a trade union; and that the Government—this Government, or any other government in any other country—had not exerted any pressure on the trade unions themselves to form themselves into a federation. It had been suggested by some speaker that we had exerted such pressure—that the trades unions were not spontaneous, and that the federation was not spontaneous. I should like to contradict that impression.

MR. USHER: I beg your pardon.

THE ASIAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, Sir, I support the amendment, and I oppose the original Motion. In my view, Sir, the terms of the original Motion are likely to give an impression to the outside world that there are a large number of people in this country who are not prepared to benefit by the experience of the trade union movement in older countries, and who may be classed as reactionaries, and that will be a very unfortunate impression if created in the United Kingdom and among the leaders of the trade union movement.

Sir, whenever one argues about the special circumstances of this country, an argument is put forward that all countries take centuries before they reach a particular stage of civilization or practice or movement. Well, Sir, to me that argument has never appealed. Does it mean that the hon. Member can travel in an aeroplane to-day, but that the African should wait for 2,000 years before he should do so? Does it mean, Sir, that a European can become a research student in a laboratory in this country, but that the African student from Makerere, after graduation should wait for 2,000 years before he will become a research student there, or does it mean, Sir, that you cannot apply to the African areas the modern methods of agriculture? These arguments of saying always that the African people in this country should not take advantage of the experience of the older countries are very fallacious.

I think it is right and proper, and I think it is use of intelligence that one should benefit by the experience of countries like the United Kingdom.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, I should like to ask the hon. Minister whether anyone has suggested anything of the sort? As far as I know, there has been no suggestion whatsoever.

THE ASIAN MINISTER WITHOUT PORTFOLIO: The hon. Member for Nairobi South said it took 70 years for certain things to happen in the United Kingdom and somebody else said it took 100 years for certain things to happen, and so on.

But, Sir, apart from this, I think it is the duty of the immigrant colonizers of this country to convey the experience of the older countries to the African com-

munity, and to take steps to train them in the art of running the trades unions, instead of trying to change the law in a manner which will create suspicions in their minds. We are not benefiting this country by pleading for special provisions in regard to the African trade union movement. I would say this, Mr. Deputy Speaker, that the responsibility is on the immigrant races in this connexion—and that responsibility is very great. Instead of always pointing out their past to the African, we should point our finger to the future. (Hear, hear.) We want to create this country to be a great country in the future, and it is no use always harping upon the past of the African, and saying that he will never learn this and that he will never learn that. It is advisable, Mr. Deputy Speaker, that the immigrants in this country should try to raise the African to a higher level than on many occasions we have been doing, and to apply their minds constructively and positively, and to teach the African how to run these trades unions, instead of introducing some elements of law which will create hostility in their mind.

Sir, I would further say that there was a very good, constructive suggestion that we should have some expert, who has had a life-long experience in the trade union movement in the United Kingdom to come here and guide us. At the same time the immigrant people also should set good examples. If the Kenya Guild can indulge in politics by discussing African elections, it will be very difficult to say to the African trades unions that they have been indulging in politics. The responsibility of the immigrant people is very great in this connexion also. The immigrants should set a better example than they have been doing in such matters.

Sir, there was a reference made by the hon. Member that the Government failed in 1946 when it allowed entry to Jomo Kenyatta. Now, Sir, I do not think that the Government failed in any matter whatsoever at the time. I personally think that, Jomo Kenyatta or no Jomo Kenyatta, such things in this country would not perhaps have happened if, under our system in this country we were able to do what we did from 1st January, 1955, when we recognized the merits of people in regard to salaries and wages, and if we had had that attitude of mind

[The Asian Minister without Portfolio] earlier, and absorbed the few Africans who came into this country after they had taken degree courses overseas, probably we would not have provided some of the leadership to the *Mau Mau*. That is my personal opinion, Mr. Deputy Speaker.

I personally think that the amendment should be accepted and the Motion rejected, because it goes against the principles accepted in the United Kingdom.

THE DEPUTY SPEAKER: The time is now Four-fifteen. Council will suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

THE MINISTER FOR COMMUNITY DEVELOPMENT: Mr. Deputy Speaker, Sir, I should like to say a few words on this Motion before it comes to a close.

MR. COOKE: It is too early to close!

THE MINISTER FOR COMMUNITY DEVELOPMENT: First of all I should like to say that I am very happy to notice that none of the people who have spoken in this Council have actually said that the trade union, as a movement, was an unnecessary movement or organization in our Kenya of to-day, because it seems to me that, although Members on both sides of the Council are free to criticize things here and there, the necessity for trades unions in Kenya is accepted as a principle, and that it is the duty of the Government to control and regulate these trades unions in order that they may be developed in the best possible way. And it is a job which they are pressing on with a great deal of zeal. I personally feel that if any country in the world requires such organization of labour and trade unions, it is Kenya. Our own conditions here are very different from conditions which we find elsewhere in the world where trades unions have come into existence and have developed fully.

First of all I should like to point out that, with such a large mass of illiterate, ignorant men who go out from African areas to become labour—or employees—in different areas of the Colony, it is absolutely necessary that they should

have somebody with some knowledge about the things they do, and the conditions under which they are employed, who would put forward their case.

Then, secondly, the present economic arrangements of the Colony by which the class of those people called employers fall within very nearly a racial group, and those people called employees fall very nearly within one racial group—it is absolutely necessary to have some machinery, which will be absolutely impartial from beginning to end; and, in my opinion, I do not think a better machinery could be created than that of trade unions, or the federation of some.

Then, thirdly, the main cry of the employer in the country to-day is what they call the low output of the African employee, or African worker. Now, this type of complaint is likely to continue for very many years to come, but I contend, Mr. Deputy Speaker, that one of the ways of fighting this low output is to get the workers themselves to put some thinking and planning into it. They themselves should know that it is to their own interest, and to the interest of the public, that they should do as much as they can within a given time, and I do not know any better way of solving that one unless the workers themselves made this very necessary effort.

Incidentally, the other day I received a letter from a European constituent in the Central Area, complaining to me mainly as the representative of people in Nyanza, who form the main bulk of those employed in agriculture, and also in industry. His complaint was that I should confer with the chiefs at home, and confer with the trades unions here, and with everybody concerned, to make sure that those who are employed during this troubled time of the Emergency do not flit from one employment to another. A tendency has arisen in Nairobi, by which cooks, particularly, and other domestic servants, do not stay for more than just a few months with one employer, and they run to another with the hope of getting a shilling or so over their pay. They do that, and it has become quite a habit. Now, in my own way of looking at the position, I thought that that was neither a matter for me, as a political representative, nor a matter for the chiefs, as the Government Local

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Authority at home. It was purely and simply a matter for the labour itself to put its own house in order. If they want to gain a reputation as good workers, they ought to show that they can stick at their jobs and make improvements without causing so much trouble to those who employ them, and I say that they—and they alone—will do it, and, in order to help them to do that, the organization of trades unions, or the federation of a few, seems to me to be a very good machinery for carrying out that type of improvement which we all desire.

Now, my hon. friend, the Member for Mombasa, referred to a minority note which was attached to the report made by the Select Committee which examined the Trades Unions Bill when it was first brought to this Council. I was a member of the Select Committee, and together we agreed on very many points. As the hon. Member has said, he supports that Ordinance now, just as much as I do, but some of those points made, somehow or other, it is necessary to defer, although they have shown their heads in this debate—namely, putting certain conditions of a probationary kind, which will take the form of something which seemed to be a trade union, but was not quite such a trade union; like the staff associations to which reference has already been made: the workers' and employers' unions, to which already mention has been made, which are not registrable as trade unions. Now, I am quite sure that if we have this time to experiment—if we have this time to try and enhance the development of trade unions—it ought to be tackled immediately, without following any sort of half-way measures. That seems to me important at this time—it does even now seem to me to be a very important point still. We ought to try and get the trade unions to do what we believe to be the correct thing for them to do. We should not lead them to follow certain patterns which only go half-way and not up to the point. Then they, the employers, come back and they say you cannot do that, because you are not a trade union proper. Only registered trades unions can do that. That is a state of affairs which is not in

keeping with what Government wants to do in the way of encouraging and assisting the trades unions to develop properly.

Now, before I sit down, I should like to refer to a few things said by hon. Members on both sides of the Council. First of all, I should like to congratulate my hon. friend, the Asian Minister without Portfolio, for the very good speech that he made in supporting this amendment. I do agree with him entirely on all that he said, and I should like to add that it would be a very strange situation indeed anywhere in the world if the people who took five years to make the Nakuru-Nairobi road demanded that those of us who follow the road-to-day should also take five years to travel from Nakuru to Nairobi. You follow a well-beaten track. The pioneers take time to make it, but it cannot be always in keeping with history that those who travel should go at the pace of the makers. It is not practicable. It is not realistic.

Now, the hon. Mover referred to the Mombasa dock strike. Now, we are all agreed that this is a very unfortunate occurrence; but far—to my mind—from pointing to the danger and the weakness of a situation which allowed for the development of trade unions, I thought it was very much to the contrary because as my hon. friend, the African Representative Member, Mr. Awori, has said—had it not been for the timely intervention of the secretary of the Federation in Kenya, I believe the negotiations and talks which were levelled at that trade dispute, would have taken a very much longer time, and probably would have come off very much worse than they did, and I should like to join my hon. friend in patting the secretary of the trade union on the back for the excellent work he did in assisting these negotiations.

I think the hon. Mover also said that in his opinion it was a little undignified for a Government Minister to appeal to a trade union, or anybody. I think he implied that he considered it degrading to make an appeal to people if you are a Member of the Government—that you should always dictate or order. Well, I do not think that Kenya could be ruled on those lines. It may be that my hon. friend, the Mover, himself would be the first to object, and appeals seem to be the only way that you can run a demo-

[The Minister for Community Development]

cratic government—the type that we are trying to develop in this Colony.

He also—the hon. Member—said that Government—in his opinion—was trying to force the pace of the trades unions. Well, already I have said a few things which cover that, but I should like to say that the Government has done nothing of the kind. The situation is controlled by an Ordinance which was passed by this Council and, as far as I know, there has been no departure from the terms of that Ordinance. If the Ordinance is wrong, what is wrong will be pointed out, and I think, if it is a valid accusation, the Government will be free to take that into consideration, and take steps to amend the Ordinance in order that it may work properly.

Now, he also referred to the banning of African political organizations. This, Mr. Deputy-Speaker, is one of those unfortunate things that have followed in the train of the declaration of Emergency in the country, and which we all feel is an unfortunate step.

I am quite sure that while every one of us realizes the necessity for putting a ban on all African political organizations that existed, at the same time, now they can see how very dangerous the situation remains. When on that side of the Council, I used to say a lot of bitter things about this position. I am not completely cured from those convictions even now. I still feel that it is dangerous to leave a whole lot of people without a political organization, and as Members may learn from previous speakers during the sitting of Council, Government is already taking steps to remedy, and remedy quickly, the situation which has inevitably existed. But I do not think that it is a general demand that can be made by anybody anywhere in Kenya now, to have all political associations banned.

The last point I want to refer to, Mr. Deputy-Speaker, is the suggestion that has been made that the Kenya Federation of Trades Unions is being suspected for being an agency of subversion. I do not know. I personally feel that the Federation of Trades Unions in Kenya is one of the healthiest organizations

that we have ever had in this Colony. As far as I know it is not only free from subversion but it is absolutely straightforward and calls a spade a spade. It has been accused of indulging in politics—or perhaps, if not indulging—giving too much room in its activities to politics. But that I agree with because I know it is not the object of trade unions or federations of trade unions to make political activity their main field of endeavour; but, I do know that federations of trades unions are bodies of people who are free in every sense and their political aspirations are as important as any that are held by anybody.

At the same time they have the freedom to express those views with as much force as they can command, but that is not the point I realize. It is that they, as a trade union collectively, should support the resolutions that are completely of a political nature. Now that, I think, is something which, with just a little careful consideration, can be seen. I have already referred to the absence of political organizations in the country. The absence of political organizations in the country does not mean that political thinking is not being carried on. People still think politically; and if the field remains as it is now I am quite sure that people will try to make use of any machinery that they have in their hands in order to let out those political feelings which they have, and I cannot in the circumstances, therefore, completely condemn the action taken by the Federation of Trade Unions in that line.

But at the same time I am quite sure that even the officials of the trade unions will know that it is hardly their legitimate field of executive action at all times.

Mr. Deputy-Speaker, I beg to support the amendment.

MR. COOKE: Mr. Deputy-Speaker, I had intended to contrive to speak second last in this debate, but I am afraid that the call of the drums is irresistible (Laughter.) Now, Sir, there is a great advantage of speaking late in the debate, because you can always pose as a well-balanced chap, and then you can rebuke the other side and say that they are irresponsible and that they are mischief-makers and, indeed, you can sometimes rebuke this side. (Hear, hear.) And

[Mr. Cooke] therefore I thought it would be expedient this evening to wait until the very end, but, as I say, there is a superior call to me at the moment and I shall have to go.

I would, of course, have indulged, as the hon. and gracious lady did the other day, in saying a plague on both your houses, and no doubt before I end I shall say so. I am, for the moment at any rate, a well-balanced and responsible person. (Laughter.) Now, Sir, I thought it was very naughty of the hon. Member for Nairobi South to refer to this place as a gas chamber, or words to that effect. I think that Members are inclined rather to lose their dignity, because the hon. Member Mr. Awori the other day was referred to in a newspaper—I am always quoting newspapers as Members say—and said that we spoke nothing here but a "farago of nonsense". Well, it seems to me that perhaps the hon. gentleman thinks that when he speaks himself, but it is rather an indictment on the rest of the Council.

MR. AWORI: I am supporting this amendment.

MR. COOKE: Yes, you are supporting this amendment, but when the other day you wrote in *Baraza*, you talked about a "farago of nonsense".

Now the hon. gentleman also referred to the need for going slow, and I could not agree with him more. He said that it took 70 years to evolve the trade unions—trades unions. I think they should be called—in England. Yes, and it took many hundreds of years to evolve the English Constitution, and yet the very gentleman who made that charge is one of the most prominent supporters of the Lyttelton Plan which leapt over several centuries in the speed of our advance. Rightly or wrongly, of course, one may have views on that matter; but at any rate I must charge the hon. gentleman, who is not here, with a certain amount of inconsistency.

My hon. friend, the Member for Labour, talked about the necessity of political complexion. Well, I do not agree. I am opposing this amendment because the reason I supported the original Motion was because I strongly feel that any attempt of a trade union to indulge in excessive political activity would be most unwise. So I am support-

ing the Motion and opposing the amendment, I am altogether in favour of trades unions, and I agree entirely with my hon. friend, the Member for Mombasa, who holds a very responsible position in Mombasa on account of the importance of the port, and I think that most of the Europeans in Mombasa are very much in favour of properly regulated trades unions.

I have from the very start, time after time, in this Council, supported the trades unions, even at a time when it was not so popular as it is to-day to support trades unions or to support African advancement. There was a time, not so very long ago, when to speak this way on this side of the Council or in any part of this Council, you were called a pro-African, but I think people now have seen at home that both parties, apparently, have got the same African policy, and it is very extraordinary how many people have for that reason changed their views!

Well, I happen to have been a member of two or three tribunals which sat on strikes in Mombasa and elsewhere; and I entirely agree with the Member who says that it is absolutely essential to have somebody as a spokesman for the Africans when these strikes are being inquired into. I know that when we were on the tribunals we found time after time the difficulty was to negotiate with the proper negotiator, and trades unions, properly regulated, would, of course, have provided, and do provide, that opening. I am also very much in favour of trade wages councils, but I do not want to delay Council on that subject nor do I think I would really be in order if I did.

Now, my advice, Sir, to the Africans, but I have no delusions of thinking that they ever would take my advice—because they do not—would be to abjure politics completely, and to regard them as a very evil and vicious thing! And my advice to the gentlemen on the other side of the Council would be this: I would ask them, and I believe that they are prepared to do so, to permit an African organization, a political organization, properly regulated, which will sublimate—I believe the term is—the nascent political aspirations of the African people. I think that nothing

[Mr. Cooke] would do more good for the country than to get a really proper, well-regulated, African political union, and in case gentlemen of the Press think I said "nasty", I said nascent, n-a-s-c-e-n-t. (Laughter.)

MR. DEPUTY SPEAKER, on the principle of half a loaf being better than no bread, and seeing that the hon. Minister for Labour and Education is unlikely to put the icing on, which I asked him to do, I propose to speak in support of the amendment.

I think, first of all, from what has already been said, Sir, it is necessary—

THE DEPUTY SPEAKER: I think the hon. Member has already spoken to the amendment before Council. He will have an opportunity, possibly at a later stage, of speaking on the Motion as amended, but he has already spoken once on the amendment.

MR. CROSSKILL: I ask then, Sir, that I debate the point I was speaking on to the original Motion.

THE DEPUTY SPEAKER: The amendment has been moved.

MR. SLADE: Mr. Deputy Speaker, Sir, before speaking on the relative merits on the Motion of the amendment, I would just like to say a few words in reply to the speech from the hon. Asian Minister without Portfolio, which the Minister for Community Development admired so much. (Hear, hear.)

Sir, I regret to say I not only did not admire it, but I regarded it as completely inexcusable. (Hear, hear.) There can be excuses for some people according to their experience. For instance, I excuse the hon. African Representative Member who attributed to the hon. Mover and to those in support of this Motion, the sole motive of trying to get the maximum work out of the employee at the minimum cost. Frankly, Mr. Deputy Speaker, I do not think that hon. Member knows any better. (Mr. Awori: Who was that?) Yourself. Oh, no, not you. He is not here. I am sorry, I thought I recognized the voice. (Laughter.)

But, Sir, the Asian Minister without Portfolio said that immigrant peoples

into this Colony must set an example. With that I do agree. But it is a curious example to set when you develop racial spite over a Motion which gives no justification for a racial argument. (Hear, hear.) And that was the whole burden of his speech. It was imputing to the whole European community the kind of attitude of intolerance—a reaction of superiority.

THE ASIAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, I did not impute any motives to the European community. I said that there are some Members who are doing that. I have never said that Europeans were doing so; I do not also agree that all Europeans believe in the same way.

MR. SLADE: Whatever the Minister may say now, Sir, the implication of his speech was quite beyond question. I say that he was imputing to the European community an attitude of reaction and intolerance as the basis of this Motion. I would take him up, Sir, on what he called a fallacy. He said that it was time we put an end to the fallacy that because certain developments have taken a long time in one place they will necessarily take a long time in another. He gave some very ingenious examples, Sir, to show that that principle, that fact of history repeating itself, was not applicable to scientific developments such as flying an aeroplane—perfectly true; it was not applicable to agricultural advancement—perfectly true. But what is true, Sir, on the other hand, and what I suspect the Minister knows very well is true, is that as regards social, political and economic concepts and institutions, you cannot short-circuit history. Such things, Sir, have to grow out of a people. They cannot be just implanted in them, without the most dire results. They cannot be superimposed. You might just as well try to transplant from England to this country an oak that has taken a thousand years to grow. It would be much wiser, if you want an oak in this country, to sow the acorn, and to tend it as it grows. And that is what we mean when we refer the people in this young country to the experiences of an older country.

And what sort of an example should we immigrant people set, who have greater experience behind us in our farbers? Indeed, our example is

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to try to behave up to the best standards of those whom we represent among our ancestors. But we have also to tell people quite honestly what mistakes our own people have made in the past, or even in the present, and this Motion is related not a little to mistakes that we have seen made by our own Mother Country in this matter of trades unions.

In a straight answer to the Minister and others I would say this, as regards the present Motion, that in moving this we are just as much concerned for the welfare of the African as for anyone else. And we are just as much concerned for him as any other Member of this Council is concerned. (Hear, hear.) It is because of our concern for him, and our fear of the troubles that he may be led into, that this Motion is brought.

We have seen already, with this regrettable Emergency, that it is the African who suffers much more than anybody else from indiscipline among the Africans. It is discipline among Africans in this matter of trades unions with which this Motion is concerned.

Well, Sir, the Minister for Labour has moved an amendment which is regrettably typical of amendments moved on Motions from this side of Council. I can hardly remember a Motion from this side of the Council that has not resulted in amendment from the other side which has the effect of taking away half its value; and, of course, the effect of this amendment is just that. That whereas the Motion asks for complete discipline in the development of trades unions, the amendment proposes a kind of half-and-half affair. Instead of saying we will limit the activities of trades unions to the employer-employee relationship, the amendment says we will "use our best endeavours to ensure" that those activities are "mainly concentrated" on those relations. Instead of saying that we will bring in legislation, or we will examine the existing Ordinance, to ensure that the objects of trades unions are only those of legitimate interests of the trade concerned in its relations with the employers, and each other, the amendment says we will ensure that the "main objects" of trades unions are such. It is all, just as the hon. Member for Mau said, half a loaf.

Sir, it may be that we do better to accept this amendment than to provoke complete disunity in this Council on this issue; and, having made that protest as to the half-hearted nature of the amendment, I can only hope that Government in giving effect to the amended Motion, if passed by this Council, will show a better heart.

One thing that strikes me most clearly, Mr. Deputy Speaker, in all that I have heard in support of this amendment, is that speakers do not understand the privileged position of trades unions. Trades unions are allowed by statute, Sir, to do a number of things that would otherwise be contrary to the law of this country, if done by anybody else. The law of this country, in the ordinary way, does not allow conspiracy to interrupt commercial activities, seduction of labour, activities in restraint of trade, but our Trades Union Ordinance of 1952 does say that trades unions properly registered, and acting within the scope of their constitution, may do those things.

I think it is worth while, Mr. Deputy Speaker, to refer to the particular provisions of the Ordinance.

First of all, the definition of trades unions: "Any association or combination, temporary or permanent", and so on. "The regulation of relations between employees and employers, or between employees and employees or between employers and employers, whether such a combination would or would not, if this Ordinance or any Ordinance thereby repealed had not been enacted, have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade."

And then we come to section 23, and we find express immunity conferred on trades unions. "No suit or other legal proceedings shall be maintained in any civil court against any registered trade union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute, to which a member of a trade union is a party, on the ground only that such an act induces some other person to break a contract of employment, or that it interferes with the trade, business or employment of some other person; or with the rights of some other person to

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dispose of his capital or of his labour as he wills."

Section 24: "A suit against a registered trade union or against any member or officer thereof, on behalf of themselves and all other members of such a trade union, in respect of any tortious act, alleged to have been committed by or on behalf of such trade union, shall not be entertained by any court." A trade union cannot be sued for tort.

Section 24. "A suit against a registered trade union shall not, by reason only that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution, for conspiracy or otherwise, or be unlawful so as to render void or voidable any agreement or trust."

And that, Sir, is the foundation of this Motion, which hon. Members do not appear to have understood. The trades unions are given that privileged position for a privileged special purpose; and that is the furtherance of the interests of the members of the trades unions in relations with each other as employees in a particular trade, and in relations with the employer in that trade.

I would point out, Mr. Deputy Speaker, that there is no other kind of association that I know of which has such privilege. No such privilege for associations of employers. Supposing, for instance, producers of farm produce got together as an association and conspired to withhold produce from the community, I wonder whether they would be exempt from prosecution and whether their agreement could be lawfully upheld?

Sir, it must be clear enough that the object of this Motion is not to attack the institution of trades unions. Some of us may think that they have come along too soon and too fast, but the fact is that they are here, and that their existence is legalized and recognized by this very Ordinance which was passed by this Council three years ago. It is too late to say that they should not be here. And certainly this Motion does not say anything of the sort.

I would, in passing, Sir, remind this Council of how much has been done for

employees, by other organizations such as the wages council and by staff associations, and the good work done by those voluntary and less sophisticated organizations, should not be forgotten.

But the point, Sir, is to remember the privilege of trades unions, and the point of this Motion is to ensure that the privilege is not abused. Now that, Sir, I submit is not reactionary. It is not a question, as the Minister for Labour suggested, of forcing people underground. It is not a question of stifling expression of political views. If people are to be free to express political views, as democracy normally allows, except in times of emergency, let them by all means, but let them not do it through a sheltered medium which was never designed for that purpose.

Sir, there is real danger, real danger, of abuse of these privileged organizations. The danger is greater in this country than in most other countries, I believe, Sir. Though, it does exist everywhere; as we have seen, indeed, in the mother country. The reason the danger seems to me greater here is because of the excessive influence of what one might call a few white-collared gentlemen in a largely primitive community. It is that always happens when primitive people start to be developed. A few of them race ahead; and those few gain disproportionate influence, and a status and power amongst the rest of their community quite unlike that which is gained in more civilized countries. And one has to guard against that influence, and protect the masses against it, and the fear of it being misused.

And there is another danger equally great, Sir, whereby these privileged unions may be abused, and that is the danger of infiltration. I have seen it very clearly, Sir, myself only so recently, in an organization in which I was interested, and am interested still, called the "Torch-bearers". That is a loyalist organization of Kikuyu formed near the start of this Emergency. It was formed by some very loyal, brave Kikuyu with the best intentions; but, in spite of warnings, they tried to develop too fast, with the inevitable result that the enemy took advantage of its excessively speedy development to infiltrate into the society; and within six months it had as many Mau Mau members as it had loyalist members. For all

(Mr. Slade) practicable purposes it had to start again. It took quite a long time to do so. Fortunately it did pull itself together, but it was in the utmost danger of complete collapse, through infiltration resulting from having to go too fast.

And so we see, Sir, this Federation of Trades Unions, of which other hon. Members have already spoken. As I understand it, Sir, the present position is that that Federation is illegal. It is not registered under the Registration of Societies Ordinance; it is not registered under any other Ordinance that can legalize its existence. If that is so, Sir, it is rather a shocking state of affairs that Government is recognizing its existence in dealing with it as a lawful society. Particularly when we see it doing the very things that the Minister for Labour said he does not want to see trades unions do. That is, making recommendations and what is more, recommendations to international bodies—on such subjects as the White Highlands, and detention of people without trial, which have nothing to do with the interests of employees as such. That, Sir, if it was done by a trade union, I do suggest, would be an absolute abuse of privilege. How much more so if done by an illegal society. I have heard it suggested by the hon. Minister for Labour that we should not discuss the recent problems of the Nairobi City Council, because the report of the Board of Inquiry is under consideration by the City Council. Well with respect, Sir, I cannot agree with that.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Will you give way, Sir? What I was careful to say was that I, personally, would prefer not to discuss it, because it will be my duty, at a later stage, to consider the matter as the Minister in charge of that particular matter. I did not say that nobody else should discuss it.

MR. SLADE: Oh, thank you, Sir, I apologize to the hon. Minister. I now understand his position, Sir. That leaves me as free as I think I should be. It is a fact, of course, that there was a Board of Inquiry appointed by Government which reported on this matter. The hon. Member for Nairobi South has touched on it, but I do think the facts of the case, quite apart from the findings of

the Board of Inquiry, do teach us some lessons in this matter of development of trades unions. It is a fact that in 1948 there was instituted by the City Council, of its own volition, a Staff Association, and in time it had some 450 subscribing members. Indeed, the total number of employees of the City Council was 2,700 or thereabouts, but they all had votes on any issue put before the Staff Association, whether they were subscribing members or not. Now, in place of that, there is a trade union of some 700/800 members. The hon. Member for Nairobi South has questioned whether this trade union has taken the right shape, in view of the miscellaneous nature of employment of service in the City Council. I agree with him.

The question I ask first is, now that there is that trade union, where do other employees stand—the remaining 2,000? Are they still in a position to vote on any occasion, anywhere, or is it now only the members of the trade union who have any say? The Staff Association was dissolved in August, 1953, by resolution of a meeting by some 80 of its members, that would be some 17 per cent of its subscribers, and some 3 per cent of all the employees in the City Council. I might question whether that was a legal dissolution of that Association, but it is a *de facto* dissolution undoubtedly. I might question whether the employees really wanted it. Whether it was spontaneous, as the Minister for Labour would have us believe. It is difficult to say so, with that percentage of voting. It was dissolved in favour of this new trade union; and the declared object of this new trade union, in a circular, was to "beat the employers"—to "beat" not to "meet"—to "beat employers". Now, that is a frame of mind that did not exist in the Staff Association, but exists now apparently. One wonders whether that is really; whether that is the civilized objective of a trade union. Sir, it would seem to be something very far removed from the old idea of the guild in our mother country, which looked after employer and employee alike for several hundred years before trade unions were evolved. And this trade union was developed, I suggest, not spontaneously but at the instigation of the federation of which we have spoken already. That is to say, from a super-imposed organiza-

(Mr. Slade) tion instead of starting from the bottom. The City Council refused to recognize this union, and I question who can blame them. Then, rather curiously in my view, this was treated as a trade dispute; and I question whether the fact that the City Council refused to recognize this trade union constituted a trade dispute. A "trade dispute" is defined by the Ordinance as meaning "any dispute or difference between employer and employees connected with the employment or non-employment or terms of employment or the conditions of labour of any person"; and how that covers a question whether the City Council is going to recognize in general a trade union or not, I do not know. Government treated it as a trade dispute, and referred it to a Board of Inquiry; and the Board of Inquiry consisted of a Judge of the Supreme Court, I think Crown Counsel of a few months in this Colony—I am to be corrected if I am wrong—and another gentleman who was visiting this Colony. That was the Board of Inquiry. They, as anyone who has read the report will see, disagreed with the attitude of the City Council, and considered that it was unrealistic. Well, I will not discuss the merits of that report any further except to pose the question: "who was more likely to know what they were dealing with—the City Council or this Board of Inquiry?"

Now, Sir, the hon. Mover was fully justified in my submission in warning Government against the development of a second *Mau Mau* through this very medium; and the consequent disruption of relations both between employer and employee, between one race and another. We have seen, Sir, how deliberately the enemies of the State aim at disruption of race relations. How, among the victims of *Mau Mau* have been those Europeans who were the African's best friend. And that is just what you are in danger of seeing by an undisciplined development of the trade union. The African's best friend, in the form of an employer, will be the one to be attacked first.

The obvious remedies, Sir, in my submission, are to confine the activities and the objects of these privileged unions to the purpose for which they were privileged. I do hope that in examining the Ordinance, that this amendment promises,

that may it be considered as a proper method of approach. The hon. Member for Central Area says that the Ordinance is as strict as it can be. That is clearly not so, Sir. If one refers to section 16, which describes the circumstances in which the Registrar may, in his discretion, refuse to register a trade union, you find that one of the reasons is that the principal purposes of the trade union are not in accord with those set out in the definition of trade union. Why should it only be principal purposes, Sir? Surely registration should be refused unless all the declared objects of the union are in accordance with the statutory definition of the trade union. What else makes sense?

Then we come, Sir, to section 17, subsection 2, which gives the circumstances in which registration may be cancelled or suspended after it has been granted. There I cannot even find that activities of a trade union not consistent with its declared objects are a ground for cancellation or suspension. I do submit they should be. You have declared objects limited to the definition of a trade union. You have the activities of a trade union restricted to its declared objects. I do suggest that then there cannot be any misunderstanding.

Now, the Minister for Labour says that it is going to be very difficult to decide just when the trade union is going beyond the interests of employee with employer or not. Well, Sir, you have a statutory definition there; and if that statutory definition is difficult to interpret, something is wrong with the statute. I do suggest that it is very much less difficult to interpret and apply something so cut and dried as that, than it is to interpret and apply the very woolly phrases that the Minister for Labour wants to substitute by way of policy, when he says that he wants to "ensure that the main activities of a trade union" are so and so, and that it does not give "the greater part" of its time to politics. That, indeed, is hard to interpret or apply. In passing there, Sir, I would make quite clear, of course, that all activities of trade unions in the interests of their employees must involve politics. But if the politics go beyond the interest of the employee as such, as an employee in a particular trade, with which he is concerned, it is that to which we object as

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an activity of the trade union. As an activity of some other political organization, it is quite a different thing.

As regards the last part of the original Motion, Sir, again I hope that Government may consider it when they review this Ordinance. Section 29 has been referred to already. What I suggest is that part of the proviso to sub-section (1) could be omitted. Sub-section (1) says that all officers and members shall be persons actually engaged or employed in an industry with which the union is directly concerned, and the proviso is in two parts. One, that the office of secretary may be filled by a person not actually engaged or employed. Two, that the Registrar may, at his discretion, permit any other office to be filled by a person not actually engaged or employed. My suggestion, Sir, is that there is no reason why the office of secretary should be different from any other office. It is quite sufficient if we give the Registrar power in his discretion, where it is necessary, to allow a suitable person to occupy the office of secretary because no other person engaged in the trade is available; just as he has in respect of any other office. But to exclude the Registrar's discretion as this proviso does is, in my opinion, a great mistake, Sir.

Those, Sir, are the amendments to the Ordinance which I have to suggest, but there are one or two administrative modifications to the Government's practice that I would also propose. There is first of all strict application of the definition of a trade dispute, and not to deal with something that is not a trade dispute, as if it was. The next thing is to be very careful in the choice of Boards of Inquiry in these desperately important matters. To ensure that you have men of actual experience in the material with which they are dealing; because, Sir, in my submission, the disputes with which these boards of inquiry have to deal are not matters of academic law. They are matters of sheer administrative wisdom; and the best men in the world of purely judicial experience, or purely of experience of other countries, cannot do themselves justice on a board of inquiry of this kind. The third point I would like to make, Sir, as regards administrative policy, is, that if trade unions are to flourish, if we really want them to

flourish, it is extremely important that their status should be preserved—their prestige. Therefore all illegal strikes should be suppressed with the utmost vigour. Because if you allow illegal strikes to carry the same weight as trade unions, you are putting the trade union in the shade.

Finally, I would like to say that this is a case where we are asking Government once more to take warning in time and not to wait and give us yet another chance of saying: "I told you so".

Sir, the hon. Minister suggested we should wait, because there were not examples of trades unions having got out of hand. Therefore, what was the justification of this Motion. I do suggest that that is the wrong approach, Sir. You want to cure the mischief—you want to prevent the mischief rather than cure it. You want to shut the door before the horse bolts! You do not want to wait for examples before you move. But, if you want the examples, there they are in England to-day at this moment; examples of how this thing can get out of hand. So if we do vote in support of this amendment, it is still in the hope that Government really means to be a little bit more firm and determined in watching the development of trades unions than the amendment might imply.

I beg to support the amendment. (Applause.)

MR. TAMENO: Mr. Deputy Speaker, Sir, whilst supporting the amendment I was surprised when I got the information that the seconder of the Motion happened to be a member of the Industrial Committee in Mombasa. During the last strike that occurred in Mombasa he did nothing whatsoever and he had to wait for the Secretary of the Kenya Federation of Trade Unions to come and settle the matter. He himself did nothing at all and all he has done is to come and second the original Motion.

THE MINISTER FOR LEGAL AFFAIRS: We have a lot to compete with, with aircraft and traffic and now we have to compete with this noise (the bag-pipe)!
Council suspended business for ten minutes.

THE DEPUTY SPEAKER: Could the hon. Member repeat what he said before we adjourned.

MR. TAMENO: Mr. Deputy Speaker, Sir, when we adjourned I said that Mr. Usher was—I beg your pardon, Mr. Deputy Speaker—I mean the hon. Member for Mombasa was the Chairman of the Joint Industrial Council. The Secretary of the Dock Workers' Union informed that council of the impending trouble. He did nothing whatsoever. It happened that the General Secretary of the Kenya Federation of Trades Unions had to do all he could, and he did it, to stop that trouble, and negotiations were successful and there is no more trouble.

Mr. Deputy Speaker, Sir, I am surprised that he did second the original Motion, because, Sir, all this Motion is meant to attack the officials of the Kenya Federation of Trades Unions, because they are the only people who have taken any part in politics. Now, Sir, there is a feeling among the Africans that the imposition of trades unions is that the employer should have the whole freedom of doing what he likes. Now, a worker has no power by himself. He can be discharged at any time by his employers, but when there is a union which can challenge the right of an employer to discharge an employee at any time, the Africans feel that some people think that it is wrong and that the employer himself should have the sole right with the employee to discharge the employee at any time he likes and pay him any amount he feels is right for him to pay. Now, Mr. Deputy Speaker, Sir, the main thing about the Motion is that the trades unions should not deal with politics.

While, Sir, I query this fact, in England so many people have to be elected by trades unions to become Members of Parliament. Every employee has a right to say something that concerns him and affects him in politics or in his particular job. I feel, Sir, that it is very wrong to deny anybody a right to state his facts in politics, because after all what are politics? This Motion also implies that it is only Africans who will indulge in trade unionism. It is not a fact. Trade unionism should not be racial. (Hear, hear.) But the impression that I had from the Members who have already spoken on my right is that you deal with the Africans only. It is wrong.

The second point, Sir, is this. The Kenya Federation of Trades Unions does not appear anywhere in the

Motion. It all deals with trade union officials. Well, Sir, who have in the trades unions dealt with politics? I feel, Sir, that the only people who have at least aired the views of the employees has been the Kenya Federation of Trades Unions. In fact, if I am right in so saying, I feel that this Motion has been brought over to attack the trades unions, which have not, so far as I know, in the papers dealt with anything political.

Now, Sir, I have gathered that the T.U.C. have supported so far the action of the trades unions in Kenya. They have brought somebody over—they have sent somebody over here to advise the trade unionists, the officials of the trades unions and others, of the right way to do things. Now if any Member wishes to think that that individual should not be around is very wrong and, in fact, he would be inflaming the members of all the trades unions, because they have learnt a lot from him, and in fact the Kenya Government and the people of Kenya have benefited a lot from that individual.

Mr. Deputy Speaker, Sir, I feel that this Motion was wrong and I beg to support the amendment in that unless we have people who really wish to do things in the right way and not underground, we are getting very wrong, and I believe, Sir, that the salvation of workers in Kenya of whatever race they may be is the formation of good trades unions.

There was another point, Sir, which was raised that some of the officials of trades unions are not permanent members of any trade. Now, Sir, supposing the members of that particular union wish to have a permanent official, are they not allowed to elect him and become an official? I feel, Sir, that a charge of that kind, which is in the Motion here, is completely wrong, and, secondly, Sir, so far as I know, the officials in existence now in the Kenya Federation of Trades Unions are people who already have been working in a certain trade. I do not know of anyone who has not had any trade before he was made an official of the trade union or the Kenya Federation of Trades Unions. If it happens that a trade union or the Federation of Trades Unions wish

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to elect a permanent person in that he will have every—I mean he will have nothing else to do with any other work except the duties which have been given to him, he should be allowed, and in fact it is right for him to be an official only of the trades unions, if the union wishes it. Now, Mr. Deputy Speaker, Sir, the people who were referred to by the Member for Nairobi South, that the City Council had refused these people to represent the local government workers in the city.

Now, Sir, there is only one question I wish to ask. Are these members of the Local Government Workers Union in Nairobi? There are a few. Are they not local government workers? Have they no right whatsoever to air the views of some who have not been interested in belonging to any local government trade union?

Mr. Deputy Speaker, Sir, I support the amendment.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, Sir, I should like to put a proposition to the hon. Member, the Member for Mount Kenya. I should like to ask if he really believes that the impact of political influences can be separated from economic matters. I should also like to ask him if he believes that the impact of political influences can be separated from economic matters and, in particular, such matters as wages and conditions of employment. I would suggest to him, Sir, that social, economic and political subjects are, or have become, so interwoven these days that it is difficult if not almost impossible to treat these subjects as separate, and it is for that reason, Sir, that I could not support this Motion when he asks that trades unions and like organizations should be restricted exclusively, mind you, Sir, exclusively, to wages and other conditions of employment only. Surely, Sir, in practice that would be impossible. Surely, Sir, it is not possible to divide human thought into separate defined precise compartments. It would be impossible to expect the officials of trades unions to draw a line and say that here political ideas begin and conditions of employment and questions of wages cease. I do

suggest that seriously, Sir, to the hon. Member.

May I refer to a remark made by the hon. Member for Aberdare when he was criticizing the speech made by the hon. Asian Minister without Portfolio. If I understood him right, the hon. Member stated that history should be allowed to repeat itself in Kenya and these people, the Africans, should learn in the slow and, what I thought he meant, the sure way. I would suggest to the hon. Member, Sir, that perhaps it would not be wise to let history repeat itself slowly in this country. I would submit to the hon. Member for his serious consideration that in modern times history repeats itself only in ignorant countries and that sometimes, particularly in the conditions that prevail here, it is advisable, even necessary, to short-circuit history as he put it and to accelerate the march of events before things get out of control and take the shape of which he is so very afraid.

Sir, another remark that the hon. Member made amounted to a criticism of the Board of Inquiry that was set up to inquire into the dispute between the City Council and the trade union. That board consisted of a Judge of the Supreme Court, a Crown Counsel and a third person. Now, Sir, I happen to have known the hon. Member for a long time, both in our more glorious days as advocates and also as a Member of this Council, and I would say this to him, and I say this in all earnestness because I know the hon. Member has the greatest possible respect for the Judges of our Supreme Court. I would say this to him, that when he criticizes the board, constituted in the manner in which this board was, with a Judge of the Supreme Court sitting at the head of the Board of Inquiry, and a Judge who was no less a person of the experience, and with the reputation and standing of Mr. Justice Windham, to show lack of faith in a board of inquiry of that type, in my opinion amounts to losing faith in ourselves. I could not accept his criticism, Sir, that the Board of Inquiry was not competent to go into the matter or into the dispute between the two parties who were concerned. Of course, Sir, there are always dangers, and such dangers are always inherent in all good things that we believe in. The hon. Member is afraid

[The Parliamentary Secretary to Minister for Commerce and Industry]

That it would be to let trades unions indulge in political activity and, mind you, Sir, I would agree with him, that it should not be excessive political activity, and it should be confined to that amount which is necessary to carry out their objects. Such dangers, Sir, are inherent in all good things. It is inherent, for example, in the freedom of speech which we cherish so much and for which we would fight so bitterly. I would suggest, Sir, that the trade unions should be permitted to indulge in political activity to the extent that is necessary to enable them to give proper expression to their demands, which are related to their economic conditions, based upon the question of wages and other conditions of employment. No more, Sir, but to put it in the words of the Motion that they should be exclusively related to such matters would shut out the very things to which the hon. Members say "Hear, hear". I do submit, Sir, that the best way of making these trade unions indulge in politics and to go in for things of which we are afraid, would be to accept this Motion as it is, as it was proposed.

Finally, Sir, I would refer to a remark made by the hon. Member for Aberdare. I think what he said was this. That he could not think of any occasion when Government found itself able to accept a Motion proposed by the Opposition. Well, what else can you expect from the Government if the Motions that you propose are always reactionary?

DR. HASSAN: Mr. Deputy Speaker, I rise to support the amendment. I have a point only on which I will speak, Sir, particularly in view of certain remarks made by the hon. Member for Aberdare. He is one of our most intelligent brains on this side of the Council; but I have seen him always taking a path which is always uphill. He does not believe in taking a path which is downhill. He gave an example criticizing the Minister without Portfolio, that we cannot expect an oak to be brought into Kenya and grow within less than 100 years—1,000 years. But, Sir, I do not think we like to have oak trees in this country because the climate does not suit them. We appreciate oak as a timber to make some lasting furniture. What we will be satisfied with

is to have something like black wattle, or grevilleas, or mvuli which grow quickly and will give us what we call "short circuit". It is no good telling the backward races here in this country that you must believe in God; you must have education; you must go through Makerere; you must pass Senior Cambridge; and if you can afford it, we will help you with bursaries and you can go along to Oxford and go along to Cambridge University, but it will take 70 years for one to be a member of the trades unions and it will take you 200 years to learn the Western way of life. But this sort of statement made on the Floor of this Council is likely—

THE MINISTER FOR COMMERCE AND INDUSTRY: On a point of order, Mr. Deputy Speaker, is the hon. Member in order in dragging in Cambridge on his own, why can he not drag in the other place? (Laughter.)

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[Mr. Tamenon]

to elect a permanent person in that he will have every—I mean he will have nothing else to do with any other work except the duties which have been given to him, he should be allowed, and in fact it is right for him to be an official only of the trades unions, if the union wishes it. Now, Mr. Deputy Speaker, Sir, the people who were referred to by the Member for Nairobi South, that the City Council had refused these people to represent the local government workers in the city.

Now, Sir, there is only one question I wish to ask. Are these members of the Local Government Workers Union in Nairobi? There are a few. Are they not local government workers? Have they no right whatsoever to air the views of some who have not been interested in belonging to any local government trade union?

Mr. Deputy Speaker, Sir, I support the amendment.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, Sir, I should like to put a proposition to the hon. Member for Mount Kenya. I should like to ask if he really believes that the impact of political influences can be separated from economic matters. I should also like to ask him if he believes that the impact of political influences can be separated from economic matters and, in particular, such matters as wages and conditions of employment. I would suggest to him, Sir, that social, economic and political subjects are, or have become, so interwoven these days that it is difficult if not almost impossible to treat these subjects as separate, and it is for that reason, Sir, that I could not support this Motion when he asks that trades unions and like organizations should be restricted exclusively, mind you, Sir, exclusively, to wages and other conditions of employment only. Surely, Sir, in practice that would be impossible. Surely, Sir, it is not possible to divide human thought into separate defined precise compartments. It would be impossible to expect the officials of trades unions to draw a line and say that here political ideas begin and conditions of employment and questions of wages cease. I do

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Sir, another remark that the hon. Member made amounted to a criticism of the Board of Inquiry that was set up to inquire into the dispute between the City Council and the trade union. That board consisted of a Judge of the Supreme Court, a Crown Counsel and a third person. Now, Sir, I happen to have known the hon. Member for a long time, both in our more glorious days as advocates and also as a Member of this Council, and I would say this to him, and I say this in all earnestness because I know the hon. Member has the greatest possible respect for the Judges of our Supreme Court. I would say this to him, that when he criticizes the board, constituted in the manner in which this board was, with a Judge of the Supreme Court sitting at the head of the Board of Inquiry, and a Judge who was no less a person of the experience, and with the reputation and standing of Mr. Justice Windham, to show lack of faith in a board of inquiry of that type, in my opinion amounts to losing faith in ourselves. I could not accept his criticism, Sir, that the Board of Inquiry was not competent to go into the matter or into the dispute between the two parties who were concerned. Of course, Sir, there are always dangers, and such dangers are always inherent in all good things that we believe in. The hon. Member is afraid

[The Parliamentary Secretary to Minister for Commerce and Industry]

that it would be to let trades unions indulge in political activity and, mind you, Sir, I would agree with him, that it should not be excessive political activity, and it should be confined to that amount which is necessary to carry out their objects. Such dangers, Sir, are inherent in all good things. It is inherent, for example, in the freedom of speech which we cherish so much and for which we would fight so bitterly. I would suggest, Sir, that the trade unions should be permitted to indulge in political activity to the extent that is necessary to enable them to give proper expression to their demands, which are related to their economic conditions, based upon the question of wages and other conditions of employment. No more, Sir, but to put it in the words of the Motion that they should be exclusively related to such matters would shut out the very things to which the hon. Members say "Hear, hear". I do submit, Sir, that the best way of making these trade unions indulge in politics and to go in for things of which we are afraid, would be to accept this Motion as it is, as it was proposed.

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[Dr. Hassan] claim to have all angles there, I shall never believe it. In every profession we have a large number of people who come into this country, some of them make a success, and some of them may have to be sent away because they have proved a failure and I take it that we shall have some difficulty in the first instance in finding out the right team who will play the game. But this should not be the reason that we should suspect that the presence of the trades unions is going to do nothing but start similar activities as *Mau Mau* and the Kenya African Union did in this country. We have to give them opportunity and give them a chance. We should not suspect them, but we should better think that they will go the right way. There is no doubt that trades unions in this Ordinance have been given protection, but this is reciprocal; even employers are given protection, so it works both ways.

Mention was made about the City Council and its troubles with the trade union. Well, Sir, the best and the most honourable way to deal with it was the appointment of the board which the Government effected and I am sorry to say that the City Council failed to prove their case.

I do not know much about the legality of the Federation of Trades Unions, but this is quite clear, from the present position, that a large number of trades unions are cropping up in this country and we have got to have a spokesman for those unions so that he will be able to give some definite information and work as liaison with the employer and the Government.

Sir, I beg to support the amendment. (Applause.)

The question that the words proposed to be omitted stand part of the Motion put and negatived.

The question that the words of the amendment be inserted instead thereof put and carried.

THE DEPUTY SPEAKER: Debate will now be resumed on the Motion as amended.

MR. CROSSKILL: Mr. Deputy Speaker, Sir, I think it is most unfortunate that this amendment and, indeed, the original Motion, are being misinterpreted as

having a racial bias, being interpreted as a step to undermine something which the African community has built up. (Hear, hear.) I do give a firm assurance that that is complete misinterpretation. It is an honest attempt on this side of the Council to indicate to the Government where we believe something, which is of great importance to the country, is going slightly off the rails and indicating how we think that it should be re-established on a sound and proper basis. Because we value the trades unions as a necessity in this country. They may, I believe, perhaps have been introduced prematurely, but they are here now and they are here for good and we intend to do our utmost to see that it is, literally, for good; for the good of this country. (Hear, hear.)

I feel though, Sir, that we should not, in this case as in many other cases, slavishly follow the pattern which is that of the United Kingdom. Not only in trades unions, but in many other ways, we should not now necessarily adopt something which is a 1955 pattern to circumstances which are perhaps more on a par with circumstances in the England of 1855. We must, though, however, have some form of organization which can negotiate and which can arbitrate and, as my hon. friend from Aberdare said, it might have been preferable if we had had the trade guild; if the name "trade union" had not immediately been adopted in this country; and that we had built something up to suit local circumstances from an organization such as we had in England when we had trade guilds. That would have been able to negotiate and to arbitrate quite efficiently, but we have, I think, in an untimely manner, perhaps, taken all the responsibilities and all the powers which trade unions possess in England now and tried to handle them when we should have been handling something much simpler for a start.

We have got, before we can properly use the powers and responsibilities of trades unions, to earn the right to those powers and show that we can shoulder those responsibilities and in doing so we have got to try and build up confidence, and confidence between the races, and for that reason I have said that it is most unfortunate that this has been interpreted as an attempt to undermine

[Mr. Crosskill] something African. That is certainly not so.

In that connexion, I would refer to a remark made by the hon. Representative Member, Mr. Gikonyo, who said that they wish to have a high wage economy. I agree with that completely; we want the highest wage economy that the country can afford—I reiterate "afford"—and we shall do our utmost to see that that does gradually take place.

I regret, Sir, to say that I was most unimpressed by the lyrical rhetoric, as opposed to his normal reasoned common sense, on the part of the Asian Minister without Portfolio. He took as a simile the question of an aeroplane, a simile most unsuited to the circumstances for which it was used. It was amusing and it had its effect, but it had a wrong effect, in my submission. He said would we grudge the African people using our aeroplanes in support of his statement that we cannot say that conditions here are those of a hundred years ago. Now, that was quite wrongly used, to my mind, because we would certainly be the last to say that anything that can be utilized, can be used; can be of service to the African people, should not be used by them. Of course it should, but I do submit, Sir, that the Minister without Portfolio would not perhaps have used that aeroplane if, at this present time, it had been piloted, navigated or constructed by the African people of Kenya, and I say that in no derogatory manner of the African people.

He went on to refute his own words by saying that those who can must teach, so that those who can will learn. That, Sir, is an admission that there must be gradualism in this country and that we cannot deal with everything here as one would in the United Kingdom to-day. We have something to build up.

With regard to the trades unions, which we realize are necessary, they do require nursing; they require supervising and it is on those two points that we feel some discomfort and disquiet, because we believe that the nursing that it is now getting is not quite the right nursing; that the circumstances, the background of someone, who is at present nursing that, are not quite what

is required to build up what we want in Kenya at the present time. I think it is unfortunate that Government has not found it possible yet to replace the very valuable services which were provided by Mr. Patrick in the past as industrial adviser and I sincerely hope that they will get someone of that calibre as soon as possible.

THE DEPUTY SPEAKER: Order, order. The Council will suspend business until 6.45.

Council suspended business at fifteen minutes past Six o'clock and resumed at forty-five minutes past Six o'clock.

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that the Standing Orders be suspended to the extent necessary to enable the Council to conclude its consideration of Order No. 5, which was interrupted at 6.15 p.m. and that, if necessary, the Yeabate be again interrupted at 7.30 p.m. to ensure that the requisite two hours be available for Supply in accordance with the provisions of Standing Order 136a.

LT. COL. GHERSI seconded.

Question proposed.

The question was put and carried.

MOTION

ACTIVITIES OF TRADES UNIONS

Debate resumed.

MR. CROSSKILL: Mr. Deputy Speaker, when Council adjourned, I was saying that we were not a little perturbed at what we considered to be inadequate supervision and, indeed, the almost necessary direct control of trades unions in this country at the present time. I was thinking particularly of Mombasa, where the recent strike, I think, showed that the proper machinery for negotiation and arbitration was not working as it should have done. I think that the Joint Industrial Council—the Whitley Council—did not appear to have the confidence of the employees; nor the proper liaison with them, which could, perhaps, have obviated the strike.

Now, prevention is much better than cure, and I think that certainly the

[Mr. Crosskill] negotiations did not start in time to prevent this strike. I would here like to pay a tribute to my hon. friend opposite, Mr. Okwiry—(Hear, hear.) (Applause.)—who played, I believe, a substantial part in the eventual cure that took place. But, Sir, I submit that there should have been prevention. I feel that we must at the present time have more close supervision and more control because the economy of the country cannot be jeopardized by inefficient machinery down there at the Coast.

Reverting to a point raised by the hon. Minister for Labour with regard to the participation of trades unions, the method of election of their representatives to Government, I feel, Sir, that I cannot agree that that is a proper function of the trades unions. I would instance, for example, the Kenya National Farmers' Union. That really is a trade union; perhaps an illegal one; it may be necessary to change its status, but it is tantamount to being a trade union representing the farming industry of this country. But, Sir, that body would not dabble nor make recommendations as regards methods of election to this Council. Nor, Sir, do I feel that it is a proper function of trades unions.

Finally, Sir, I would emphasize that we are not in the least anti-trades union. (Hear, hear.) We are not asking for any repressive legislation whatsoever. We are not asking for any legislation on a racial bias. I did emphasize that before and in support of that statement, Sir, I would say that the trades unions which we are discussing here to-day I believe are 16 in number, of which eight are African, four European and four are Asian. I think that refutes completely the allegation that this debate was taking a racial turn. I do emphasize, Sir, that our object in raising this Motion here is to see that proper encouragement is given to the proper growth of these trades unions and that they will thrive with firm and helpful handling by Government. (Hear, hear.)

Mr. Deputy Speaker, I beg to support. (Applause.)

THE MINISTER FOR LEGAL AFFAIRS:
Mr. Deputy Speaker, the ultimate in tedium would perhaps be reached if all

disagreement were removed and if we agreed on everything. I do not think we are in much danger of reaching that stage in this Council, but at least in this debate there has been revealed a very considerable measure of common ground, and I should like to reassert Government's concern and determination that the development of trade unionism in this country should be along properly controlled and guided and responsible lines and under enlightened and responsible leadership (Hear, hear.)

It should, I think, be made quite clear what precisely the concept of a trade union is. We have had references to the definition of "trade union" in section 2 of our Ordinance and it is important, I think, to realize when one reads that definition that certain parts of it were omitted by the Member for Aberdare when he referred to it—that is to say, that a trade union is an association, the principal objects of which are, under its constitution, the regulation of employer/employee relations. "The principal objects of which"—that is the concept of trade unions which we have, it is the concept of the trade union under the law of the United Kingdom and, for better or worse, that is the form of trade union which we have in this country and which will develop in this country, and we must accept it that that is our concept of trade unionism, at any rate at the moment. Our law, this Ordinance, is, in fact, more restrictive than the United Kingdom law. It affords us wider powers of control than the United Kingdom law does in respect of trade unions in the United Kingdom. Under our Ordinance, for instance, registration, and the control and regulation which goes with it, is compulsory. It is not so in the United Kingdom. I think it is important to remember that that is the position and that under this concept, a trade union is devoted principally to the regulation of what I would call industrial relations—the relations between employer and employee in industry and in other fields of employment.

Now, we shall need, certainly, to ensure that we possess under our Ordinance adequate powers of control to secure that the development of trade unionism in this country is along the correct line—the correct, responsible

[The Minister for Legal Affairs] line—and, that undesirable, subversive and seditious tendencies are scotched as soon as they rear their head, or, in fact, that we make it impossible for them to rear their head. (Hear, hear.)

Under the Motion, as amended, the Government will examine the Ordinance in that light and assess its powers in the light of its objective of control, guidance and maintenance of trade unionism on the correct lines. I would like to refer to two amendments which I have in mind myself, which are amendments to section 17 which relates to the powers of cancellation of registration. The first is that the power of cancellation, or suspension for that matter, of registration should be available where the constitution of the trade union is so altered that it ceases, in fact, to remain within the definition of a trade union: where its constitution, for instance, is altered so that its principal objects are not the regulation of employer/employee relations. That is the first, as it seems to me, apparent lacuna in the present powers of cancellation of registration.

The second is perhaps even more important and that is that there should, it seems to me, be a power of cancellation or suspension of registration where a trade union, whatever its constitutional objects, whatever its expressed objects in its constitution may be, does not in practice pursue as its principal objects and purposes the regulation of employer/employee relation. (Hear, hear.)

Now, those amendments, I feel, will go some way at any rate to meeting the concern which the hon. Mover of this Motion has expressed. (Hear, hear.)

It is, of course, true that trades unions enjoy a privileged position under the law. They are given certain statutory immunities. That is a necessary result or consequence of the concept of trade unionism, because trade unions are, in fact, combinations which do, or may, operate in restraint of trade. Were it not for those immunities, they would be open to constant actions for their activities in restraint of trade; so that if one accepts the concept of trade unionism, one must accept the concept of this degree of privilege. Of course, one must do one's best to ensure that

this position of privilege is not abused. (Hear, hear.) If it is abused in the sense that a trade union develops on subversive lines or embarks on subversive, seditious or undesirable activities, there are powers to deal with it under the existing law. There are powers of cancellation of its registration, which involves its dissolution as a trade union, and there is the power of proscription of it as an unlawful society under section 69 of the Penal Code.

Now, the Member for Aberdare said that similar privileges are not available to associations of employers. Now, that is not entirely accurate because, of course, there can be and are employers' trade unions. There are, in fact, seven registered trade unions of employers, which, of course, enjoy the same statutory immunities and the same position of privilege as any trade union of employees.

Reference has been made to the danger of infiltration of trade unions by subversive and other undesirable elements. That is a very real danger and is fully recognized by the Government. I have seen that develop in another country and it is a danger which must be kept constantly in mind and which must be guarded against and it is one, as I say, to which the Government is fully alive.

Coming now to the Federation which has been discussed in this debate. The Federation is now, I understand, known as the Federation of Labour. It has, again, I understand, recently extended its constitution so as to throw open its membership to organizations other than registered trades unions. For that reason, it is now no longer called the Federation of Registered Trades Unions but the Kenya Federation of Labour—I think that is the full name.

The question has been raised as to what that Federation's position is under the present law. Now, when the Trade Union Ordinance and the Societies Ordinance were both enacted in 1952, the first question arose as to whether the Federation, as it then was the Federation of Registered Trades Unions, should be, or could be, registered as a trade union. It was decided, after the matter had been very carefully examined and considered, that it was not eligible, in fact, for registration as a trade union.

[The Minister for Legal Affairs]

I would not wish to conceal from the Council that I would have wished, looking back, that the position of the Federation, as soon as it was decided that it was not eligible for registration as a trade union, its position in relation to the Societies Ordinance, should have been examined immediately. It was not. But there were reasons—I do not propose to make any excuses to the Council on that score—but there were reasons of a greater or lesser cogency as to why that was not done, very largely concerned with the internal position of the department which handles registration. Anyhow, the matter was taken up some months ago by the present Registrar, and the position is at present that the constitution of the Federation has been examined and the question of its standing in relation to the Societies Ordinance was, shall I put it, on the point of determination, when this recent change in its constitution occurred. Now, subject to the examination of those changes, of which the text has been called for—they only occurred very recently—subject to the examination of the text of those alterations in its constitution, the position, as I see it at the moment—and I make it clear that this has not yet been communicated to the Federation, so that they are not in default at this stage—it seems to me, on an examination of the definition of the word "society" in the Societies Ordinance, that it is a society which should be, and will be, required to register. Perhaps I should just explain—I do not want to be too long, Mr. Deputy Speaker—what the definition of "society" involves. The definition of the word "society" runs that it "includes any club, company, partnership or association of ten or more persons, whatever its nature or object"; and it goes on to exclude a certain number of specific types of associations. Now, the question whether this Federation, which, in fact, is a federation of eight constituent unions, is an association of ten or more persons within the definition is one which, of course, depends on the precise legal status of a trade union. If a trade union is, in itself, a legal person, a legal entity, then a society or association of less than ten of those entities would not be a society within the defini-

tion. But trades unions, in fact, do not possess corporate status. They are accorded, by statute, certain corporate attributes, very largely as a matter of convenience. They are accorded, by statute, the facility of suing, and the doubtful pleasure of being sued, in so to speak, a representative capacity—representative of its members. But that does not amount—I am expressing my own opinion at the moment—to corporate status in law. Therefore, it seems to me that in correct legal theory a trade union is not a legal entity, as such, and, in fact, enjoys no existence in law apart from its constituent members. If that is so, then, of course, this Federation is a federation, in fact, of the constituent members of the trade unions which are members of the Federation, or affiliated to the Federation. I am reinforced in that opinion by the fact that reference to the constitution of the Federation shows that it provides for representatives to be elected to the General Council by its constituent trade unions in certain proportions. The unions with under 10,000 members—five representatives with between 10,000 and 25,000 members—seven members; and with more than 25,000 members—eight representative members on the Council. The present constitution of the General Council of the Federation, therefore, involves—with eight unions—some 40 persons. Now, that is an association in itself of ten or more persons. I felt, perhaps that, although it has taken a few minutes, the Council would prefer that I should explain that position to them. (Hear, hear.)

The hon. Mover asked the composition of the General Council, or the Executive of the Federation, and according to the copy of its constitution that I have with me, I have already explained that it consists—the General Council—of these representatives of the constituent member-unions in the numbers which I have explained, and they are elected by the member trade unions, each member trade union electing its own representative. The Federation constitution provides that election shall be conducted by each affiliated trade union independently; the names shall be nominated and seconded, and the voting shall be done by secret ballot. Organizations which include women, in addition, have the right to elect one woman member

[The Minister for Legal Affairs] to the General Council. Then there is the power to co-opt, to fill vacancies by the member union.

The hon. Mover also asked whether the Federation reflected the views of trade unions. I find it, of course, somewhat difficult to reply to that. I am perhaps ignorant, if not more ignorant than he, of the extent to which the Federation reflects any views—(Laughter.)—particularly the views of its member trade unions. In so far as the views of the Federation are presumably presented by the General Council or Executive of the Federation and that body consists of representatives or delegates of the constituent members unions of the Federation, one assumes that there is at any rate some representative trade union view reflected in the Federation's view—certainly until its constitution was recently extended. Where in the future under its amended constitution it includes member organizations which are not registered trade unions, then, presumably, there will be an extension of the views, or the source of views, which the Federation represents.

There is one final word which I feel may be of interest and that is, the objects of the Federation as they are set out in the constitution which I have here, which is a copy of the constitution—I would make it clear—prior to the recent amendment. That is: (a) to do anything to promote the interests of all, or any, of its affiliated organizations or anything beneficial to the interests of past and present individual members of such organizations; (b) generally to improve the economic and social conditions of all workers in all parts of Kenya and to render them assistance, whether or not such workers are employed or have ceased to be employed; (c) to affiliate to or subscribe to or to assist any other organization having objects similar to those of the Federation; (d) to assist in the complete organization of all workers eligible for membership of its affiliated organizations and subject as is herein-after set forth in these rules to settle disputes between the members of such organizations and their employers and between such organizations and their members and between the organizations themselves.

Just one final remark—it is a misprint, but it appeals to my somewhat perverted fancy—and that is that under the reference to office-bearers it is said: "The Treasurer shall be elected by the General Council." (Laughter.)

Mr. Deputy Speaker, I beg to support. (Applause.)

LADY SHAW: Mr. Deputy Speaker, just a word or two on one or two subjects if I may be permitted to use a little of the time of the Council.

I am particularly interested, Sir, in the fact that we have taken perhaps rather too little notice of the second part of the original Motion, which was to ensure that all trade union officials have had practical experience of the trades and occupations they represent. Now, the hon. Representative Member, Mr. Tameno, took the line that what we were trying to prevent was the whole-time employee. That, Sir, was never said and never intended. What we asked was that when an official was appointed for these trades unions he should be a man of experience in the trade which he is representing. We did not say, Sir, that he has still got to go on making stockings—if stockings was the trade that he had been engaged in—or necessarily remain a member of the City Council, if being a member of the City Council was the thing he had been engaged in—I mean in the employment of the City Council.

But the fact of the matter is that, having been employed in such a trade, he still could become a full-time official and that remains a thing of which we are all of us very strongly persuaded. We contend that emphasis should be laid, in every possible way, on the necessity for officials of the trades unions having had direct experience of the trade which they represent.

Now, the hon. Minister for Labour said that it was very difficult to do this because of the fact that many of the people who were engaged in trade unionism are illiterate. But, Sir, in a world with a good deal of schooling going on in it, and I do know there is a good deal of schooling going on; it is no use telling me that nine-tenths of the people in a good many trades are not literate, and that there is at least

[Lady Shaw] one-tenth of most trades that is literate. If anybody tells me that, I just shall not believe it.

AN HON. MINISTER: Question.

LADY SHAW: Well, question—I should like the answer. The fact of the matter is that people who enter into the trades unions as officials are doing so, in many cases, as a political opportunity. (Hear, hear.) Whether the trade union is indulging in recognizable political activities is one question, but there is no question, Sir, that very large numbers of these people who have become officials in trades unions, have become officials in trades unions because they think it affords political opportunity. I need, Sir, to have some proof to make me believe something to the contrary. I am absolutely convinced that that is the truth.

Now, Sir, I want to deal with two other rather less important points. One of them is the speech of the hon. Member—I cannot remember what he is called, I am afraid, at any rate, he used to be the hon. Mr. Madan—(Laughter)—but he made a speech that was rather like the curate's egg: it varied, and was good in parts. But he did make what to my mind certainly is a very curious remark when he was finishing his speech, as coming from the Government Benches. He indulged in fact, Sir, in the sort of thing which Government is inclined to revile us for doing when we are on this side of the Council. But, Sir, I think we have good reason to revile a so-called Member of Government for indulging in the sort of performance which he indulged in at the end of his speech in referring to our Motion. On this particular occasion at least I can guarantee that the speaking of the hon. Member for Aberdare when he was talking on our Motion and the amendment put to it was extremely moderate. There was no question of the type of accusations which are sometimes in private life called "You're a liar, you're another". There was none of that kind of thing at all. However, the hon. Mr. Madan had to refer to that speech, that Motion which we have put forward. (There may have been words which made it difficult for Government, I agree; perhaps it might have been wiser to have consulted the Government before.) But

the way he described that Motion was to my mind, one of the most foolish remarks I have ever heard in this Council. (Hear, hear.) He used the expression, "It was reactionary". "How can you expect Government to accept all Motions when they are always reactionary". Now, Sir, I regret—I regret—that anybody who has passed from our side of the Council, with all the common sense of our side of the Council, should make such an exhibition of himself when he crosses to the other side of the Council. (Hear, hear.) (Laughter.)

The other point I would like to bring up, Sir, is a remark made by the hon. Minister—I think we do not call him an hon. Minister, we say just the Minister, I believe, is that true?—the Minister for Community Development and that is concerning his description of the action taken at the time of the strike in Mombasa. There have been objections raised, I believe, to the action taken by Mr. Mboya down there and the power given to him to deal with the situation and the appeals he made. The Minister made—to me—the quite astounding remark, that what other way can a Government deal with a thing like this except by appeal, and if you do not use appeal, what other way can a democratic Government go. Now, Sir, if a democratic Government is going to be governed by appeal, then, Sir, we had better find another form of Government. (Hear, hear.) (Applause.)

MR. J. S. PATEL: Mr. Deputy Speaker, Sir, I rise to support the amendment before the Council—the amended Motion before the Council, and in doing so, Sir, I feel, as my hon. friend the hon. Mr. Crosskill, representing Mau, said it was rather unfortunate that most of the people speaking on this Motion misunderstood the meaning of it. I would go further and say that it is rather unfortunate that we should, at a time like this, put forward in this Council a Motion like this which will create nothing but added bitterness.

I think there are a thousand and one ways of expressing the opinion, or expressing the fears, which the Mover has in his mind and I am pretty sure he had good intentions when he proposed this Motion. There are a thousand and one ways of bringing this to the notice of the Government. The discussion, the

[Mr. J. S. Patel] questions and answers that have been produced and which will be publicly read in the country and overseas, would show definitely that certainly at a time like this they are not contributing towards bringing peace and prosperity to the country. It is creating more distrust. After all, everything in this world is learned by mistakes. Who has not made mistakes? People should go on moving in one direction or another. Trades unions is a good thing and if the Africans make misuse of it and they may make misuse of it, they will learn by their mistakes. There is no other way of teaching the Africans. We learned by mistakes and I think in the Government accepting this amendment they acknowledge that they are alive to the dangers to which my hon. friend the Mover alluded in moving the Motion. I therefore, without wasting any more time of the Council, support the amendment. (Applause.)

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: On a point of information, Sir—I rose in my seat immediately the gracious lady had finished but the hon. Mr. Patel had the advantage of me and caught your eye first.

I should like to correct what, if I may venture to call it, the misunderstanding of what I said which the hon. lady has. I do not think that I said that "always" Motions moved by the Opposition were how I described them. I should like to say, Sir, that I still possess all the good common sense of the other side which has been reinforced by the common sense prevailing on this side.

LADY SHAW: I am sorry, I think the hon. Member did say that and I would, very much like the opportunity of proving that it is so.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Mover to reply.

GROUP CAPTAIN BRIGGS: (Applause.) Mr. Deputy Speaker, Sir, I may rather gabble what I have to say because I have quite a number of points to deal with and I will deal with them as rapidly as I can.

First of all, I would like to congratulate my hon. friend the Minister for

Legal Affairs for his extremely realistic speech. I might add the only realistic speech we have heard from the Government Benches to-day. (Applause.)

There are one or two points arising out of what he said that I would like to deal with first. First of all—I cannot read my own writing!—with regard to the actual Motion, I agree with what my hon. friend the Member for Mau said in regard to it, but I hope that the somewhat weak wording of the Motion will not be followed by weak action on the part of the Government.

I was rather disturbed to hear my hon. friend the Minister for Legal Affairs refer to the fact that the Federation of Trades Unions is changing its constitution in order to include bodies other than trades unions. This seems to me a somewhat sinister trend because it looks to me as though it is a way of getting round the existing ban on political organizations, and I hope that Government will pay due attention to that development.

The next point I would like to refer to is that my hon. friend the Member for Legal Affairs referred to the fact that members of trades unions—he referred to the fact that they are not legally bound by any collective agreement—wages council, or whatever it may be—and that they cannot, therefore, be sued. Well, it does seem to me—

THE MINISTER FOR LEGAL AFFAIRS: I think the hon. Member has misunderstood me. I did not say that. I said that the immunity which they enjoy derives from the fact that if they did not possess that immunity they would be open to suits for having combined in restraint of trade and that immunity from suit, that privileged position, was, therefore, a necessary corollary of the concept of trade unionism.

GROUP CAPTAIN BRIGGS: I thank my hon. friend for that, but the point is that it seems to me that unless the Federation is registered in some capacity it might be that it can order trades unions to strike, but it could not itself be sued legally for subversive activities if it took such action. Am I wrong?

THE MINISTER FOR LEGAL AFFAIRS: The point is that, of course, the Federation is not a trade union and does not enjoy the immunities of a trade union.

MR. SLADE: What is it?

THE MINISTER FOR LEGAL AFFAIRS: I did go to some pains to try to explain that.

GROUP CAPTAIN BRIGGS: I think it is definite and clear that the position of the Federation must be established very quickly and that its legal liability must be established.

Now, the next point I would like to turn to is the general attitude of the Government in regard to this Motion. I have heard it said in business circles that the man who never makes a mistake, never makes anything else. I regret to say that the general attitude of Government to this Motion rather suggests that that might very well be applied to them, or some of them. I believe that the trade union movement has not been given the guidance and the control which should have been exercised over it. Of course, the real trouble lies in the fact that we have in this country neither government by agreement, nor have we got the full party system. For obvious reasons the latter is quite impractical to-day and, of course, as a result there is an unsatisfactory compromise with the result that an effective form of government is no longer really possible. (Laughter.)

I cannot believe that those members of Government who have had practical experience of man-management can be altogether happy in their minds about some of the speeches that have been made from the Government Benches to-day. I believe that the Government, in trying to apply to the African people ideological theories, which even many of the most civilized peoples in the world to-day are not really ready for, is making a great mistake in most cases.

I do not wish to be offensive to any of my hon. friends on the opposite Benches, but it does seem to me that they do not seem to appreciate the need for discipline. I do not believe they appreciate that discipline is the greatest need of people emerging virtually from the dark ages, and what is more I believe that many responsible Africans would be the first to acknowledge it. (Hear, hear.)

Now, I would like to refer to some of the comments made by my hon. friend the Minister for Education, Labour and

Lands. I find it very hard to believe that the views he expressed were entirely representative of the hon. Members opposite. First of all he said that he believed—at least one of his comments was to the effect that political discussion might be forced underground and he suggested that it might be far worse if it was underground than if it is on the surface. Well, now, that is an old story. That same thing has been put across in regard to the *Mau Mau* in the early stages; the same thing was put across in regard to the Kenya African Union, and I am inclined to think that it is just an excuse for not taking effective action.

The next point he raised was that there might be difficulties in establishing what sort of political activities should come within the purview of unions and federations and federations of trade unions and what should not. Well, all I can say to that is that the Federation of Trades Unions has not sufficient judgment to judge that for themselves, well, then, they should rightly be banned from any political activity whatsoever. It is quite clear that the matters that relate definitely to trades unions they should have every right to discuss them, but what possible connexion is there between trade unionism and, shall we say, the White Highlands?

Now, Mr. Awori made certain remarks. He rather suggested that hon. Members on this side wished to destroy the trades unions. Well, several of my colleagues have replied to that so I will not say a great deal more on that, except to say that we do not wish to destroy the trades unions at all; we wish to stop them destroying themselves. (Hear, hear.)

He asked how the Africans could put forward their ideas when the General Secretary of the Federation was not a Member of Legislative Council, if I remember correctly. (Laughter.) Well, Mr. Deputy Speaker, I think that the purpose of the hon. African Representative Members is to represent those views and it is their duty to do so.

THE DEPUTY SPEAKER: The time is half-past seven. I will put the Motion as amended.

GROUP CAPTAIN BRIGGS: On a point of order, Mr. Deputy Speaker, Sir, the debate is not concluded.

THE MINISTER FOR COMMERCE AND INDUSTRY: With the greatest respect, Mr. Deputy Speaker, I think it would be possible to adjourn the debate and so give the hon. Member an opportunity to finish his speech, which I imagine will not be very long, on another occasion.

THE DEPUTY SPEAKER: That is quite in order, the debate can be continued, but it must be interrupted now. I am afraid I will have to interrupt the hon. Member now.

MR. HARRIS: Mr. Deputy Speaker, Sir, on a point of order, I wonder whether it really is necessary to interrupt the debate at this stage. This is the second time recently where a reply to a debate has been interrupted, and I feel, Sir, that as we have applied for the five extra days for Supply, and it is not the intention of this side of the Council to use those days—all of them—I wonder, Sir, whether the Council would not agree that we should continue this debate and it will be a little bit of free time for Supply which, in fact, will only have the effect of lengthening the number of days which we take at the end and will not have any material effect on the number of Supply days taken in total. (Hear, hear.)

THE CHIEF SECRETARY: Sir, we on this side would be happy to hear the conclusion of the present debate. (Hear, hear.)

THE DEPUTY SPEAKER: In that case the hon. Member may continue.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, now that I have resumed, I would now like to turn to the remarks made by my hon. friend Mr. Tamenno. Now, he made the allegation that the Joint Industrial Council of Mombasa had failed in connexion with the Mombasa strike. Now, I have consulted my colleague, the hon. Member for Mombasa, who is Chairman of that Council, and I am sure that allegation is quite untrue. That facts are that the causes of that failure were that the African members of that Council failed to pass on to the dockers the proposals made by the employers and, furthermore, the arbitration only resulted from the fact that the 50 cents offer which was made was, in due course, passed-on to them.

MR. TAMENO: On a point of explanation, Mr. Deputy Speaker, what I alleged is that the hon. Member for Mombasa was the Chairman of the Joint Industrial Council and he, as Chairman, should have taken notice of the suggestion that trouble was coming. He did not.

MR. USHER: He did.

THE MINISTER FOR COMMERCE AND INDUSTRY: On a point of order, Mr. Deputy Speaker, is it in order to get up on a point of explanation in the middle of an hon. Member's speech?

THE HONORABLE MINISTER WITHOUT PORTFOLIO: The hon. Member gave way.

THE DEPUTY SPEAKER: In point of fact, the Member should have waited until the end. (Hear, hear.)

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, I do not intend to reply to the hon. African Member. I am, in fact, satisfied that my colleague, the hon. Member for Mombasa was accurate in what he said. (Hear, hear.)

Now, Sir, I would like to turn to the speech made by the Asian Minister without Portfolio. I very much regret that speech because I have always had a considerable personal respect for him and I regard the speech he made to-day as one of the most irresponsible, mischievous and violent I have heard in this Council since I have been a Member of it. (Hear, hear.) The words he uttered, I believe, will be remembered for many a day and it may be that he will live to regret them.

The hon. Minister for Community Development, in my opinion, made a moderate and very reasonable speech and I am bound to say that, although I disagreed with some of the details, there were many points with which I found myself in entire agreement. It was a pleasant contrast to the one which preceded it.

Now, the general views expressed by the hon. African Representative Members in regard to this rather takes my mind back to October, 1952, when we were debating the Emergency Regulations, when we heard the hon. African Members and, I regret to say, the hon. Asian Members, opposing the introduction of those very necessary measures, and I would add that the Asian Members included the Asian Minister without Portfolio. The attitude that they have

[Group Captain Briggs] adopted to-day is, I believe, a very close parallel with the attitude they adopted then. Sir, we cannot expect any foresight or support from that quarter in regard to what may be required or designed to prevent subversive activity in the future in connexion with the trade union movement.

Lastly, I would say, in dealing with that matter, that when the African Representative Members show such gross ignorance of trades unions objects, methods and purposes and their functions generally, it is not surprising that the rank and file are so at sea.

I am still not entirely satisfied in regard to the position of the Federation. I have mentioned that earlier in my reply. It is very difficult for me to understand how it cannot be registered and yet exist and yet not be illegal. It seems to me that it must be either the one thing or the other and on the face of it would seem that the Government is apparently condoning a breach of the law.

Generally speaking, Sir, I do not wish to go on too long, I am bound to say that some of the expressions of opinion which Government Members have made to-day have been quite astonishing, and there were moments when I wondered whether I was sitting here in Legislative Council in Nairobi, or whether I was in the Kremlin. Now, tolerance is a very good thing, but too often it is an excuse for weakness and cowardice and I hope that in this particular matter the Government will show neither of those failings and that they will, in fact, watch this position—the position that we have outlined for them to-day—and the dangers which we have outlined with great attention and care. (Applause.)

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOICE XXVIII—HEALTH

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

DR. TRIM (Nominated Member): Mr. Deputy Speaker, I beg to move that Mr.

Deputy Speaker do now leave the Chair. This is to permit the consideration of Vote XXVIII—Health.

Last year the Director of Medical Services made a comprehensive statement of the policy of this department. In general the policy of the department remains unchanged and I do not, therefore, intend to repeat the things which he said last year.

There remain, however, numerous matters on which I can speak for the matters with which this department deals are varied and numerous. Earlier in these debates, I have heard reference to the Lidbury and Carpenter, and that immediately reminded me of those fabulous characters of Lewis Carroll, the walrus and the carpenter, and put into my mind the thoughts of the matters which they suggested for discussion—namely “ships and shoes and sealing-wax and cabbage and kings”. The activities of this Department are so varied that everyone of those items features daily in the work of the department, if I may include the King George VI Hospital, Nairobi.

I am grateful to the people who drew up these Estimates for altering the heading of this Vote. Previously it was headed “Medical Department”, now hon. Members will see that it is headed “Health”. I feel that this does a great deal to emphasize the preventive and the promotive side of the work of this department.

Curative and hospital services are the primary demands of the general public on this department. These services are very necessary, but the cost of these services has caused stauncher men than I to tremble. If I might quote an example I would like to say that the £1,500,000 which are in the Estimates for expenditure in this department would probably not cover the cost of one London hospital the size of the King George VI Hospital. The cost of hospitals has increased, the cost of curative medicine has increased because the costs of everything have gone up, also specialist services which are required these days are so much larger than specialist services required in the past. Years ago there used to be general surgeons and general physicians. These days specialists have become so, shall I say, specialized that

[Dr. Trim] we require so many more people. The surgeons are subdivided into nose and throat surgeons; ophthalmic surgeons, orthopaedic surgeons and we could go right on down the list with chest surgeons and abdominal surgeons. The physicians, again, are no longer just plain general physicians. There are neurologists, psychiatrists and so on. We find these days that in the hospitals it is necessary to employ a far larger staff in order that people may receive the type of treatment which is so necessary.

European hospitals are, as we know, now run by the European community. I should like to express my tribute to the people, the public-spirited people, who have accepted that responsibility. (Hear, hear.)

The Asian hospitals are at present mainly run by Government but, during the year, a committee, under the chairmanship of the Director of Medical Services, has sat and a substantial degree of agreement has been reached concerning the formation of an Asian hospital fund, and the report of that committee will be made in the near future.

When we turn to African services, one's thoughts move to the King George VI Hospital in Nairobi. This is a hospital of which we are very proud indeed, not only because of its reputation locally, but because of the praise which it has received from the numerous visitors from overseas, of all shades of political opinion and of all races, who have come to Kenya to acquaint themselves with conditions here. The standard of services at this hospital is higher than that in most hospitals in East Africa. This, however, is necessary. Specialized services have to be provided for the Africans and this is the one hospital in which there are numerous specialist services. Again standards have to be maintained if that hospital is to receive recognition from the examining boards of universities and of Makerere and other examining boards so that this hospital can be recognized for intern posts. Again, in order to achieve recognition by the Royal Colleges in England for post-graduate work, the standard of this hospital must be kept high and it is very pleasing to report that during the year the Royal College of Surgeons of

England has recognized posts for two junior house officers, one senior house officer and one resident surgical officer. Again, training for Kenya African nurses and the Kenya registered nurses is done at King George VI Hospital, and again if we are to achieve recognition, as we ultimately hope we shall, from the Nursing Council of England and Wales, we must maintain high standards at that hospital.

Finally, there is an even more important reason and that is that we may train our African ancillaries there, hospital assistants, compounders, orthopaedic assistants and so on, they should be trained under as good conditions as we can possibly provide for it is hopeless to train people in theory, especially the African, if when they put their work into practice the conditions are bad. We cannot hope to produce a good finished product unless we provide good conditions for practical work.

Out-patients services in Nairobi are, at the present, located at the general dispensary and that is rather far removed from the King George VI Hospital. This is a disadvantage and during the coming year, it is hoped to start to build a clinic for all races. This clinic will be staffed by specialists; the patients for the clinic will be drawn from the dispensaries in the town. People who in the past have been in hospital and have to attend for follow-ups will also attend this consultative clinic. People who attend from the dispensaries in the town, will receive specialist advice and undergo the more complex investigations which are necessary. I have referred to the dispensaries in the town which are at present under Government control. Negotiations have been under way with the City Council of Nairobi to take over this dispensary service. This is in accordance with Government's policy, namely, that dispensary services are a local responsibility. Hon. Members may not realize how the African District Councils have accepted their responsibilities in this respect and I have figures here which show that in the Nyanza Province alone, the African District Councils vote over £42,000 a year for the dispensary services which they maintain. All that Government does is to provide supervision in the shape of professional personnel.

[Dr. Trim]

At the King George VI Hospital we have just completed the building of a home for 100 African nurses. This fulfills a very great need and it will now enable African parents and Mission authorities to send girls to Nairobi for training in the full knowledge that their welfare will be looked after. Proposals are also in hand for the centralization of the Medical Training School in Nairobi. It is hoped, if money is forthcoming, that it will be possible to double the size of the training school, this will bring the number up to somewhere in the region of 500 trainees.

Talking of African staff and their training, I would like to mention one small point. We have talked about the more superior grades of African training and one thing which pleases me to note is in respect of that peculiar class of people which are unknown in the Western world—"sweepers"; in 1951 there were 46 employed in the King George VI Hospital and to-day there are 18; that has been done by education and persuasion of the African and encouragement to him to undertake the proper duties, and the full duties, of nursing. (Hear, hear.)

The work of this department, in common with the work of all departments, has received a severe setback from the Emergency. Our staff has, on occasions, been detained and we also have suffered from some shortage of staff from overseas recruitment. At this point I would like to mention the number of senior staff which we employ. I was looking back to the figures as far back as 1930 and I found that in 1930 we had 1,708 hospital beds and 73 registered doctors; to-day we have 5,806 hospital beds and 109 doctors. The numbers of beds have trebled and the number of doctors is half as much again as they were.

I should like to pay a tribute to my staff for the work they have done in connexion with the Emergency. (Hear, hear.) There has been no increase of doctors and very little increase of trained staff, for the reason that they are not available.

I would like to give an example of the way in which the Nairobi hospital tackled the results of "Anvil". The majority of the theatre staff were

rounded up and it was necessary, after "Anvil" and for some time, after "Anvil", for the surgeons to start operating after they had finished their work during the day, at 7 o'clock in the evenings, and they frequently went on until midnight. In the districts the European, Asian and African staff, and especially the district medical officers, have had an almost impossible task. My health inspectors have been almost overwhelmed.

Hon. Members in this Council will remember that references have been made to the large number of Africans from the department who were detained under the Defence Regulations. But I would like to say that the Africans who do remain have done an amazingly good job and are serving loyally. At the King George VI Hospital one respected member of the African staff has organized a screening team and is doing amazingly good work and has done a great deal to raise the morale of the people who remain. (Hear, hear.)

Security measures created innumerable problems in the rush and the hurry of getting these camps and villages in order. The Health Department had to follow rather than to lead. It was unavoidable, I know, but the problems were created and we were expected to go in and clear them up. Everything possible was done, instructions and circulars were issued, a Senior Medical Officer was appointed especially to take care of camps and prisons and only now, when we have breathing space, is it possible for us to go in and attempt to consolidate the position. The Health Inspector at Kiambu has, in addition to all his usual work, the care of 83 villages, five works camps and 26 District Officer Kikuyu Guard Posts. We are trying, whenever possible, in the villages to train up minor employees to help out with the work. As an example of the problems with which we have been faced, I should like to refer to the Manyani detention camp where an outbreak of typhoid occurred. At a time when typhoid was rampant in the African land areas, it was necessary to confine some 15,000 Africans in a rapidly constructed camp at Manyani. Typhoid fever broke out in the camp and in November, 1954, 141 cases occurred in the month. Everything was done that could possibly be done to stay

[Dr. Trim]

which is spent on these so-called social services is well spent. (Hear, hear.) (Applause.) Epidemics have, in the past, as we know, decimated Africa and I often feel a certain sympathy with my Health Department at the apparent lack of gratitude which they receive. I am tempted to think of the Pied Piper of Hamelin who succeeded in what is known these days as the "deratization" of Hamelin and that when he did not receive the gratitude which was due to him, he took rather stern measures, but I assure you my staff have no ideas of retelling in this way.

Now, the pattern of diseases is constantly changing. We have almost overcome onchocerciasis in the Nyanza area, but poliomyelitis is causing us more and more worry. We have dealt with an epidemic of kala-azar in the Kitui area, and that is almost finished we hope, but we are worried about sleeping sickness in Nyanza where the germ appears to have taken on a more virulent form, creating a type of case that is more resistant to treatment. In the Nandi reserve we have been carrying out a Dieldrin spraying campaign against malaria. This campaign is financed by the African district council in part, by the Medical Department in part, and also by the United Nations International Children's Emergency Fund who have paid for £2,000-worth of this particular drug for preparation of solutions which are used in the spraying. For the two years before this spraying, we have been giving Daraprim before the onset of the rains, this has been followed up this year by the spraying campaign in the huts. There are some interesting figures which show that in 1953 in the month of April there were 195 cases of malaria admitted to the hospital in Kapsabet. In 1954 there were 67 cases in April and this year in April there have been four cases, which is a marked reduction over the years.

In regard to villages. This department is fully aware of the dangers which are associated with the congregation of a large number of people in huts of temporary construction, especially in a tropical country, and everything possible is being done to improve those villages. Water supplies are being put in; spacing, construction and the provision of latrines and so on is being done as rapidly as possible and measures are being taken against epidemics such as plague and relapsing fever.

Red Cross nurses—we have three who are employed wholly by the Medical Department and who are working under the direction of the Medical Department. They visit villages frequently; they attend the sick; they advise on personal hygiene; they distribute milk to the children and the women who are in need of it and are doing an exceedingly good job of work (Hear, hear). We are grateful to the Red Cross for providing the milk and to the United Nations International Children's Emergency Fund which is known as "U.N.I.C.E.F." for providing transport. Now, in addition to the preventive work which is being carried out in these villages, there is the work in the seaports, the airports and in the large areas of African lands where continual vigilance is necessary. I would like to say here that as an example of the work which this department has done, that in 1954 as a result of long and continued work, it is possible to report that of the five convention diseases, which are typhus, smallpox, yellow fever, cholera and plague, only three cases of plague of all those diseases occurred. When one thinks of the human suffering, the disturbance of trade and communications and the mortality which attends these epidemics, I feel that the money

which is spent on these so-called social services is well spent. (Hear, hear.) (Applause.) Epidemics have, in the past, as we know, decimated Africa and I often feel a certain sympathy with my Health Department at the apparent lack of gratitude which they receive. I am tempted to think of the Pied Piper of Hamelin who succeeded in what is known these days as the "deratization" of Hamelin and that when he did not receive the gratitude which was due to him, he took rather stern measures, but I assure you my staff have no ideas of retelling in this way.

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I have been reading the reports of Budget debates in this Council for some 25 or 26 years and I have noticed how hon. Members on the other side of the Council have frequently referred to the need for preventive medicine as opposed to curative medicine which is so expensive. Time and time again I have heard, "Why do you not practise preventive medicine, it is so much cheaper?" Well, it may be—it is cheaper, but nevertheless

[The Parliamentary Secretary to the Minister for Local Government Health and Housing]

recognized. Some people, Sir, fall sick frequently and seriously due to the bad living conditions, which, in many cases, is due to ignorance or poverty, but it is not only that, Sir; sometimes people also fall sick due to their own doing. People quarrel and they start fighting and hit each other as hard as they can and where do they go after that? To the hospital for treatment. (Laughter.) Besides that, Sir, even nations quarrel and start fighting, knowing very well that once they do that people will be hurt and killed, but they forget and start fighting and when wounding, maiming and killing becomes an order of the day then you hear cries, loud cries to high heaven, Sir, "We need medical assistance".

My great admiration, Sir, goes to the medical staff of all ranks, because when they are called upon to do such services, they do it very willingly and without question, because they are trained to the service of ameliorating the suffering of the people. It is easy to see, Sir, that the medical service is regarded at times by some hon. Members even in this Council, as a social service and as such is not productive and, not being productive, the expenditure for such services should be restricted as much as possible.

Now, Sir, I do not subscribe to that view at all, because I am in many cases, when we are discussing medical services, thinking of the person who lies in the bed ill and suffering, so my belief is that whatever one can do to assist these services and to expand them, I think should be given priority consideration.

Now the Medical Department with its limited finances is doing all that is humanly possible, but I regret to say that very much more remains to be done. Many people are suffering and are dying due to lack of medical treatment, because if medical treatment was available to them they would not be suffering as they do or die as they have done. I believe, Sir, that wealth is created by people and it should be spent for the comfort of the people, especially for helping those who are suffering. The vice, Sir, is very formidable, but considering the need of the country re-

garding medical facilities, especially in the African areas, I believe, Sir, even if it was possible to increase or double this amount, much would still remain to be done.

For that reason, Sir, I strongly commend this Vote to the Council for favourable consideration and approval.

Sir, I beg to second. (Applause.)

Question proposed.

MR. COOKE: Mr. Deputy Speaker, I think it is a great tribute, Sir, to the Medical Department when the Estimates come up year after year, there is still very great criticism. Of course, it may be that some cynics might say that we have got to walk very delicately when we deal with the Medical Department because we might next day be under the knife as it were! But I do not think that is really the reason and I think that we are very glad indeed to congratulate the Department year after year without any really serious criticism. Indeed, why they keep some of us alive at all it almost passes my comprehension! (Hear, hear.) Nevertheless we are very grateful to that care which they give to us when we are sick. I think it was Gertrude Bell who paid the highest tribute anyone could pay to the Medical Department in Arabia when she said a hospital was worth a division or something of that sort. However, it is a fact; and I can pay a tribute as an old District Commissioner and as a Member of this Council for many years, that I am sure all races of this country appreciate tremendously what the Medical Department have done for us year after year, and even in the lonely parts of the Northern Frontier, where travelling is difficult, if one is sick you can always be perfectly certain that you get one of the medical officers somewhere in the district. He has got to travel probably a good many miles.

My hon. friend in his very comprehensive speech, put in comparatively few words, referred to Manyani and I would like to say as one of the honorary welfare officers at Manyani, I would like to congratulate the Medical Department on the very swift line they took when fever broke out there and for the great success of the result. It might have been a case of many thousands out of 17,000 or 18,000 but it was only a case of 150

[Mr. Cooke]

which really, with only one medical doctor there, was a magnificent achievement.

Before I sit down I would like to say that my hon. friend, who is Kenya's loss and Uganda's gain, is leaving us very shortly. I would like to pay my own tribute, having known him for many years as a very skilful doctor and a very fine sportsman. (Applause.)

Sir, I beg to support.

MRS. SHAW: Mr. Deputy Speaker, Sir, I should like to congratulate the hon. Member for his very detailed speech and I think it would be hard to find any aspect of his department which he did not cover, but I have two points to ask him which I do not think he did refer to.

One is, I would like a little information when he replies on infectious diseases hospitals, whether there is to be one set up in Nakuru in the near future or not or a branch of the present hospital set up as an infectious diseases branch and in that connexion I should like to pay a tribute and congratulate the Provincial Medical Officer and the staff of Nyanza for the excellent work and prompt way in which they dealt with the outbreak of smallpox which recently took place in that town.

I also would like information on the leprosy position and the leper colonies up near Bungoma and to know if the new treatment which was instituted there a short time ago is having a good result.

The only other point on which I would like elucidation is, I would be very grateful for assurance from the hon. Acting Director of Medical Services, on a matter of principle. It is a matter that has worried the people in this Colony from time to time as to whether, in an emergency, the medical staff of his department will treat any case whether the person be a Government official or not and, if this is not the case, will the hon. Member give his assurance that he will issue a directive to this effect.

I beg to support. (Applause.)

MR. TAMENO: Mr. Deputy Speaker, Sir, I have been out since this session started and I do not know whether the hon. Member, who has just spoken, has ever spoken since he came to this Council. If I am correct, I claim that this

is his maiden speech and I wish to congratulate him on the most excellent review—(Applause)—of his department. I happen to represent some people who may be implied to be backward people, but Africans as a whole used to suspect the whole of these new ideas of medicine and veterinary and things like that. But it is a point to notice that the Africans have come to realize that the treatment of a qualified doctor is better than the treatment of a witch doctor. I believe, Sir, that the Africans have come to realize that the advice which the Medical Department gives or the treatment which they give, is usually the correct one.

Mr. Deputy Speaker, Sir, on behalf of my colleagues I wish to congratulate the very good work which the Medical Department has done, especially as far as the Africans are concerned. (Applause.) I have only one point to ask, Sir, and that is on the question of the African doctors who qualify at Makerere. We passed a Bill, I think, in 1953, to enable the African doctors who qualify at Makerere to have the degree of licentiate medical surgeon. Now, the implication, I suppose, is that within East Africa, any person who has got this qualification—who has got this diploma—can do private practice and the *Official Gazette*; I think dated 18th February, 1953, I am not quite sure, but I think it is, said that any person who has qualified from 1951 onwards after working for two years in a recognized hospital automatically gets the qualifications of L.M.S./Now, Sir, I do not think so far there is anybody who has had this qualification.

If there is, I think this Council would like to know how many. I gather that last year, I think some people who qualified before 1951, went to sit for an examination at Makerere and several of them passed; so far, not one of them has been registered. I wish, Sir, that in his answer, the hon. Member will give details of the reasons why no African graduates have, so far, been registered.

I beg to support. (Applause.)

DR. HASSAN: Mr. Deputy Speaker, Sir, as usual I rise to congratulate the Member for Medical Services who has given a very full description of all the work that his hard-worked staff is carrying on all over Kenya.

[Dr. Hassan.]

I have had personal experience myself, and I have seen the very hard work, of the cases coming to them; if one was to count up the number of cases and the number of hours they have to work, it seems absolutely impossible that a doctor, unless he has to work like a clock machine, could possibly finish that work. In their dispensaries doctors have been called upon to treat 300 to 400 patients within four hours, and they have done it. That clearly indicates, that curative work thrust upon the Medical Department is much more than the funds allowed to them for the staff. £1,500,000 is voted for this service, and the department will have to think very seriously how to meet the increased requirements of the fast-increasing population of this country. I have no intention to dictate to the Medical Department; I will give them advice; I merely want to suggest that, if possible, the medical services, particularly of the doctor's prevention work, should be given more share of the vote than the sanitary division. I, personally, would like to suggest that we want more doctors, particularly of the non-European nationality, to work out in the field where the need for all lay treatment does not justify the expensive specialist and expensive qualified people. No doubt in a district where extensive medical attention is needed, the supervisory staff should be highly qualified, as is usually the case nowadays, but to extend the services in the field, cheaper medical officers of non-European communities, who will be able to fit in quite within the Vote—our increased Vote—will help the Medical Department in future.

There are a few points I would like to ask the Member; one is the question of manning the hospital at Malindi. As I remember, the man in charge was removed from there and a private practitioner was given that job to go and work for two hours. It is one of the oldest towns and has quite a large population, and there used to be one Asian medical officer for years, and his removal appeared to be causing some hardship. Whether any steps have been taken to find a suitable man to send there I do not know.

Secondly, I do not know whether any action has been taken to deal with

requirements at Mariakani; it is a growing town where considerable and rapid developments are taking place, but medical requirements of that town appear to be dealt with by a dispenser from a mission station who very seldom keeps any medicines with the exception of some mixtures and whenever any doctor is needed in that station, the person has to be transported by a passing lorry to Mombasa.

Regarding assistance from the other communities to help the medical side, I think the Member will admit that the Asians have social services and dispensaries running in different towns, and considerable help is given to the poorer class people; Kenya's population is growing so fast, that it will not be possible that every individual will be called to go to a dispensary and pay for his treatment. A very large number of the lower-income group are very poor people who will need some free treatment, the needs of which are being dealt with by the social services and dispensary here; and also in Mombasa, at the same time, the Ismaili community has contributed considerably to the assistance of at least their own community to treat the sick people. (Hear, hear.)

I wonder if we can lay hands on some coffee beans, or some rich merchants—

MR. HARRIS: Sheikh Brothers! (Laughter.)

DR. HASSAN: To open up some free hospitals for such poor people.

I am glad the Member has mentioned the question of blood banks; the Government will have to take it over. The honorary societies have helped and assisted considerably and this is one of urgent necessity, and the department will have to take this over instead of allowing it to disappear.

With these few words, Sir, I support the Motion. (Applause.)

MR. USHER: Mr. Deputy Speaker, Sir, I offer the most sincere apology to the hon. Mover for not having been present when he moved this Motion, but we cannot be here all the time with these long sittings, and I would like to ask if he could give me some information in regard to the non-recurrent provision of capital funds for medical services—of

[Mr. Usher]

capital grants—for medical services. I notice, Sir, that this year a large proportion of the capital grant is on the £ for £ basis and is taken up for the Aga Khan Hospital and, personally, I am very glad that that is so, and I am not at all criticizing the allocation. But, Sir, could he give information as to the amount of capital grants that have been approved and are waiting attention? Could he also perhaps, or some hon. Member on the Government side, say precisely how the amount of the capital grant allocations is determined?

MR. J. S. PATEL: Mr. Deputy Speaker, Sir, I wish to join others in congratulating the hon. Member for the excellent way in which he has done the work assigned to his department in these most difficult circumstances. I would request him, Sir, when replying, for information ref. the Asian wing which has been built at Kisumu. It has been lying unoccupied for months, according to my information. There are a number of patients waiting to go into that wing; it is not furnished, and it is hanging fire on account of a dispute between the Government and the community about the allotment of money. It has been universally accepted that there will be a £ to £ contribution and I understand, in this case, the department is insisting on a higher proportion. I should be glad if the Member would let me have some information on the subject.

SHEIKH MBARAK ALI HINAWY (Nominated Member): I, like the previous speaker, would like to congratulate the hon. Acting Director of Medical Services. I am sorry I cannot pay the highest tribute to the workings of the Medical Department for the simple reason that I am very anxious to hear as to what is going to happen about the Asian hospital in Mombasa. No mention at all has been made in his speech. I am sorry that is the reason I cannot pay the highest tribute to the workings of his department.

The other point that I would make, Sir, is that in his speech he made mention of the Asian hospitalization scheme, and he told us that he expected in the very near future a report before the Council, but that report, Sir—the findings of that committee—was made last year, and I am sure that the Director of

Medical Services realizes that we are very anxious to have that scheme put into effect, for the simple reason that the present hospital in Mombasa is in very poor condition and we want a good hospital there and medical treatment.

I beg to support. (Applause.)

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, I had no intention of intervening in this debate, but the hon. Mr. Patel gave me an idea. Sir—(Cries of "Oh.")—and this is a so my own personal experience, Sir—(Cries of "Oh.")

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Tell us about your operation! (Laughter.)

LT.-COL. GHERSIE: I am surprised the Minister should not be really willing to accept an intelligent suggestion.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: We do not know whether it is intelligent yet. (Laughter.)

LT.-COL. GHERSIE: And now his deputy has disappeared for the moment. No, Sir, it is a very serious matter, and it is in regard to maternity.

There is a certain home, a native maternity home, which you are very well aware of and I have had occasion, Sir, and so have other people, to take African girls to that maternity home for attention, and much to my amazement, having driven many, many miles to that maternity home, they have been turned away because of the period of months involved or something—there is a certain dividing line, I do not quite understand it, that the girl is unacceptable. That is perfectly true, Sir, that is my own personal experience, and they are not accepted even though they may be in a certain amount of difficulty and pain. That is my own personal experience.

The second point, Sir, which again arises out of this, and I am referring to employers of Africans in particular who take a great interest in their employees, having the necessity to take them to what is regarded as the Nairobi Dispensary. Again, Sir, with the average amount of intelligence we possess, we realize that those people perhaps ought to be in hospital, but, due to these stupid regulations which I understand exist

[Lt.-Col. Ghesrie] they are not acceptable in the hospital unless they have first been to the Nairobi Dispensary. It is then necessary to take these people there and if you wait long enough, and there is usually a long queue, according to the disability of the individual an ambulance may be produced—although one would be quite willing to take the person up in the car, one is not allowed to do so. Now, Sir, there are just two points on this, Sir, one is the lack of intelligence and knowledge shown on these matters, and lack of the appreciation of what one tries to do for one's employees, due to some stupid regulation which probably existed many years ago, it just does not make sense.

MR. HARRIS: Mr. Deputy Speaker, Sir, perhaps it is appropriate that I should follow the hon. Member for Nairobi North in talking about maternity, and I should congratulate the hon. Director of Medical Services on his maiden speech. Of course, Sir, I think many Members will know that the African maternity hospital in Nairobi is the City Council's responsibility—(Hear, hear, and, as the hon. Member has brought it in, Sir, I should like to pay tribute to the work that is done by that hospital, not only in giving a great service to the African population in Nairobi, but also from Kisumu to Mombasa, and also of training midwives who go out in turn and light the torch of medical learning in the reserves. I am very sorry, Sir, that this debate, and I would have thought to help health services was universal, but so far this debate seems to have been sectionalized into an Asian wing at Kisumu which apparently got singled, the Asian doctors who wished to roll in the hay—

THE CHIEF SECRETARY: Tumble in the hay.

MR. HARRIS: The hon. Chief Secretary has obviously read either *Gone with the Wind*, or the other thing, later than I have—tumble in the hay, Sir. I only raise, Sir, two points really; one is to suggest that the hon. African Member, Mr. Tameno, mentioned a most extraordinary idea to me, and that was because a man becomes qualified, having been qualified for four years, his qualification immediately became enhanced. I would have thought, Sir, that in any profession, the people that understand

those professions, the enhancement of qualifications should go either with further examination, or, at any rate, with achieving and not with mere time serving. I am very sorry, Sir, that the hon. Member has left the Council, as has the hon. Member for Nyanza. I have mentioned earlier here, that it is a tradition of the House of Commons, to which we try and apply ourselves, that after speaking a Member shall remain in the Council for at least half an hour to enable other Members to answer points raised. I know that is not always possible, but I think it is regrettable, Sir, that in an important matter like health, Members should speak and then leave.

Now, Sir, I am going to take myself to task in that I was unable yesterday to be present during the debate by the same Minister on local government. But I would like to take the opportunity of this Health Vote, Sir, to say that I believe that the present Minister for Local Government, Health and Housing is doing a very fine job of work, and I think should be congratulated on the way that he is carrying out his duties. (Hear, hear.) It has often been said, Sir, when such things as self-government are mentioned in Kenya, that none of the races have the people available who can step in and do the administrative jobs that are necessary to govern a country. I believe, Sir, the lie is given to that by the way that this particular Minister has carried out his duties in the last 12 months. (Hear, hear.)

With those remarks, Sir, I wish to support the Motion. (Applause.)

LT.-COL. GHSERIE: Mr. Deputy Speaker, Sir, I did not rise while the hon. Member was speaking as I did not wish to interrupt him. I got the impression, Sir, that merely because—I am speaking on a point of information, I would like to extract information—I was advocating a certain subject on purely humanitarian grounds, and my hon. friend suggested that as this particular maternity hospital came under the City Council I was out of order. If we are discussing a health service, surely, Sir, the Health Department would take cognizance of what we consider is an inadequate service? I am sorry if it appears to be a speech, but it is a point of information.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I do not want to take up much time, Sir, because the hon. Acting Director of Medical Services will reply to most of the details, but there are one or two points I would like to answer. I do appreciate the remarks of the hon. Member for Nairobi South about myself; I do thank him for those remarks. Secondly, I do appreciate also the remarks he made about hon. Members who have now absented themselves, because it is rather awkward to address replies to empty benches.

The hon. Member for Nyanza asked about two or three matters in her constituency, and the details regarding infectious diseases and leprosy I will leave to the hon. Mover, but I think I would like to say that I can certainly give her the assurance that in an emergency the staff of the Medical Department will, of course, treat any case that may be brought before them.

The other hon. Member who has also committed the same offence—the hon. African Representative Member, Mr. Tameno—asked a number of questions. First of all, I would like to say that there are seven doctors—Makerere graduates—who are registered, so his information is completely incorrect and the hon. Mover will give further details when he replies.

As regards to the hon. Member for East Area, Dr. Hassan, I agree that we want to extend the services rendered by non-Europeans—if you wish—in the African areas to the African people. The way the Medical Department is doing it, and I am sure it is right, is by trying to train up more and more Africans to do that work. The training of health assistants, medical dressers and so on, who are taking on considerable responsibility in the African areas, is every year being increased and improved, and although they are not near the standard yet of qualified doctors, they are doing a considerable amount of the day-to-day work and helping very considerably in health centres, dispensaries and so on, and that is where the development of the idea which the hon. Member has himself, is taking place. It is the only way we can do it with the money available.

The hospital at Malindi, the hon. Mover, I think, will comment on the remarks by the hon. Member, but I wish to say this, that I know Malindi quite well, and I would like to say that the district surgeon there, who does part-time work, is doing an excellent job. I have inspected that hospital two or three times, and, indeed, the district surgeon himself is an extremely clever doctor. In fact I feel Malindi is very fortunate to have his services.

The other points that hon. Members raised, I am sure the Acting Director of Medical Services will give the answers to, except, of course, I would like to immediately say that we do appreciate the self-help of the Asian community, especially through the Social Service League and their dispensaries.

I am afraid that dispensaries—I am not afraid at all, I am very glad—are now being taken over progressively by Local Government, both in urban and in rural areas, and it has been established that Local Government authorities will charge in those dispensaries, and it is right that they should. I am certain that some token fee should be charged for treatment, especially out-patient treatment, and the local authorities are doing so. Now if the local authorities do that, the Government hospitals will also have to do so for out-patients, but that does not mean that poor people will not be treated. We will find an easy way whereby a really poor man will not go without treatment. On the other hand, of course, I hope ordinary private associations and so on will help to look after the poorer elements of the population.

The hon. Director of Medical Services mentioned the blood bank and he mentioned the difficulties—he said in his opening remarks that it may well be that Government will have to take it over. We feel that it is an essential service; the money allocated in the Estimates for next year, is only for a grant to the Red Cross to run it, and so it represents about 50 per cent of the estimated cost, but to-day we have been discussing how we can carry on with this service with as little extra expenditure as possible. In fact, of course, if there is any extra expenditure, we will have to come back to this Council; I hope we might even be able to carry on without any

[The Minister for Local Government, Health and Housing]. and that, of course, will always be our intention. The hon. Minister for Finance will appreciate that remark.

To be quite honest, I could not really understand what the hon. Member for Mombasa required of us. As far as I could gather, he would like to know what the waiting list was—is that it?—for the capital grants.

MR. USHER: Yes, for approved applications for capital grants.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Well, Sir, the E-for-E grants are not approved until the money is available. There are quite considerable lists of applications, and all those applications are very desirable.

MR. USHER: Sir, may I make myself clear? I understand that where there is an approved scheme of capital expenditure, the money will eventually be available. What I want to know is, what is the backlog?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: There are two schemes approved by this Council by Resolution. They have been inserted in the present Estimates and, as the hon. Member can see, and indeed, a note is on page 176A, to give that explanation. I cannot say what other schemes are approved, because approval from my Ministry, from the desirability point of view, is not necessarily approval by Government.

If the hon. Member wishes any further details, perhaps he will see me and give me the details he wants.

Again, I think the hon. Acting Director of Medical Services will deal with the question of the Kisumu Asian wing, which has been rather a thorn in everybody's side for some time, and the other questions asked by the hon. Parliamentary Secretary I feel might in his position better be put to a Minister direct, and if he will approach me, I will give him the answers.

Now, there is only one matter I would like to mention. The hon. Member for Nairobi North has difficulty about maternity homes in the City Council area. It is a City Council maternity home. Of course we recognize and have taken

into account the services rendered by any local authority in the way of health, but the Ministry of Health has no real control over that, and the hon. Member for Nairobi South, I think, gave a good description of the wonderful work this maternity home does for people a long way outside the City Council areas and boundaries, and really if the hon. Member feels that maternity services for the wives of African labourers in the County Council area is required, he, as a ratepayer of the County Council, might well approach them. (Hear, hear.) I would be very agreeable to help the County Council in any way I could, if they would wish to establish such a home.

Now, Sir, the only other thing I want to say is that the hon. Member, the Acting Director of Medical Services, is, as this Council knows, going as Director of Medical Services to Uganda in the very near future. It is a very great loss to this Colony. The hon. Member has, for 28 years—it is a long time—given very great service to all races in Kenya (Applause). (Hear, hear.) I am extremely sorry, Sir, to lose him from the service and I know so well how popular he has been in the service and outside it. (Hear, hear.) All I can say is that Kenya's loss is Uganda's gain, as another hon. Member has already said, and finally I would say that I hope we see him back. (Hear, hear.) (Applause.)

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, I did not wish to interrupt the hon. Member in his last remark prior to what he said a moment ago. Surely, Sir, if there is something radically wrong with a particular service—from a humanitarian point of view, why should we not be given a remedy, not wait, and allow other people to suffer until such time as a county council, or a district council, decide to erect a nursing home. Surely that is not the answer.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I do not think I am in order in replying, Sir, if the hon. Member would like to raise this in the Committee stage, I will give him the answer.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Member to reply.

DR. TRIM: In answer to the hon. Member for Nyanza, I should like to

[Dr. Trim]

that it is the policy of this department to build infectious diseases hospitals, but when the money is available.

In regard to leprosy, the treatment is a long treatment and it is difficult to get results; and only time can tell how effective the treatment will be.

The hon. Member for Eastern Electoral Area did say that the district surgeon in Malindi only spent two hours in the hospital a day. I think that is wrong; I think he has spent considerably more time than that, and he is, I know, well thought of in the district, and, as a department, we are extremely satisfied with the services he is providing.

At Mariakani, the question of provision of medical attention was raised. At present there is the mission there, but Mariakani has been selected by the Kilifi District Council as a site for a new health centre, and when they have come to an agreement with the mission we hope we shall be able to go ahead with a health centre.

I should like to pay a tribute to the Asian community for the services which they have provided in medical facilities for the poor and the people who cannot afford to pay. I agree that they have done a very good job indeed and I am sorry if I made no reference to it in my speech. There are so many subjects which I could have referred to, that I am afraid that is one I left out. When I spoke about the blood bank, I said that Government would have to consider it. It is rather a recent shock and we have only got to the question of considering what plans we can make; we have not yet been able to undertake it.

In answer to the Member for the Western Electoral Area, the question of the Kisumu Hospital, it is rather a long story which I do not really feel we want to go into in detail to-night, but Government did agree on a grant of £3,000 towards the cost.

MR. J. S. PATEL: Why not pound for pound?

DR. TRIM: Because that was not agreed in the first place.

MR. J. S. PATEL: Is there any reason for the departure as laid down in practice?

DR. TRIM: It was accepted two or three years ago, and we considered that the hospital which we had in our minds would be adequate, but the Asian community was most anxious to put up a hospital of a very much more costly nature and a bigger hospital, and they went ahead on the scheme although Government did not promise more than £3,000. The result was that although Government has almost paid up its share, and will pay up its share when it is equipped, the hospital is only half completed because the Asian community could not find their part of the money, and, for that reason, they did get rather stuck. Government has fulfilled all it said it would do. It is no good going back two years to ask about the pound for pound, because Government did say they would give £3,000, and that they will provide. I will try to let the hon. Member have the full details of the transaction, but it is a long-drawn-out business and there has been a considerable amount of correspondence on the matter, and I am satisfied myself that the Government has done all that it promised to do.

In reply to the hon. Arab Nominated Member, there are plans to go ahead with the Arab, Asian and African hospitals at Mombasa. They are in the Development Plan and wards will be built this year.

MR. HARRIS: He has gone again.

DR. TRIM: The hon. Member for Nairobi North spoke of the difficulties of the Pomwani Maternity Home. I am sure that if he referred a matter of that kind to me, I should be only too pleased to take it up with the Medical Officer of Health and see what we can do to remedy any defects.

The Nairobi Dispensary and admissions to King George VI Hospital is a difficult problem. The attendance at the Nairobi Dispensary is somewhere in the region of 1,000 per day. Quite a lot of those require admission to hospital and, unless they are sorted out at the General Dispensary and then taken up to King George VI, it is extraordinarily difficult for the staff of King George VI, who frequently have to be called out of the wards, down the stairs to see cases that are admitted, or rather brought up by people who have short-circuited the

[Dr. Trim] two years after they have taken the Makerere examination when they have done satisfactory service as interns.

I think I have answered all the questions that have been asked. (Applause.)

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

Vote XXVIII—Health

LT.-COL. GHERSIE: Am I to understand, Sir, that an obvious case requiring admission would be admitted?

DR. TRIM: If it was an urgent case, we would do our best, otherwise it is very much more simple if it goes through the dispensary. They are left there; they have an ambulance there; they admit them and send them up to the hospital. We cannot take 50 cases a day straight into the hospital. But when we get the consultative clinic, I hope that things will be easier, inasmuch as it will relieve the dispensary of a certain amount of the work and enable them to send the ill people straight up to the hospital, our department is only separated from the hospital by two miles, which really, apart from the ambulance journey of two miles, is all the time that is lost. If they are urgent, they can be taken up and someone will undoubtedly deal with them, but there have been an enormous number of cases taken up there which do not even need admission. People land on the doorstep with a boy in the car, and the doctor comes all the way down from the ward and says, "I am sorry, but you must take this boy down to the dispensary. That is the proper place. They sort them out there."

THE DEPUTY SPEAKER: Will the hon. Member address his remarks to the Chair and not make them across the Table.

DR. TRIM: If the hon. Member does take him to the hospital, I am sure they will see him, if the patient is very seriously ill. That is all I can say.

The hon. Member for Nairobi South spoke of Makerere registration. I think that the Minister for Local Government, Health and Housing replied satisfactorily to that question. There are seven registered doctors, and they become registered

two years after they have taken the Makerere examination when they have done satisfactory service as interns.

I think I have answered all the questions that have been asked. (Applause.)

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

Vote XXVIII—Health

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move that a sum not exceeding £1,647,019 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXVIII—Health.

Question proposed.

1 to 5 agreed to.

(50) Non-Recurrent

MR. J. S. PATEL: Mr. Chairman, Sir, I would like to move the reduction of £1.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Would the hon. Member name the item?

THE CHAIRMAN: The hon. Member is correct in moving the reduction of that sub-head in respect of an item under C—Non-Recurrent.

MR. J. S. PATEL: Mr. Chairman, I really cannot understand the position as regards Kisumu Hospital, if, as is said by the hon. Member, £3,000 was promised to be paid by the Government, and the community out of their generosity agreed to raise more money to build a hospital which would cater for nearly the whole of Nyanza. The hospital conditions at the moment in that hospital are so shocking, and the word "shocking" is a word used by the nurse in charge of the hospital when I last visited it. This building has been standing idle for a number of months now and the contractor has not been paid and the money, I cannot understand this, if arrangements could be made for £100,000 to be given on loan to a hospital in Nairobi and which could, ultimately, be converted on a £ to £ grant,

[Mr. J. S. Patel] it was thought that a hospital, a sufficiently large hospital, could be built for £6,000 £, in fact, would have been a £ for £ contribution by Government.

THE CHAIRMAN: I am sorry to interrupt the hon. Member, but I think he was referring to the Kisumu Hospital and I am not quite sure where under (50)—Non-Recurrent this comes.

THE MINISTER FOR COMMERCE AND INDUSTRY: Does the hon. Member have to relate a particular item at this stage?

THE MINISTER FOR WORKS: On a point of order, Mr. Chairman, is not the hon. Member right in moving a reduction in the Vote when he wants to refer to a matter which is a similar matter? He is perfectly within his rights, Sir, I submit.

THE CHAIRMAN: If the grant is a capital grant, I think it is in order.

MR. J. S. PATEL: All that I am questioning, Sir, in this particular instance is that instead of tying up the building it can be used by only a simple arrangement of granting the loan with a view to get it going and then convert it as a £ for £ grant in course of time.

I am sure, Mr. Chairman, the Minister who has taken such pains in improving the service could not keep this building idle any more and I hope he will find it possible to bring this matter to a satisfactory end.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, this matter has a very long history as the Acting Director of Medical Services has already stated.

It first started in 1948. I personally would be much, much happier if the hon. Member would come and study all the papers and all the communications and correspondence we have had, and he would really see the long story. But at least one can say this; it started in 1948, and at that time there never was any idea of £ for £ for £ grants came in very much later than 1948. At that time the Asian community of Kisumu approached the Government and asked if they could build their own hospital at Kisumu and the Government agreed that they should and said they would give a flat £3,000. As it happened, round about that time, with the cost of building as it was then,

it was thought that a hospital, a sufficiently large hospital, could be built for £6,000 £, in fact, would have been a £ for £ contribution by Government. However, as things went on, and plans were drawn up, it was then thought later—a year or two later—that £8,000 would be sufficient to build the Asian wing, but the Asian community there insisted that they should build, against the advice of the local department, an Asian wing which would cost £16,000. The Medical Department advised them very strongly against it, and said that they did not consider that there was sufficient need for such a large wing, and I know myself that the demand there has not been what it might have been. Admittedly, if the hospital had been of a better standard, then there might have been more patients going into it. The hon. Member knows very well that the Asian community in general still prefer to be treated in their own homes.

Anyway, be that as it may, the Asian community were not able to build the £16,000 hospital; they could not find the money and the thing collapsed. The large scheme collapsed. Then, even what they have built has not yet been equipped and the Medical Department has said that the whole thing would be put right if the money for the equipment can be found and the thing put in order and the money would be paid over immediately. But, they do not consider that they are prepared at this time to pay over the money until they have complete proof that the community in that area is going to put the thing in order and to be responsible for that wing. Now that is a very rough outline, and there may be other details, but the hon. Member cannot expect me, Sir, or the Acting Director of Medical Services, to remember and to give him facts and dates of some, I should think, 50 or 70 letters which are in the files, and I would be very glad if the hon. Member would come to me in my office and he will have the whole history and the whole story. (Hear, hear.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I did not want to interrupt, nor did I want to deny the hon. Member for East Electoral Area, Sir, the chance of voicing what he wished to say, but I would respectfully submit, Sir, that it is completely out of order. There is a policy debate during which the hon. Member can raise any

[The Minister for Finance and Development]

points that he wishes. But, once, Sir, the Council gets into committee, I suggest it must be governed by Standing Order 136 of which (c) reads "Every Motion to reduce the amount of a Vote, Head or sub-Head of the Annual Estimates, shall relate to a single item in such Vote, Head or sub-Head, and should be moved in the order in which such item appears in the Estimates. But any Member may seek information with respect to any item without moving the reduction thereof".

And, Sir, I suggest that if indeed we are now in Committee going to be able to move a reduction of a Vote, without relating it to any item, Sir, we can indeed embark in Committee on a complete policy debate again, and I do respectfully ask, Sir, that you should consider this matter and give your ruling in accordance with the custom and practice of this Council and this Committee and in accordance with the Standing Orders.

THE MINISTER FOR LEGAL AFFAIRS: I would like, if I may, to support my hon. friend, and merely to point out that in the particular sub-head to which the hon. Member refers, there is no item to which his remarks could possibly have been related.

THE CHAIRMAN: The question has not actually been put and, therefore, the question of formally moving a reduction has not yet arisen, and I am in agreement with the view which has been expressed that in accordance with Standing Order No. 136 (c), it would be out of order to do so.

(50) Non-recurrent agreed to.

Government Chemist's Department and Z agreed to.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move that Committee do report to Council its consideration and approval of Vote XXVIII—Health and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that a Committee of Supply has considered and approved the Resolution that a sum not exceeding £1,647,019 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXVIII—Health.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I beg to move that Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

MR. HARRIS: Mr. Deputy Speaker, on a point of order, the Minister will excuse me. I feel, Sir, that we have played rather fast and loose with Standing Orders this evening in extending the debate on the Motion by the hon. Member for Mount Kenya which has deprived, or rather which has not deprived, us of an extra Supply day there. On this side, it was not our intention that we should claim it as a no Supply day, and I am wondering, Sir, whether there is any device by which we could claim, or rather Government could claim, because it is our time, this as a Supply day. It is merely for the convenience of the Council, Sir, that we suggested to you that we might extend that debate and I am wondering whether either this side of Council would agree that to-day is, although one hour and fifty minutes, a Supply day, or, alternatively, Sir, whether at 9.30 we could suspend Standing Orders to allow us to sit until 9.40. That would get over the technicality.

THE DEPUTY SPEAKER: I think probably the best solution is the latter proposal, i.e. that the Council at 9.30 suspends Standing Orders, and carries on until 9.42, which, I think, will be the exact time.

MR. HARRIS: On a point of order, I think the Motion suspending Standing Orders must come from an Official Member.

MOTION

SUSPENSION OF STANDING ORDERS.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that the

[The Chief Secretary]
Standing Orders be amended to the extent necessary to enable the Council to sit until 9.42.

MR. HARRIS seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XXXIV—COMMERCE AND INDUSTRY
MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR.

THE MINISTER FOR COMMERCE AND INDUSTRY: I beg to move that Mr. Deputy Speaker do now leave the Chair.

Mr. Deputy Speaker, owing to the variation of the Standing Rules and Orders, I have exactly eight minutes as far as I can see. I cannot undertake to deal with all the points under my Ministry, but I will do my best—oh, thank you, Sir, 14 minutes.

Well, Sir, first of all I would like to deal with what has been done by the Mines and Geological Department. Now, hon. Members often take little interest in what is done by the Geological Survey.

LT.-COL. GHERSIE: You have not told us.

THE MINISTER FOR COMMERCE AND INDUSTRY: Well, I am just trying to.

The public sometimes neglect to look at trade returns of this country; they almost invariably neglect to notice that one of the biggest exports of this country is mineral. From time to time they read in the Press of interesting geological discoveries such Mrima Hill, then their interest lapses, and few people realize the importance to the economy of the country of the somewhat limited mineral wealth that we have, and the very great efforts on the part of the Geological Survey to discover new minerals that have previously been unknown in the country, and to extend the area of the survey.

For instance, in 1946, one-tenth, only one-tenth, of the Colony and Protectorate of Kenya had been surveyed in the sense that a basic geological survey existed. To-day, about one-third of the Colony and Protectorate has been

surveyed. Now that survey has discovered and disclosed many valuable minerals. The Mrima deposit, for instance, while 40 miles south of Mombasa just inside the Colony and outside the Protectorate, represents, as far as can be ascertained, as the result of geological investigation as distinct from ore dressing research and mineral recovery research, a most important deposit containing niobium oxide, oxides and rare earths, titanium and various other important minerals—important in the sense that they are used in jet aircraft as alloys that can resist the most fierce heats experienced.

Now, Sir, it is too soon to say that Mrima Hill represents a great source of wealth to this country, because there are serious difficulties in connexion with the recovery of the minerals where the techniques are new and not fully understood. Nevertheless, as hon. Members may have noticed, advertisements have been circulated and tenders have been invited from mining houses throughout the world. Now it may strike hon. Members as not being important, or it may strike them as being important, that four or five of the largest mining houses in the world have applied for permission to exploit this deposit—the exploitation will have two stages; first of all solving the technical problems in connexion with the recovery of the metals themselves; secondly, the mining of the ore.

Now, Sir, I merely mentioned Mrima Hill because it is important in itself and because it also represents the culmination of many years of hard and devoted work on the part of the geologists employed by the Government in this Colony. (Applause.) It is work that is not greatly appreciated; officers may spend a great deal of time and energy on a project that may prove to be completely useless. Again, as in the case of Mrima, it may prove to be potentially, and may I emphasize potentially, of the greatest importance to the Colony. I think this is an appropriate time indeed to refer, with a certain amount of gratitude, to the efforts of the geologists in this country.

As regards the Weights and Measures Department, a somewhat unexciting department, but, nevertheless, in view

[The Minister for Commerce and Industry] of the interest that hon. Members display in the cost of living—(Laughter)—I should have thought one that would have been of some interest to them. It is the only means we have of preventing the evil of short weights—something which hon. Members may not be altogether unfamiliar with. It is extremely important as my hon. friend, the Member for Nairobi North, has just instanced. They, too, are amongst the servants of Government whose work is not always fully appreciated, but is of the very greatest importance in terms of the public welfare.

The Department of Trade and Supply carries on a thankless task which is vital to the country's welfare, and I could refer to other aspects, but I will content myself, by referring to one very important aspect of Government's work which is in connexion with the publicity that is required in different parts of the world, if we are to take full advantage of the capital offering for development. I would refer particularly, not in this instance to the London market, but to the market in the United States. As hon. Members are aware, over the years, a very effective means has been built up for a small publication which circulates in many countries of the world with the object of interesting those who have capital to invest in Kenya known as "Commerce and Industry in Kenya".

Now, Sir, I have here an extract from a publication from the United States Department of Commerce, which is known as "Investment Opportunities Abroad", and this is the sort of publicity that hon. Members are always asking for, "Why is it not done?" they say. Now, "Investment Opportunities Abroad" is circulated to many thousands of addresses in the United States and some of its dependencies, and here is the extract from it. "The Ministry of Commerce and Industry in Nairobi has published an edition of 'Notes on Commerce and Industry in Kenya'—a book designed to give background information on investment", and then it goes on to describe it. It explains that a copy of the publication is available upon request from anybody to the United States Department of Commerce, Washington, D.C.

Now, Sir, I do suggest that that is precisely the kind of publicity we want

in this country. Hon. Members often raise the point that the opportunities for investment are not publicized enough—I quite agree with them. It is not possible to publicize the opportunities sufficiently, but, at least, here is concrete evidence that we are not neglecting the opportunities we have, with limited resources, to publicize what offers to the far-seeing and far-sighted investor in this Colony.

Now, Sir, I feel that it would be invidious of me not to give full opportunity to hon. Members to reply to it before business is interrupted to-night, and possibly when we continue.

I beg to move. (Applause.)

Question proposed.

LT.-COL. GHERSIE: Mr. Deputy Speaker, I hope you will not call on the hon. Member to reply—(Laughter)—because I am sure this debate could go on for quite a reasonable period; it is such an interesting Ministry, that we could have quite a lot to say.

I was rather surprised, Sir, that the Minister said nothing about local industry.

THE MINISTER FOR COMMERCE AND INDUSTRY: I am coming to that.

LT.-COL. GHERSIE: Oh I see, then we can withdraw it in that case, Sir, but we are most interested in local industry and I think he could have given us a very intensive survey of what is taking place in this Colony to-day, which I think would have been of great interest to hon. Members present and to the Colony at large. For instance the extent to which we embark on a great deal of protection of local industry, and it is again a matter we are prepared to support. On the other hand, there may be certain industries that from an economic point of view it may not be correct to support, and that, Sir, is an aspect of the case that I would like the Minister to dwell on when he replies. For instance we have such things as glassworks which have a great measure of protection. There is an increased customs duty which is, I believe, something like 30 per cent, and I am sure industry in this country would never object to paying the additional customs in order to protect local industry, always provided, Sir, of course, that that industry can produce both quantity and quality of that particular item in their production.

[LT.-Col. Gherstie]

But there are those factors, Sir, of assisting industry which could, of course, become quite uneconomic. We are continually being faced with the question of increase in the cost of living; we have the housewives who are continually accusing us of not watching this particular aspect. They complained very bitterly that, for instance, imports ought to be controlled. In my opinion, Sir, of course it is quite a fallacy as far as economics are concerned, because all you would do, if you controlled imports, would create exactly what, in the same breath, some of the housewives have said, and that is a monopoly immediately you start restricting imports. The goods that are in the country, would of course, channel themselves into very few hands, and you would then lack that competitive element as far as the retail business is concerned and the housewife must, of course, suffer as a result.

Subject to what the Minister will say in his reply, Sir, I will reserve judgment if I may. (Applause.)

MR. HARRIS: Mr. Deputy Speaker, Sir, I would like to congratulate the Minister on reshaping the speech he recently made to Rotary, but I have an idea he lost a page. (Laughter.)

THE MINISTER FOR COMMERCE AND INDUSTRY: I never spoke at Rotary. (Laughter.)

MR. HARRIS: Well may be it was not Rotary, Sir, but I know I saw it in the paper in the last fortnight, and I saw more in the paper, Sir, than I have heard to-night. There are lots of items, Sir, which we could discuss, but there is only one this evening which I want to mention, and that is that some years ago, some three years ago, a committee was set up by the Minister to assist local industry. It sat, first of all, under the chairmanship of Mr. Petrie, and latterly under the chairmanship of Mr. Padley—no, Mr. Padley first and then Mr. Petrie, and that committee, I know, reported a long time ago. Many of the recommendations of that committee have in fact been incorporated in the Minister for Finance's Budget which he introduced recently.

On the other hand, Sir, I do feel that the Minister for Commerce and Industry should bring the report of that committee

before this Council, as the committee was set up by this Council, and give us an opportunity to debate the implications of protection and so on for local industries. After all, Sir, there is little use in this Council of setting up committees and then the findings of those committees either being implemented in silence, or else taken no notice of. I do feel, Sir, that we might, at this stage, ask the Minister to produce the findings of that committee.

ADJOURNMENT

THE DEPUTY SPEAKER: The time is now a quarter to ten, and Council will stand adjourned until 9.30 to-morrow, Friday.

Council rose at forty-five minutes past Nine o'clock.

Friday, 3rd June, 1955

Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTIONS
SUPPLEMENTARY ESTIMATES No. 7 of 1954/55 IN PARTS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:—

SUPPLEMENTARY ESTIMATES No. 7

BE IT RESOLVED that a sum not exceeding £1,466,930 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 7 of 1954/55, Part I.

BE IT RESOLVED that a sum not exceeding £9,900 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 7 of 1954/55, Part II.

BE IT RESOLVED that a sum not exceeding £4,519 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 7 of 1954/55, Part III.

SUPPLEMENTARY ESTIMATES No. 8 of 1954/55

BE IT RESOLVED that a sum not exceeding £789 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 8 of 1954/55, Part I.

DEVELOPMENT SUPPLEMENTARY ESTIMATES No. 6 of 1954/55

BE IT RESOLVED that a sum not exceeding £3,902 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 6 of 1954/55, Part I.

SUPPLEMENTARY ESTIMATES No. 1 of 1955/56

BE IT RESOLVED that a sum not exceeding £14,023 be granted to

the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 1 of 1955/56, Part I.

COMMITTEE OF SUPPLY
Order for Committee read.

VOTE XXXIV—COMMERCE AND INDUSTRY

Debate resumed.

THE DEPUTY SPEAKER: When the Council adjourned yesterday, it had been proposed that Mr. Deputy Speaker do now leave the Chair and Mr. Harris was speaking. Debate will now be resumed.

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, there is only one point I wish to raise. I regret, Sir, that the time available to the hon. Minister last night was not sufficient to enable him to review the various departments of his portfolio. I am particularly interested in the subject matter of rent control. The new system of rent control has now been working for a few months, and I want to know whether the Ministry has had time to consider the results of the new measure and what their view is of those results? Do they think that the level of rents now being fixed is satisfactory, or have they, in their minds, decided to review the position?

With these remarks, Sir, I support the Motion.

MR. USHER rose—

MR. COOKE: Mr. Deputy Speaker, I was not here last night as I had to be absent, but it seems to me regrettable that the hon. Minister for Commerce devoted only between seven and ten minutes to a very important debate. Am I out of order?

THE DEPUTY SPEAKER: Yes, I have already called Mr. Usher.

MR. USHER: Mr. Deputy Speaker, Sir, I wish to speak a little upon that part of the Minister's portfolio which deals with the subvention to the East African Tourist Travel Association and generally, if I may be allowed that licence, to deal with the matter of tourism as it seems, perhaps, the most appropriate Ministry to which my remarks should be addressed.

I had the impression, Sir, that the Government is insensitive to the value of

[Mr. Usher] tourism in this country—[Hear, hear.]—for at least it has not thought fit to see that the various offices connected with it should produce some kind of co-ordinated plan. Now, there are many Ministers involved. For instance, the hon. Chief Secretary who deals with the information services which, incidentally, in this country takes, perhaps, a rather small part in the matter of tourism and publicity for tourism. Then, Sir, there is the Minister for Forests who supplies a large amount of the money under his Vote—£46,000 to the trustees of the Royal National Parks. There is, of course, the Minister for Finance and Development, who supplies our road money, and it may be said, I think, the Council of Ministers generally provides capital finance for the Royal National Parks and for tourism.

I would like to interpolate here that I am not making any plea for an isolationist policy for Kenya. I believe that the East African Tourist Travel Association should continue its activities and that there should be no jealousy as between the territories who contribute. It is obviously to our advantage to keep a common control over such propaganda as that Association issues. I think, I should also mention, at this stage, that we have a very good friend in Mr. Matthews of the East Africa Office in London and that he has always taken the most sympathetic attitude towards this subject. But, of course, his interest is rather in long-term matters, such as settlement, than in visitors. It is a very good thing, I think, to learn that Mr. Craddock who has taken over in London on behalf of the East Africa Tourist Travel Association has his office now with Mr. Matthews in Trafalgar Square, and I am quite sure that their mutual arrangements will be very satisfactory and beneficial to us.

Just a word about the East African Tourist Travel Association. It was formed in 1948 and in that year the visitors to Kenya were 7,500. This has increased rapidly to a peak of 33,000 in 1952. They fell again to 25,500 in 1953. They made a partial recovery to 29,500 last year. The causes of the fall in the number of visitors are obvious. First of all, there was the allegedly disturbed state of this country. Secondly,

no doubt, the situation was influenced when Entebbe became an international port of entry into East Africa. That matter may, so far as we are concerned, be cured in the not-too-distant future. But the factors of more permanent importance are hotel accommodation; the cleanliness and attractiveness of our towns; roads and communications; transport facilities; game preservation and, too, in general, the improvement of those amenities which are directly connected with our natural assets.

Before dealing with these matters, Sir, I should like to indicate the present value of tourism to Kenya because I think there are many who do not appreciate it.

In 1954, the information available shows that the average stay of a visitor here, in Kenya, was 30 days and that he spent about £4 a day. Now that, Sir, brings in a sum of about £3,500,000 into the country and we can add to that a sum estimated at £360,000 which is due to passengers and crews in transit at Mombasa. One could almost hope that the time will come when that amount will not be so large, however useful, indeed, it is. So you see altogether we are getting a sum in the region of £4,000,000. I have heard it stated, and not irresponsibly, though it is not easy to substantiate a statement of that kind, that we could double the number of our visitors if we provided certain amenities and, particularly, good hotels.

In Kenya the position with regard to hotels is disturbing. Quantitatively they are static. Qualitatively, I would say on the whole, they appear to deteriorate. Of course, the removal of the hotel tariff should have its effect, but the effect is not immediately obvious. Service, I am afraid, is—I do not wish to use too strong a word, but we will say it is—not up to the standard which we should desire. How that can be cured I do not know. But I have hopes that a great deal more use will be made of woman service in hotels. I believe the East Africa Women's League is interested in this matter, so far as concerns domestic employment, and I feel that there is a need to stimulate the training of women servants and, perhaps, even to institute some sort of apprenticeship system in the hotels themselves.

[Mr. Usher]

Now, in regard to roads and road services. We shall be discussing this matter later and a great deal has already, in fact, been said about our communications. But, I think, we must concentrate on those roads which will give a good impression of the country to visitors. (Hear, hear.) I think also that we must try to stimulate the coach services in the country. That involves, Sir, I think, protection against what I will call "pirates", although they are quite legitimately on the roads now. There are, too, many so-called taxi services which are not, I think, properly operated, to the detriment of the coach services and to the extension of coach services.

I think, Sir, we may all applaud the resolution at the recent Game Conference in regard to the preservation of game and I hope that that resolution will prove fruitful.

May I also mention, Sir, the case of "Treetops". When we were debating the Development Estimates or rather the Development Plan, I had occasion to bewail the cutting of the remainder of money that would normally have gone to tourism and, I think, it is a great pity because among other things in the £20,000-odd that was allocated, there was provision of £5,000 for restoring "Treetops". It is a very great attraction, Sir, and I hope that some method will be found to finance that particular enterprise. I see the figure that was cut from the capital allocation to the Royal National Parks Trustees was £26,000.

Now, Sir, I think, perhaps, I should mention that the Kenya method of publicity is not the same as the methods of our neighbours in Uganda and Tanganyika. There, the publicity literature for the most part is produced by the Information Services. Here, in this country, the Information Services have not contributed very greatly to that. I am wondering whether they should or they should not; I am not criticizing the fact that they do not and, of course, the subscriptions by various territories are diverse. Out of a total revenue for 1954—£25,800-odd—Kenya's subscription was £8,000; Tanganyika contributed £2,000; Uganda, £2,500; Zanzibar, £100; High Commission, £100; East African Railways and Harbours, £2,000, and members, £6,190. Sir, either the East

African Tourist Travel Association needs more funds to enable them to put out more Kenya literature or publicity literature must be supplied to them.

I might appear to be arguing against myself when I say that our hotels are not up to standard but that they are up to capacity. What I am really trying to say is that increased provision for publicity must go with improvements in hotels particularly.

I saw, Sir, a really tragic statement the other day; that was made by the sales manager of the British Overseas Airways Corporation, and I am informed that he does not mind my saying this to-day. He said that he would not be prepared to put out further publicity for visitors to Kenya until the hotel position showed improvement. That, Sir, is a disgrace to us and we must seek some way to cure it.

Sir, I started by saying that the majority of Ministers, perhaps, are involved in one way or another in the matter of tourism. Indeed, we consider the bearing upon the whole matter of the troubles from which we are suffering, the whole Council is involved. I propose to consult with my colleagues in regard to a Motion designed to enlist all our resources. There is a great need, Sir, if I may say so, of co-ordination in this matter and I hope that the hon. Chief Secretary will personally consider whether we cannot get together a team of people who will make an all-out drive to improve the facilities for tourism and so to increase this most important invisible export.

Sir, I beg to support. (Applause.)

MR. COOKE: Mr. Deputy Speaker, when I was out of order I was endeavouring to rebuke my hon. friend, the Minister for Commerce and Industry, for what appears to have been a rather skimpy speech. My hon. friend, I would have thought, with his great ability and gift for oratory, would have surveyed the commercial scene and would have pointed out where commerce lacks progress or where it is handicapped. I envisaged that he might have told us something about the appalling roads to which my hon. friend, the Member for Mombasa, has just alluded, but I am under the suspicion, perhaps, his senior officer, the Minister for Finance, has

[Mr. Cooke]

issued a caveat against the mention of roads. If I am wrong, of course, I will withdraw.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, on a point of order, what right has the hon. Member to refer to me as the Senior Officer? In the Government all Ministers are equal. (Laughter.)

MR. COOKE: I thought, Sir, I was paying a compliment to my friend; I will withdraw that compliment! I do not often pay him compliments, I thought I was on the right side this time! (Laughter.) I think I once alluded to him as the "Senior Civil Servant" or something of that sort, and he repudiated and said that the hon. Chief Secretary was the Senior Civil Servant! However, I am very glad to withdraw that compliment which I attempted to pay to my hon. friend!

I feel that possibly he issued a caveat to my hon. friend, the Minister for Commerce, not to say too much about those vexatious subjects such as roads and aerodromes about which I agree with the remarks made by my hon. friend, the Member for Mombasa. Of course, it is obvious that unless we can improve the tourist facilities, tourists will not come here, they will go elsewhere. There are so many other counter attractions for them.

Now I always think that in this matter, as in other matters, our Government lacks the courage and the vision of commerce. I will just give one illustration; and that is at Malindi in my constituency where Barclays Bank are opening an office—a daily office. Well, it is almost certain, without in any way saying anything that might be embarrassing, that at first, at any rate, that it will not pay the bank to have that office; but they are obviously guided by men of vision who foresee a great future in tourism and other attractions at the coast and, for that reason, no doubt, this company are opening this office. We wish that Government would show the same vision and the same awareness of the possibilities, not only at the coast, but in the rest of Kenya. My hon. friend, the Member for Commerce, said, I think, he did foresee the possibilities?

He keeps up a lot of *totto voce* comments which are very difficult to follow! I wish, Sir, it was possible and within

the rules of this Council sometimes to rebuke the front benches on the other side when they do make interpolations in such a low voice that one cannot hear them! I am sure we miss a lot of wisdom which might be conveyed to us for our good on this side of the Council! (Laughter.) I think most of us on this side of the Council when we do make interpolations, usually make them in a voice which carries right throughout the Chamber and we are not ashamed of those interpolations. We do get loud "Hear, hears" from my hon. friend, the Minister for Local Government, but I think they are mostly ironic.

Now "money makes money" is an old proverb and we believe that money spent on tourism is money made and I hope that my hon. friend, the Member for National Parks, will later on give his views on that matter.

The hon. Member for Mombasa alluded to a Mr. Matthews. Well, I also have great respect for Mr. Matthews, but I think he was very naughty—if I can put it that way—because when he visited Kenya and East Africa for six weeks or two months recently, he never apparently thought it was worth while to contact the Unofficial Members on this side of the Council, although he must have been several days in Nairobi. I think it is a pity when he visits this country that he does not make contact, at any rate for a few hours, an hour or two, with the Unofficial Members of all races.

With regard to Treetops, I am a Trustee of the National Parks. I am sure my hon. friend the Director, will inform my hon. friend, the Member for Mombasa, just what the position is.

Sir, I beg to support. (Applause.)

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, Sir, I should like to deal with some of the points that have been made. First, I should like to deal with the remarks made by the hon. Member for Nairobi North. When speaking last evening he asked that he might be given an idea of what was happening as far as local industry was concerned. Secondly, whether the Minister for Commerce and Industry had in any way assisted the local industry to develop.

[The Parliamentary Secretary to Minister for Commerce and Industry]

I should like to tell him, Sir, that there are quite a number of firms who are enjoying the benefit of drawbacks of customs duty in order to enable them to compete with the imported article. Apart from that, Sir, I should like to draw his attention to some of our local industries. I will give him only a few examples such as the manufacture of clothing, manufacture of insecticides, mats, manufacture of boxes from cardboard and the manufacture of window frames from metal strips; the manufacture of hurricane lamps and chemicals for the manufacture of edible oils; components for the making or manufacture of brushes and tallow; perfume and oils for the manufacture of soap. As I said, Sir, these are only a few examples of the local industries which are operating in the Colony and which are being assisted by way of drawbacks of customs duty. But that is not the entire list, Sir; because if my hon. friend for Nairobi North were to look at the "Notes on Commerce and Industry in Kenya" which was published in 1954, he would see in Appendix 4, the names of at least 100 industries which are operating in the Colony and which are being assisted as far as possible by the Ministry.

I should also like to say, Sir, that industrial development is being assisted in the Colony by the Industrial Development Corporation which, as the hon. Members know, assists by way of loans and investments. In other ways, Sir, the department assists in development of industries by giving advice in relation to allocation of industrial sites and the siting of industries so as to ensure that they are put up in places where it would be most advantageous, not only to those who wish to operate, but for the Colony as well.

Then, Sir, there is the Department of Trade and Supplies within the Ministry itself. It is a department which frequently comes into contact with the public direct and it is, if I may say so, under the supervision of a very able Director of Trade and Supplies and no pains are spared to give the public, and those who make inquiries, all possible assistance.

Then, Sir, last but not the least, of course, is that most important body that

the Ministry has to assist the development of industry, the Board of Commerce and Industry. It is a Board, Sir, where we have the advantage of the membership of persons such as the hon. Member for Nairobi South and several other Members of this Council as well as representatives of trade and industry in the Colony, such as the Chamber of Commerce. It is a Board, Sir, which is hon. Members know, has an unofficial majority and the advice which is given by the Board is carefully listened to and I have no doubt, Sir, that, as far as possible, such advice is followed, because that advice, Sir, is given in the best interests of the Colony to develop industry. It is what I would call, Sir, an advisory council on all economic matters of this Colony.

So much, Sir, for the information that the hon. Member wanted as to the assistance that is being given to the development of industry in the Colony.

He also made the point whether it should not be considered, whether it is wise to give protection to some industries in the Colony or not. Well, that is a point, no doubt, which will be considered and dealt with by the hon. Minister for Commerce and Industry himself.

I should like, Sir, now to deal with the remarks made by the hon. Member for Central Area, Mr. Chanan Singh, when he asked about the operation of the new Landlords and Tenants, Shops and Hotels (Temporary Provisions) Ordinance. Sir, he wanted to know whether the Ministry had had enough time to consider the effect of the operation of this Ordinance and whether we were satisfied that the level of rents which is obtained is satisfactory or not. I may be forgiven, Sir, if I go back a little. As Council is aware, the Increase of Rent Restriction Ordinance was due to expire on the 25th day of December, 1954, and the Landlords and Tenants, Shops and Hotels (Temporary Provisions) Ordinance came into force on the 24th December, 1954. The two dates were, one could say, almost synchronized so as to enable the tenants to reap such benefits as they may under the new Ordinance, that is the Temporary Provisions Ordinance.

Now, Sir, in my opinion, this Ordinance which has been operating for just over five months has brought to light

[The Parliamentary Secretary to Minister for Commerce and Industry]

three features. Features which I consider are satisfactory. The first one is, Sir, that I consider the very fact that a large number of tenants have come to settlement with their landlords without going to court, shows a recognition of the needs and rights of each other in this matter. (Hear, hear.) I think, Sir, I should like to say that the amicable arrangements that have been entered into in a large number of cases without going to court, proves that the Ordinance, and those who had feared that the Ordinance would work harshly, or the removal of control would produce inflationary rents in respect of business premises, were not right.

The second satisfactory feature that has come to light in my opinion, Sir, is that cases are being dealt with expeditiously by the courts; litigants not only want justice to be done, they want justice to be done quickly, and I am sure, Sir, that this state of affairs must have given a great deal of satisfaction.

The third point that I would mention in this connexion is: it appears as far as I know that very few appeals have been filed against the decisions given in the lower courts. Now I would, of course, say that was only to be expected because cases were being dealt with by experienced magistrates.

There is another point of view, Sir. These judgments must have succeeded in satisfying the applicants in the courts and that should answer the point made by the hon. Member for Central Area whether the level of rents that is being fixed is satisfactory or not. It has to be remembered, Sir, that the rents which are fixed by the courts are fixed on the advice of assessors as provided for under the Ordinance. These assessors were appointed for their merit and experience and ability in such matters and I have no doubt, Sir, that their advice must have been, and is, very useful to the courts in fixing the rents. I should say, Sir, the answer to the question whether the rents that are being fixed are satisfactory or not, is that these rents will find their own true level as both landlords and tenants recognize that in the one case the landlords are entitled to a reasonable return in respect of their premises and, so far as the tenants are con-

cerned, they must be able to produce that rent from their business operations conducted in the premises. Sir, a lot of good sense will, no doubt, prevail in this matter and both landlords and tenants will recognize that that can be the only two tests for fixation of the amount of rent. I have already stated a large number of rents have been fixed outside the courts and I submit, Sir, that shows an improvement in the situation.

I beg to support, Sir, (Applause.)

Mr. Cowie: Mr. Deputy Speaker, I would like to join in this debate under the heading of tourist traffic, because I have such an unshakable conviction that we have really only touched the fringes of this vast potential of tourist traffic. I have said that before, Sir, and, as the years go by, I become more and more convinced that it is true. I have had the privilege of attending a number of international conferences in other countries, all designed to promote tourist development in Africa, and I have also had the fortune to travel through a good part of the United States. During these journeys I have continually kept almost both eyes very wide open on the possibilities of tourist development to East Africa, and for those reasons, if not for others, I am, as I say, more convinced than ever that there is a very vast potential, but it requires nursing. It is not sufficient for us to be complacent and merely say visitors come to East Africa because they like it. Well, they do like it, but certain things have to be done, certain facilities have to be provided and the traveller and the visitor has to feel that he gets his money's worth.

I would say, however, Sir, that whatever we do, we must never, under any circumstances, destroy a spirit of adventure, because that is one of the biggest features of our tourist plan in East Africa.

But the actual tourist himself, Sir, I would like to draw Members away from the general picture of an ogre with a fat cigar who merely tries to wield the power of his wealth. The tourist, or traveller, of to-day is a very different type, and in the United States there are many millions of what one might call the middle-income group of people that wish to travel, and there are also people in

[Mr. Cowie] Europe and Asia and the other dominions who travel not essentially to go and see things, but also to compare their own countries with others. They all become potential investors, they bring trade and some of them become settlers, and so a tourist is not a person who merely buys postcards, he is a potential settler, trader and investor.

In regard to the East African Tourist Travel Association under which I think some of this debate arises, I would like to pay tribute to that Association, although I declare my interest—I am, I think, a vice-president of it, and I have been associated with it for a number of years, but I think that the success they have achieved is very considerable. Here, Sir, I would also like to make it clear that there are two Mr. Matthews. Reference was made to Mr. Matthews earlier on by the hon. Member for the Coast. There is a Mr. V. G. Matthews, who is the High Commissioner in London, and there is Mr. D. O. Matthews, who is the General Manager of the Travel Association, and I would like the remarks made by the hon. Member for the Coast to be clear, as I understand them to relate to Mr. V. G. Matthews.

The Travel Association itself, Sir, has over recent years produced a number of publications which are improving in standard. I think some of their recent publications are comparable with any one finds in travel centres across the world. They are doing a considerable amount of good, but, in my opinion, the written word is not sufficient. These serve a purpose as information brochures and booklets for travel agents and potential travellers, but it is the power of the film which to-day yields the weight and I would commend to the hon. Minister, Sir, if it is at all possible at some future date, to consider an increase in the allocation to the Travel Association essentially for the production of travel films; that is a medium which will produce better results than more money spent on ordinary printed words.

Reference was made, Sir, to "Treetops" and I feel I must answer that question from the hon. Member on the other side. The position there, Sir, is that "Treetops" was a private enterprise developed largely

by Mr. Sherbrook Walker, and operated by the Outspan Hotel, Nyeri, long before the area in which it is sited became a National Park. Mr. Walker and the Outspan Hotel were therefore enabled to continue the operation of that enterprise under certain conditions. It unfortunately was burnt down and it is now planned that it should be rebuilt. It is an asset that has an international reputation. There are people in all corners of the world who have deliberately travelled to Kenya to visit "Treetops". The plan, Sir, includes the provision of water which is a very vital factor; a better access road, and a new type of structure. Owing to the difficulties of holding the land or selling land which is vested in the Crown and part of a National Park, it is obviously logical and right that the capital development should be undertaken by the National Parks Trustees. It is for that reason that I think the hon. Member for Mombasa made reference to it.

Now, turning, Sir, to the question of hotels. I do think that it is unfortunate that terms offered in the past to potential investors have apparently not been sufficiently attractive to see any kind of hotel built in Nairobi as a result. This has been going on for some eight years, and there were various proposals to grant land in the centre of the town on conditions which I think were quite unattractive to any businessman. More recently another plot has been allocated and I would like the Minister to comment on that when he replies, because I have not yet seen the hotel taking shape, although I understand that three out of the four years allowed for building it have already gone by. But, Sir, there was another plan put up some four years ago and I would like to explain it because I think it has become confused. It was a suggestion originating from private enterprise that there should be a type of country hotel, or what they called a "motel", built a few miles out of Nairobi towards the Nairobi National Park. The idea was, Sir, that this should consist of separate cottages, each with room enough for parking and for servants, and it would attract this type of visitor. First of all the airways would undoubtedly be interested, in my opinion, to bring people from the new airport, through the National Park and have a block of rooms at this hotel. These visitors could then sit on the veranda sipping

[Mr. Cowie] their whisky and soda while, with a pair of field glasses, they could watch the antics of the various animals just down below.

The other type of visitor, Sir, who would be interested in this project, would be the Kenya farmer, because with the parking difficulties in Nairobi, it seems logical to me that a farmer could go and stay at a place like that where he could park his lorry, or car, and his servants and have plenty of room. He would only be within a few miles of Nairobi, and possibly there would be a bus service or some other means of getting in and out. Then there would be the ordinary visitor.

The advantage of this kind of hotel, in my opinion, is that it could be built quickly. Separate cottages of that type can be constructed simultaneously and the whole thing could go up and perhaps provide anything up to a hundred beds in a very short time. That is, in my opinion, the great advantage of it at this juncture, where it is almost impossible for visitors to get proper, or adequate, accommodation both in Mombasa and in Nairobi, and it is acting as a very serious embarrassment to the development of tourist traffic.

Lastly, Sir, I must return to where I started, and give praise to the hon. Member for Mombasa who suggested that there might be a committee, I presume, or a gathering of people concerned with tourist development so that greater attention could be paid to this matter, as it is, I am certain, a potential which has, so far, hardly been touched, and it is of considerable value, not only to Kenya, but to adjoining territories and there is nothing parochial or racial about it. I, therefore, beg to support. (Applause.)

MR. J. S. PATEL: Mr. Deputy Speaker, Sir, I support the Motion before the Council and, in doing so, I express the feeling that the hon. Minister should have reviewed the position with regard to commerce and industry in perhaps greater detail. We all know of the excellent team of staff he has and they are doing very important work in furthering the economy of the country as commerce and industry come second after agriculture in making up the economy of the country.

However, I think perhaps he believes in talking less and doing more.

There is one point I would like to have included on when he replies to Members, and that is with regard to sugar. I wonder whether it is still necessary to control sugar and, if so, whether it would not be better to reconsider the allocations which I consider are out of date now.

I support the Motion.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I am happy to give the hon. Member for Mombasa the assurance he seeks and I will, indeed, give my personal attention to ensuring that there is the best possible liaison between the Information Department and the East African Tourist Travel Association. The staff position of the Information Department is now a good deal easier. We have the cameramen we need on the cinema side and it may be possible that of the two units which we propose to devote to documentary work, one can be used for a part of the time on a project suitable for publicity. I say "may", because we have heavy commitments in connexion with the Emergency and, of course, these units have a prior duty to represent the social and educational development of the Colony.

There is one general point, Sir, about tourism; I wonder if we really appreciate the devotion of the tourist, especially the American tourist, to the art of the plumber and the sanitary engineer. When a man gets off an aircraft a little air-sick, or enters the country by road dusty and shaken, the first thing he seeks is a pleasant place where he can wash. He likes to have a clean towel, gleaming basins, proper kind of taps, unlimited hot water; yet we offer him the really squalid facilities of Nairobi West—I think Eastleigh is not a great deal better. We must remember that, as far as the tourist goes, his first impression, and the impression by which he will judge us, is our lavatories. (Laughter.) (Applause.)

DR. HASSAN: Mr. Deputy Speaker, Sir, unfortunately I was not here when the Minister for Commerce and Industry gave his speech, but, as I know very well he is one of the most brilliant speakers on these Benches, I am sure he must have given the desired details of his department and, without hearing

(Dr. Hassan) him, I think I had better congratulate him.

There are one or two points, Sir, on which I only need information. One is the question of vetting businessmen—the small new businessman. This country is increasing in population considerably, and a large number of new people, to make up their means of livelihood, are entering into business and opening small shops. No one can carry on business in a small way unless he has certain very important items of food, such as edible oil, tea and sugar. Ever since the war, these commodities are distributed as quotas to different merchants. A considerable number of those merchants who receive quotas are not even ration merchants. They are taking advantage of that quota, not selling those commodities in their own shops, but actually selling on the black market to these small merchants, but these small merchants cannot find any profitable business in dealing with those essential commodities. I would like to know if the Minister has made any arrangements to accommodate these new shopkeepers and new merchants, and if any certain part of the commodities is set aside to help and assist such people.

The same thing affects them regarding import licences. The Trade and Supply Department is issuing import licences on the previous performance of the merchant and it appears to be, according to the reports received, that it is not possible for the new person who enters into business that his application is being given any consideration, because he never has any quota at all. With a view to helping and assisting such people to carry on business, has Government anything in mind to help and assist them?

In conclusion, Sir, I have great pleasure in supporting all that Col. Cowie said regarding the Travel Association and I support the Motion. (Applause.)

Mr. CROSSKILL: Mr. Deputy Speaker, there is just one point on which I seek information. It is with regard to the Mombasa dock, on the development of which I know the Minister is keeping a very watchful eye in the interests of Kenya. Could he, Sir, give us an assurance that if and when it is decided to

construct Nos. 10 and 11 deep-water berths on the mainland there will be no hitch, no delay, on account of such factors as shortage of finance?

Mr. Deputy Speaker, I beg to support.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Mover to reply.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, I think before I begin to reply to the points raised by hon. Members, I should explain that owing to the changes in the time schedule last night, my speech was curtailed as I had the choice of either finishing it in five or six minutes this morning, or curtailing it and dealing with a number of points I would have dealt with in my opening remarks now.

Now, the Parliamentary Secretary dealt with the points raised by my hon. friend, the Member for Nairobi North. I would, however, like to assure him that on the question of protection, that he also raised, and my hon. friend touched on, the Government has the question very much in mind, both from the point of view of the advantage of the manufacturer and, equally important, the interests of the consumer. It is not a simple question; it is not one upon which I can generalize with any ease, it is a matter in which every individual case has to be examined in the light of the economic interests of the country. I think my hon. friend, and other Members of this Council, who take a particular interest in the affairs of commerce and industry, appreciate the point very well, and it is something that the Board of Commerce and Industry is directing its interest to in common with my hon. friend.

* Now, Sir, the Member for Nairobi South mentioned a point last night. I am sorry he is not here to-day, but I understand he has pressing business elsewhere. He raised the report of the committee appointed by this Council on assistance to local industry. He also remarked that many of the recommendations in that report have already been carried out. Some of those recommendations are still under consideration and it will be quite clearly appropriate that the report should come back to this Council at a convenient time when an account can also

[The Minister for Commerce and Industry]

be given of what has been done on the recommendations made.

Now, Sir, a number of Members have asked me to give a review of the commercial position of the Colony during the past year. Now, Sir, I did remark a year ago when I said that during a time of great expenditure locally, due to the Emergency, due to the flow of capital investment into the country, and due to other factors, there would be an upsurge of commercial business within the 12 months that were ahead. That has occurred. There has been an increase in business. There are, of course, bad spots, particularly where certain merchants have perhaps found the textile market a difficult one, but, generally speaking, on the commercial side, there has been considerable progress. The number of bankruptcies, for instance, is a good indication of the health of commerce. The state of trade continued health of commerce. The state of trade which, of course, has been affected by the congestion in the port at Mombasa and by the dock strikes in the United Kingdom and elsewhere, has, bearing all things in mind, been a very good indication of economic health.

As regards industrial development, hon. gentlemen opposite who go around the Colony and observe what is happening in such centres as Mombasa, Nairobi, Nakuru, Eldoret and many other centres, cannot fail to see the concrete results of capital invested in new office buildings, in new shops, in new factories. Now, Sir, that I suggest, is a very good indication of economic health.

There is only one statistic that I would trouble hon. Members with, and I feel that it is a significant statistic. For the first time last year, the product of manufacturing in this Colony exceeded the product of European agriculture. I do not draw attention to this in any sense of comparison, because a great deal of that manufacture is of course, based upon European agriculture; the two are married together. Let me give an example. A few years ago, the fruit-canning industry in this Colony, apart from a few pioneers in such places as Njoro, hardly existed. To-day it is becoming one of our important export industries. There, I submit, is a perfect

example of an industry based on a healthy agricultural development within the Colony.

Sir, I do not think this is an appropriate time to underline the obvious in the sense that every hon. Member in this Council is not only aware of the industrial development that is taking place, but is fully persuaded as to its importance.

Now, Sir, I would like to refer to the remarks made by my hon. friend, the Member for the Coast. I am sorry that "the call of the drums", as I think he referred to them last night himself, was so strong that not only did he go to see that magnificent parade of a magnificent regiment, but from then on he found that the call of sport was equally great and, quite rightly, he went to see what I understand was a very good match. Later, he was not here when I was making my somewhat modest contribution to last night's debate, but, however, without any hesitation, he made, if I may say so, the most pertinent remarks this morning. However, he must be able to read the minds of the HANSARD reporters because I, so far, have not yet received a copy of my speech, and I do not believe that he can have done so either. However, he made some very good points if I may say so, and in common with the Member for Mombasa, and with Colonel Cowie whom I can only refer to as the Member for National Parks and Tourism, referred to the Tourist Travel Association. My hon. friend, the Leader of the Council, as perhaps my hon. friend, the Member for the Coast, would like me to emphasize, spoke of certain important and more intimate aspects of the tourist travel problem. I cannot compete along those lines. I feel that nothing more could be said, but I would like to say how very valuable I thought the contributions were on this matter. I can give what I believe to be some encouraging news about the hotel situation. Not only is it important that there should be adequate hotel accommodation in Nairobi, it is equally important that there should be adequate hotel accommodation in Mombasa, that other great centre of industrial development and tourism. I can give hon. Members the information that it now appears that it is very probable indeed that finance has been obtained to make it possible to build a large luxury hotel

[The Minister for Commerce and Industry] on a magnificent site on the island of Mombasa. (Applause.)

Now, Sir, in regard to the Nairobi position. The picture is not quite such an encouraging one. My hon. friend, Col. Cowie, referred to the question of the hotel site in respect of which three years, I think he said, in the four years during which building has to take place has elapsed. We are taking steps to encourage those concerned to honour their obligation. I do not think hon. Members would wish me to say more. I noted what he said about the condition in regard to the encouragement of the hotel business. I would only point out to him that it appears that the conditions attaching to the Mombasa grant are very similar to those attaching to the Nairobi grant and appear to have been successful. However, I will bear in mind what the hon. gentleman said, and look at the position again.

I entirely agree with what he said about the economic importance of the tourist trade in terms of an invisible export. I was particularly glad to hear him say that we have a specialized appeal that other countries perhaps have not and that we should do our utmost to retain that particular character that has an attraction to the tourist who, as my hon. friend said, is not merely a man throwing his money about and his weight about, but somebody genuinely interested in the unique display of game and wild life that we can give in this part of the world. I noted what my hon. friend said about the "motel" project, and I personally would be happy to see further proposals come forward.

The hon. Member for the Western Area raised the question of sugar distribution. I can inform my hon. friend, that during the month of August, it is anticipated that it will prove possible to effect the decontrol of the distribution of sugar. That answers the point raised by my other hon. friend.

In regard to the question of edible oil and ghee, I can only say that it is hoped the position in both will be improved, and the point raised in connexion with the small and new businessmen, raised by the hon. Member, is very much in the Government's mind.

On the question of import licences, it is true that in the case of certain areas, such as the United States, it has been necessary to relate distribution to performance. We have, on the Board of Commerce and Industry, very often attempted to find some other method of doing it, as this method has obvious disadvantages. We have, by various means, managed to set aside small quotas for new traders. We have attempted to bring the yardstick up to date. It is not an ideal method but, so far, even with the modification, we have not been able to find a suitable substitute for it, but, and this is the important thing, to-day, leaving aside the dollar area, 90 per cent or thereabouts of our imports come in on open and general licence or without licence at all, and I suggest, Mr. Deputy Speaker, that it is on the basis of relaxing controls as a whole, always leaving aside for the moment the North American Continent, that the state of affairs which my hon. friend wishes to see will be most quickly brought about.

The hon. Member for Mau raised the question of the Mombasa docks and was good enough to say that I did my best to look after the interests of the Colony and Protectorate in connexion with the East African Railways and Harbours. That is true, but when my hon. friend, without notice, asked me if I can give an assurance that a long-term building programme envisaging not only a move to the main land but a stage beyond that first stage, should not be delayed by financial considerations in respect of a self-financing organization that raises its own loans, then I must ask the hon. Member to direct such questions to those who are in a position to answer them, namely, the Commissioner for Transport. I will, however, do my best to obtain that information in my capacity of a Minister of this Government. I hope and believe that all the development that is required will be possible and will not be held up on financial grounds, but it would be quite impossible for me, without consultation with those in another place, to give the assurance that my hon. friend asked for.

Now, Sir, I think I have covered the points raised by hon. Members.

[The Minister for Commerce and Industry]

There is, however, one point I have missed which was raised by my hon. friend, the Member for Mombasa, which was the improvement of road services, coach services, and protection against cut-throat competition on the part of taxi services and the like. I think my hon. friend knows that a Bill will soon be introduced into this Council, which, *inter alia*, will deal with the particular point raised by my hon. friend.

Now, Sir, before I sit down I would like to say how very dependent and how very grateful we should be to the efforts of the staff of the various departments for which I am responsible. There have been staff changes at high levels since Mr. Adams went to the High Commission. There have been not only devotion to duty, but great success, in my opinion, on the part of Mr. Adams' successors. There has been generally throughout the department, at a time of some difficulty, very great devotion to duty and, I would repeat a successful discharge of those duties. I would also like to say—and my hon. friend, the Parliamentary Secretary touched on it—how very grateful I am to the work done by the Board of Commerce and Industry. Few people realize what a great deal of time is put in by the members of that board. It is not just a matter of board meetings every two months, and sitting for an hour or two. It is a matter of getting down in Working Parties and sub-committees, to all kinds of difficult and complicated subjects, and giving not only hours, but days, of Members' time to it. The members of this board, generally speaking, are leading business and commercial men of all races. They are businessmen of great responsibility, and uncomplainingly—and in a most effective manner—give their time and energies to the welfare of this country.

Now, Sir, I apologize again for the brevity of my remarks last night. I felt that, under the circumstances, it was better first of all to listen to the points raised by my hon. friends, attempt to answer them and then give the brief review that I have attempted to do.

I beg to move. (Applause.)

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XXXIV—COMMERCE AND INDUSTRY

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £215,779 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXIV—Commerce and Industry.

Question proposed.

Head (1)

MR. COOKE: Mr. Chairman, it had been my intention to move a reduction in the salary of my hon. friend, the Minister for Commerce and Industry.

Did the hon. Member say "Order"?

THE MINISTER FOR COMMERCE AND INDUSTRY: There were two hon. Members on their feet.

MR. COOKE: But, as the hon. Minister has given every indication that he is going to be a good boy in the future, I will not move. (Laughter.)

MR. TAMENO: Mr. Chairman, I should like to ask the hon. Minister, and also the Government, why it has been necessary for a Parliamentary Secretary to have a personal secretary. Do other Parliamentary Secretaries have personal secretaries?

THE MINISTER FOR COMMERCE AND INDUSTRY: Well, Sir, I cannot speak for the other Parliamentary Secretaries. What I can say—and it must be self-evident even to the hon. Member—that, in view of the speech that my hon. friend made a few moments ago, that he has a very good grasp indeed of the Ministry's activities. (Interruption.)

Shall I go on? Not only that, but my hon. friend has taken a most active and useful part in many of the activities of the Ministry. It is necessary that letters should be written, that memoranda should be prepared, and I think it is not unreasonable that my hon. friend should have a stenographer to whom he can delegate the ordinary routine of his office. I believe it is a fact that it has not yet proved possible to engage that particular person, so no expenditure has yet fallen

[The Minister for Commerce and Industry] upon Government, but I have no hesitation in saying that, as my hon. friend's work becomes not only more useful, but more detailed, it is quite clear that he must have the ordinary facilities to carry on that work. (Hear, hear.)

MR. SLADE: I think my hon. friend's anxiety was really whether, when the Parliamentary Secretary's secretary has been appointed, that secretary will need a secretary, and if we can have an assurance that we shall not have to have yet another secretary!

THE MINISTER FOR COMMERCE AND INDUSTRY: You have that complete assurance.

MR. GIKONYO: Mr. Chairman, arising out of what the Minister for Commerce and Industry has said, I agree with him that the Parliamentary Secretary should be encouraged.

THE MINISTER FOR COMMERCE AND INDUSTRY: On a point of order, Sir, I thought the next item had been called.

THE CHAIRMAN: No it was corrected.

MR. GIKONYO: He said that it is necessary, as the work of the Parliamentary Secretary has increased, that he should have a secretary. I quite agree, and I was going to ask the Government also to consider the policy of encouraging other Parliamentary Secretaries to take an interest in their departments. I feel there is no use having Parliamentary Secretaries unless they are given work to do.

THE MINISTER FOR COMMERCE AND INDUSTRY: Well, Sir, I began my remarks by saying that I am not familiar with the duties of other Parliamentary Secretaries. I can only speak for my own Ministry.

MR. GIKONYO: I was saying that the other Ministers should also do as you said.

THE CHAIRMAN: I do not think those last remarks are strictly relevant to this particular Vote before us.

Head (1) agreed to.

Heads (2) and (3) agreed to.

Head (4)

• LT.-COL. GHERSIE: Mr. Chairman, during the course of the speech by the

Minister yesterday, he paid a tribute to the Mines and Geological Department, and I am sure all hon. Members would associate themselves with those remarks and more particularly with the Geological Department, and I hope their efforts will now be rewarded by the discovery of minerals at Mirima.

He said that only one-third of the territory has now been made the subject of geological survey. I should have thought—particularly in these days, with their great need of minerals—that survey might have been hastened, and a greater area covered. Having regard to this Colony, there is a great deal of volcanic crust, and certain areas could be completely eliminated in respect of mineral deposits in a short space of time. The minerals are at too great a depth, and it would be uneconomic to undertake development and there is not much opportunity for prospecting. I find that, although we have 21 geologists, there are only two prospectors provided for in that department, Sir.

In the first place, Sir, I believe that a geological survey of this nature ought to be done on an interterritorial basis. I am not suggesting it should be a High Commission Service, but I maintain that any information obtained by the Mines and Geological Department should be passed on to the adjoining territory, and vice versa, because any rock formation running along a boundary must run into the next territory, and therefore information obtained by one territory should be passed on to the adjoining territory.

But, Sir, I would suggest this—that from general experience, I think one would agree that the person who really discovers minerals in any territory is not necessarily a geologist—he may be the person who, by the process of elimination, discovers that certain areas are mineralized. But it is usually the prospector who discovers the actual deposit. I believe, in this department, we could do a great deal better, and expedite the possible mineral potential of this territory, by employing more prospectors in relation to the geologists employed.

THE MINISTER FOR COMMERCE AND INDUSTRY: I am very glad that my hon. friend has raised these questions on the Mines and Geological Department, and I

[The Minister for Commerce and Industry] am grateful for his remarks about the staff.

In regard to the area of the Colony survey, perhaps inadvertently I was a little misleading last night. I did not wish to paint the picture in more rosy colours than perhaps they should be, but the position is that the geological survey is directed towards those parts of the Colony that appear to be likely to be the most rewarding from a geological point of view. My hon. friend mentioned the large areas of the Northern Province where there are known to be volcanic deposits. There it was possible to complete what I would call a geological reconnaissance, which has extended over the whole of the Colony, and then to follow up with that basic geological survey which, so far, only extends over one-third of the Colony. The progress made is that, at the end of the war in 1947, one-tenth only of the Colony had a basic geological survey. It is going ahead as quickly as the staff position allows. It is not a question of coming to this Council and asking for more staff. We are under-staffed now, but we are recruiting trained geologists, and in addition about half the geologists in the department are serving in the Colony's forces in the struggle with the rebels.

Now, Sir, as regards the point about prospectors, I agree with my hon. friend that, of course, it is not the primary function of a geologist doing the basic survey to look for minerals, in the sense that a prospector does. Minerals are discovered in the course of their work, but it is the mapping of the geological stratas of the Colony with which they are concerned. I agree with my hon. friend that if we can find suitable prospectors—and they are not easy to find—to work under the restrictions necessarily imposed by Government, and bearing in mind the character that makes a good prospector, if we can find those people, I believe that it would be possible to employ them on specific projects—as we have done at Mirima and elsewhere with great success. I will bear in mind what my hon. friend has said.

It is also equally important—and I know the hon. Member for Nairobi North has mentioned it before—to give

every possible assistance and encouragement to private prospectors, and I think I can say that the department does that, and that, generally speaking, in this country which, so far, is one of slight mineral wealth, those who are prospecting for minerals—and I wish there were more—do receive the greatest help and co-operation from the department.

LT.-COL. GHERSIE: Arising out of the last remark, Mr. Chairman, when the Minister said "do afford great assistance to private prospectors", he obviously meant from the financial point of view.

THE MINISTER FOR COMMERCE AND INDUSTRY: We have on a number of occasions afforded some financial assistance. We have, on many more, given technical assistance. We have, of course, made available everything the department has in the way of amenities. We have loaned equipment; we have loaned geiger counters; we have loaned machinery; and we do the analyses of all specimens sent to the department; all these things, quite apart from giving the financial assistance my hon. friend referred to.

THE CHAIRMAN: It is now Eleven o'clock. The Committee will suspend business for fifteen minutes.

The Committee suspended business at Eleven o'clock and resumed at fifteen minutes past Eleven o'clock.

THE CHAIRMAN: When the Committee adjourned we were on Head (4)—Mines and Geological Department.

LT.-COL. GHERSIE: Mr. Chairman, there is one further point I would like a little clarification on—I did mention it earlier and the Minister rather forgot it, I think, in his reply. That is in regard to the relationship in passing on information between the various Territories and the question of whether or not it would be advisable to embark on an inter-territorial geological survey. I have in mind, Sir, in that connexion, a geological aerial survey, the cost of which could, no doubt, be borne by the three Territories, rather than one.

THE MINISTER FOR COMMERCE AND INDUSTRY: I apologize to my hon. friend, I did neglect to answer that point. I can remember what he said, and I will take the points raised as he put them at slightly greater length and then deal with the new point that he raised just now.

[The Minister for Commerce and Industry]

First of all, in regard to the exchange of information, that, of course, is done and anything that we discover or our friends in Tanganyika or Uganda discover, is automatically passed from one Territory to the other. In other words, we get their reports, their mappings, their area surveys and they get ours.

In regard to greater co-operation, I believe, with my hon. friend, that is bound to come. I did, however, note that he did not go so far as to advocate that it become a High Commission subject. As I understand it, it is to develop the co-operation that exists between the three Territories on a functional basis as the opportunity arises, and as it is expedient to do so. That will be done.

I am most interested in the last point my hon. friend made about the aerial survey and I will certainly go into the question as to whether it would be possible to operate on the basis he suggests. I think those were the points he raised.

Head 4 agreed to.

Head 5 agreed to.

Head 6

LT.-COL. GHERSIE: Mr. Chairman, I think it would be an appropriate moment to raise a point under the Department of Trade and Supplies. In the course of both what I said earlier on and the Minister's reply, he did deal with the question of protection of local industry and the point I was stressing, Sir, was that where local industry is incapable, for one reason or another, of producing either the quantity or quality of goods, then other local industries who may suffer as a result, must receive some consideration. What I have in mind is this, Sir. Would the hon. Minister give an undertaking that where, for instance, an embargo, an increase in customs has been put on a certain type of commodity in order to protect local industry, and that local industry is not capable of producing either sufficient quantity or quality—

THE CHAIRMAN: I think the remarks are not strictly related to any particular item.

LT.-COL. GHERSIE: It is Trade and Supplies and I have searched through

here, Sir, and I do not find anywhere else that I could bring it up.

THE CHAIRMAN: I think really it is a policy matter.

LT.-COL. GHERSIE: I thought I was dealing with policy under Trade and Supplies, Sir, because it is a very important point, Sir, and it was missed by my hon. friend when I spoke on the policy debate and I did not get a reply—a satisfactory reply—and that is why I am raising it now.

THE CHAIRMAN: Yes, all right.

LT.-COL. GHERSIE: I just want to add that there is the customs factor, or alternatively—I only want to add this, Sir—that the Minister for Commerce and Industry should, if it is impossible to reduce customs where they may have been increased, make priority allocations, shipping allocations, for the other sections of local industry who are affected by the lack of those goods.

THE MINISTER FOR COMMERCE AND INDUSTRY: With your permission, Mr. Chairman, I will try and reply to my hon. friend as you allowed him to continue.

I was not avoiding the point that my hon. friend raised. I said—and I think he will remember—that in considering the protection of local industry, not only the interests of the manufacturers are concerned, but the interest of the consumer. That was why I used those words. I have in mind what I believed my hon. friend had in mind. I cannot give—and I do not believe my hon. friend would wish me to do so—an undertaking that a tariff will be taken off. That is a matter beyond the scope of Trade and Supply, although they are concerned in it. It is a matter of wide policy. However, I do appreciate the point my hon. friend made about shipping priorities if the local product is not adequate in quality or in quantity to deal with it; but, as I think my hon. friend appreciates, on the question of protection, it is a matter of examination of each individual case, rather than generalization. I think I have taken my hon. friend's point. I do not think I would be in order in going further. I feel that perhaps Mr. Chairman might rule me out of order. But I do assure my hon. friend that I appreciate his point.

Head 6 agreed to.

Heads 7, 8 and Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the Resolution dealing with Vote XXXIV—Commerce and Industry—and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that a Committee of Supply has considered and approved a Resolution that a sum not exceeding £215,779 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXIV—Commerce and Industry.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

PERSONAL STATEMENT—MR. TAMENO

MR. TAMENO: Mr. Deputy Speaker, Sir, I wish to make a personal statement.

During our debate last night on the Motion moved by the hon. Member for Aberdare, I made two statements. The first one was that the hon. Member for Mombasa being the Chairman of the Joint Industrial Council did nothing whatsoever to stop the strike after he had had the information that there was impending trouble. I raised again, on a point of explanation, that what I alleged was that the Member for Mombasa was the Chairman of the Joint Industrial Council and he, as Chairman, should have taken notice of the suggestion that trouble was coming, and I said he did not.

Mr. Deputy Speaker, Sir, now that I have got the facts, I wish to apologize to the hon. Member. I did not mean to

say anything derogatory whatsoever, as far as he, himself, is concerned. He, being Chairman, is a neutral body and I beg to apologize and I hope that he will accept my apology that I made a statement which was not correct. (Applause.)

MR. USHER: Mr. Deputy Speaker, Sir, I should like to thank the hon. Member, not only for withdrawing, but for the generous terms in which he has done so. (Hear, hear.) (Applause.)

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XXVI—HOUSING

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair. Sir, this is in order to consider Vote XXVI which really covers my Ministry, but I understand—from peculiar brackets on the Order Paper—that hon. Members really wish me to discuss housing in this policy debate.

The housing element that comes into this particular Head is that of the Central Housing Board and, presumably, that is what hon. Members wish to discuss. I would like to make a point straightaway that the Central Housing Board only concerns itself, under the Ordinance, with African housing. I am not particularly happy about that and I am giving consideration to asking this Council for an amendment to the Ordinance so that the Central Housing Board could concern itself with all types of high-density housing. That is a matter for the future. So, Sir, the majority of my remarks this morning will be with regard to African housing.

I think that it would be of interest to Members to know what the financial position of the Central Housing is as it stands to-day. The funds available to this Board, up to the middle of 1957, will be, or altogether which can be lent up to that date, £2,255,695. This is made up from a loan from the Colonial Development Corporation of £2,000,000; an original grant from D.A.R.A. of £100,000, and interest and redemption of

[The Minister for Local Government, Health and Housing]
loans which will have been made by the Board to local authorities, less the expenses, and it is estimated that the revenue derived from that up to the middle of 1957 will be about £155,000. Well, Sir, certain moneys have been paid out on loan from this fund to local authorities for the building of African houses, and ancillary matters connected with African housing, and also a number of commitments have been entered into by the Board, taking both the actual loans and commitments, up to the middle of 1957, which hon. Members will, of course, realize is the end of this particular planning period, £2,241,055 in all have been spent. So, as we look at the picture to-day, the Board can only see a reserve of £14,000. I wish to put that picture before the Council because I think quite a number of local authorities and some hon. Members may think that we have unlimited resources in this fund to extend the programme of African housing, but, as I say, we are committed absolutely up to the limit.

Now, Sir, there are one or two matters which I would like to stress of the activities of different local authorities with the money which is provided to them from this fund. There are quite a number, for instance, of owner/occupier schemes and tenant purchase schemes, both of which my Ministry gives great encouragement to. We feel that it is an element in African housing that should be developed. For instance, in Kericho, the Kericho Urban District Council will take over the liability of the Kericho Township to the tune of £21,000 for owner/builder estates in the township. There are also owner/builder schemes in Kisumu which will cost something in the region of £10,000; a tenant purchase scheme at Kitale of some £9,000, and Machakos also has gone in for an owner/occupier scheme which is only a small one, but still it is a good beginning of £1,000.

When I was speaking under the Local Government Head, Sir, I touched on Kitale and stated then that I would like to give an indication of what they are doing in that small township to try to overcome a very difficult problem which they have—proportionately difficult com-

pared with other areas—of slum clearance and African housing. When I visited that area about a year ago, we went into this problem and, of course, it is the usual thing of trying to provide decent accommodation for Africans at a moderate rent. The cost of permanent houses for Africans, especially the married type, up there was extremely high. We hope that we might be able to reduce it in due course, but it is thought that the problem is so urgent that I sanctioned a loan to the Kitale townships, or Municipality, for a temporary rondavel scheme. Now, that is going to cost £7,000. The idea is that the rondavels will be put up and will provide a very nice accommodation in the way of ventilation and space and so on, and the rents charged for those rondavels will probably be slightly higher than the actual economic cost, but the profit made out of that will be devoted to reducing the rents on the permanent housing scheme which will go forward parallel to it. That was one way in which we felt that we might be able to reduce the rents at this time, with a view to the fact that wages are bound to rise in the next few years and that by the time the permanent houses come to be occupied and paid for, then the wages, we hope, will be able to cover a slightly higher rent.

Now, I merely give this example because it is one of the ways in which we have been trying to meet this very difficult problem and that is the high rent for Africans at the present stage of development.

In a previous debate in this Council, Sir, I mentioned the fact that we must take into consideration the humanitarian factor with regard to accommodation for Africans. If, in fact, we merely provided for the Africans the complete economic accommodation that they could afford to pay for out of their present wages, at economic prices, based on the present economic costs of building, then each African would probably be entitled to some ten square feet or less. Therefore, we must take into consideration the humanitarian aspect and in some way or other provide them with a better accommodation than their actual wages—than the level of their wages would actually justify. Therefore, the Government, in the form of the taxpayer, the ratepayer or the employer, must bear and are

[The Minister for Local Government, Health and Housing]
bearing in one way and another some form of subsidy of this type of housing.

Another scheme which I think is of interest to hon. Member is that at Mombasa, the Central Housing Board either has made or will make available to the Mombasa Municipal Board nearly £300,000 for the Changamwe scheme, phase one. That will provide a considerable amount of accommodation at quite a high standard on the mainland and is, as we all know, very necessary in view of the uncomfortable and, indeed, sometimes unhealthy conditions which are experienced on the Island in some cases. There is, of course, in occupation now the Port Tudor scheme at Mombasa, which is an excellent housing estate and it is providing very good accommodation. The Changamwe scheme is only phase one, but we feel it will take two years or so to complete it. Therefore, the second phase, which is on the drawing board, it will not be practical to start that until the beginning of the new planning period. That does not mean that we will not go ahead with it; we will, if we can get the money.

Another interesting factor, Sir, in the activities of the different local authorities, in this regard, is the Nakuru Municipal Council—on whose activities I specially commented in the last debate—either have drawn, or will draw, £100,000 for flats for higher class Africans. Now, that, Sir, I think is something which is very near the heart of a number of African Members in this Council and that gives an indication that there is at least that particular scheme and there certainly will be another such scheme sponsored in Nairobi.

Now, Sir, I now come to what has been come to be known in my Ministry as the Ministry Scheme, publicly to which was given some couple of weeks ago at a joint Press conference between myself and the Mayor. The Central Housing Board will make available for construction these 5,000 houses in Nairobi of this new design and this new technique, which I will touch on in a minute, over £1,000,000. Now, some of that money was money already earmarked for the City Council, but it has been put into this particular scheme. The

total cost of the scheme will be in the region of two and a quarter million pounds and the remaining money, except a gap which we hope to fill in future, which is not estimated yet, a small gap, the remainder of the money will come from the City Council's own capital programme. So it is a joint scheme with regard to the provision of capital.

Now, Sir, the main objects of this scheme are two. First of all, to provide further accommodation, which is so very necessary—we cannot give exact figures, but we know that there is considerable overcrowding in the African locations of Nairobi. Secondly, the idea is, by producing a utilitarian design of house and a cheap form of construction, that we should be able to keep the rents down. I am not saying that we will be able to reduce the rents—there may be a chance of that, but I am not committing myself. We certainly ought to be able to peg the rents. Those are the two main objects of the scheme and, with regard to the provision of accommodation, we will be providing 5,000 houses for accommodation for 25,000 people, within a period of two and a half to three years. The first houses will be on the ground at the beginning of next year. That does not mean that we are idling our time away before then, but between now and then all the organization and setting up of the administration will have to take place, and, as these houses are of a prefabricated type, we hope to be making the prefabricated parts before the beginning of next year and then very early next year the actual erection of the houses will take place, and, although it may be an optimistic figure, we hope that we will be able to erect at the rate of six houses per day. That, I think, is quite a significant figure and will mean that the problem of the lack of accommodation will be tackled speedily and satisfactorily.

Now, Sir, I want just to underline what we are doing because some hon. Members do not seem to recognize the very great task we have to face. We are more than doubling the present accommodation of City Council houses in Nairobi in two and a half to three years. Those Council houses have been built over a period of possibly ten or twelve years, or probably more, and we are

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loans which will have been made by the Board to local authorities, less the expenses, and it is estimated that the revenue derived from that up to the middle of 1957 will be about £155,000. Well, Sir, certain moneys have been paid out on loan from this fund to local authorities for the building of African houses, and ancillary matters connected with African housing, and also a number of commitments have been entered into by the Board, taking both the actual loans and commitments, up to the middle of 1957, which hon. Members will, of course, realize is the end of this particular planning period, £2,241,055 in all have been spent. So, as we look at the picture to-day, the Board can only see a reserve of £14,000. I wish to put that picture before the Council because I think quite a number of local authorities and some hon. Members may think that we have unlimited resources in this fund to extend the programme of African housing, but, as I say, we are committed absolutely up to the limit.

Now, Sir, there are one or two matters which I would like to stress of the activities of different local authorities with the money which is provided to them from this fund. There are quite a number, for instance, of owner/occupier schemes and tenant purchase schemes, both of which my Ministry gives great encouragement to. We feel that it is an element in African housing that should be developed. For instance, in Kericho, the Kericho Urban District Council will take over the liability of the Kericho Township to the tune of £21,000 for owner/builder estates in the township. There are also owner/builder schemes in Kisumu which will cost something in the region of £10,000; a tenant purchase scheme at Kitale of some £9,000, and Machakos also has gone in for an owner/occupier scheme which is only a small one, but still it is a good beginning of £1,000.

When I was speaking under the Local Government Head, Sir, I touched on Kitale and stated then that I would like to give an indication of what they are doing in that small township to try to overcome a very difficult problem which they have—proportionately difficult com-

pared with other areas—of slum clearance and African housing. When I visited that area about a year ago, we went into this problem and, of course, it is the usual thing of trying to provide decent accommodation for Africans at a moderate rent. The cost of permanent houses for Africans, especially the married type, up there was extremely high. We hope that we might be able to reduce it in due course, but it is thought that the problem is so urgent that I sanctioned a loan to the Kitale townships, or Municipality, for a temporary rondavel scheme. Now, that is going to cost £7,000. The idea is that the rondavels will be put up and will provide a very nice accommodation in the way of ventilation and space and so on, and the rents charged for those rondavels will probably be slightly higher than the actual economic cost, but the profit made out of that will be devoted to reducing the rents on the permanent housing scheme which will go forward parallel to it. That was one way in which we felt that we might be able to reduce the rents at this time, with a view to the fact that wages are bound to rise in the next few years and that by the time the permanent houses come to be occupied and paid for, then the wages, we hope, will be able to cover a slightly higher rent.

Now, I merely give this example because it is one of the ways in which we have been trying to meet this very difficult problem and that is the high rent for Africans at the present stage of development.

In a previous debate in this Council, Sir, I mentioned the fact that we must take into consideration the humanitarian factor with regard to accommodation for Africans. If, in fact, we merely provided for the Africans the complete economic accommodation that they could afford to pay for out of their present wages, at economic prices, based on the present economic costs of building, then each African would probably be entitled to some ten square feet or less. Therefore, we must take into consideration the humanitarian aspect and in some way or other provide them with a better accommodation than their actual wages—than the level of their wages would actually justify. Therefore, the Government, in the form of the taxpayer, the ratepayer or the employer, must bear and are

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bearing in one way and another some form of subsidy of this type of housing. Another scheme which I think is of interest to hon. Member is that at Mombasa, the Central Housing Board either has made or will make available to the Mombasa Municipal Board nearly £300,000 for the Changamwe scheme, phase one. That will provide a considerable amount of accommodation at quite a high standard on the mainland and is, as we all know, very necessary in view of the uncomfortable and, indeed, sometimes unhealthy conditions which are experienced on the Island in some cases. There is, of course, in occupation now the Port Tudor scheme at Mombasa, which is an excellent housing estate and it is providing very good accommodation. The Changamwe scheme is only phase one, but we feel it will take two years or so to complete it. Therefore, the second phase, which is on the drawing board, it will not be practical to start that until the beginning of the new planning period. That does not mean that we will not go ahead with it; we will if we can get the money.

Another interesting factor, Sir, in the activities of the different local authorities, in this regard, is the Nakuru Municipal Council—on whose activities I specially commented in the last debate—either have drawn, or will draw, £100,000 for flats for higher class Africans. Now, that, Sir, I think is something which is very near the heart of a number of African Members in this Council and that gives an indication that there is at least that particular scheme and there certainly will be another such scheme sponsored in Nairobi.

Now, Sir, I now come to what has been come to be known in my Ministry as the Ministry Scheme, publicity to which was given some couple of weeks ago at a joint Press conference between myself and the Mayor. The Central Housing Board will make available for construction these 5,000 houses in Nairobi of this new design and this new technique, which I will touch on in a minute, over £1,000,000. Now, some of that money was money already earmarked for the City Council, but it has been put into this particular scheme. The

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[The Minister for Local Government, Health and Housing] more than doubling that in two and a half to three years. Now, Sir, we are taking a risk. I have entered into an agreement—Government has, I have on their behalf—with the City Council that we will make available to the City Council these houses at Sh. 15 a square foot. The present building costs for African housing, according to the tenders that have been asked for lately, is Sh. 27 a square foot. Through the design and techniques of construction, we are convinced that we will be able to provide these houses at Sh. 15 a square foot. But it is a risk because we have guaranteed that the City Council can have these houses at that price. If some calamity happens—if we have a war, or whatever might happen, a dock strike and all the rest of it—Government will be taking the risk to cover any cost higher than Sh. 15 a square foot which may eventuate.

The actual type of house, Sir, and the design is better than the present houses being built, or which have just been completed by the City Council. I think I am right in saying that the present City Council houses provide 40 square feet per person. These houses that we have will provide 55 square feet per person. That is an improvement to start with. Each house will have its own flush lavatory and a shower-bath, which is something that is fairly new, although the City Council are trying their best to install such sanitation in some of their present estates. I think that that is a very important point, although I do not think I had better expand on that as so much has been mentioned about that sort of thing this morning already. Each house will have its own garden and the layout will be such that they will be grouped round a square, though only a small area, of community land in the centre of the group where we hope that shade will be provided and grass where the children can play. But the individual responsibility is emphasized in the layout and design in each having their own garden and each having their own lavatory. That is also very important. For the first time, I think I am right in saying, anyway for some time past, these houses will have steel windows glazed, not the wooden-shutter type that has

been so usual in African housing up to now. (Applause.)

I suggest, therefore, Sir, that we are advancing both in standard and in cheapness in this scheme. One of the most difficult problems that has faced ourselves and the City Council in working out this scheme is the matter of sewers. Sewers in Nairobi are extremely expensive, especially due to the difficult type of soil—the black cotton soil and the blacktrap stone—but we have, at least, I hope, been able to scrape up enough capital between us to service these houses satisfactorily. Included in the layout of the estates will be amenities and social services and £100,000 has been put aside for the construction of social halls, nursery, schools and that sort of thing which we believe, in the Ministry, are an absolute necessity these days in housing estates in urban areas such as Nairobi.

Part of the agreement between myself and the City Council is that in future, and for a period, I will have control of the rents of all African houses in Nairobi. Now, up to now, of course, hon. Members will realize that the City Council controlled all the rents, in fact, quite rightly, because they owned the houses. But in consideration of the Government stepping in in this very difficult problem that they are facing at the moment, I will take over the control of rents. Now, I want to make it quite clear that it will not be possible, either for the City Council, or for Government, to bear a large proportion of subsidy. I have agreed with the City Council that I would agree with rents going up if they can prove the economic need, that is the definite expense of, say, providing water or servicing and so on, all elements of which are in the rents of these houses. If they prove that they go up in cost, then the rents, too, will have to go up.

In this regard, I would like to mention that the City Council adopted about a year ago a policy of completely economic rents, and up to that time Government and the City Council were bearing a certain subsidy. Well, there is a very great deal to be said for the City Council policy of economic rents because certainly in other areas of Africa the subsidy element has completely run away with the finances of Government and local government. In that connexion, I

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met a gentleman only the other day from Northern Rhodesia who had come up to see how we are doing up here in regard to African housing, and one of their great problems was the very considerable expense which local authorities and the central government were having to bear in regard to subsidies, and I do not think that the rents down there are very much lower than ours in any case, in spite of the fact that they are subsidized. So there is a very great deal to be said for the switch over to an economic rent, although we realize in some cases it is a burden on the African working man. The Government is quite prepared, and always has been, to subsidize services to African housing estates to the extent of 50 per cent; that is the installation of those services, the capital cost of roads, drains, water and so on. The local authority, Sir, will bear the other 50 per cent. In some areas this has been done—I am very glad to hear the assurance from the hon. Minister for Commerce and Industry that the Embakasi aerodrome is going ahead. (Laughter.) In some areas, as I say, this is done and in others it is not. In Nairobi the Nairobi City Council has not accepted that offer, but that, again, is up to them.

Now, Sir, I have a number of figures but I will not take up the time of the Council on these figures unless I am asked particular questions, which no doubt I will be, with regard to the breakdown of rent figures and so on. But I would like to touch on one aspect. In this particular housing scheme in Nairobi which I have been discussing, we are going to adopt the system of allowing African married men to take in lodgers if they so wish. In fact, the houses are designed as houses for married people with one large room, with a sleeping alcove where the man and his wife and child can sleep and use the other part of his large room for living, and another double room which he can let if he so wishes. It is so designed that the lodger need not disturb the house owner, or tenant, going backwards and forwards to his room and the lodger will have his own cooking facilities. So, in that way, it will be possible for, what shall I call him, the stable African married man to rent the whole house and sub-let a room to lodgers and thus help

him in his own rents. I personally think that it is a good system, although it can be carried too far. It is a system that is in force in every country in the world. If a young man comes to a town in Europe or in England to work, he does not go and put up in a hotel; he goes round and finds a room and lodges with a family. Also it can lead—and I hope it will in this case—to the lodger paying for his laundry being done by the wife, maybe the cooking and so on, and in that way the wife, too, can bring a little bit more into the family budget. So these houses have been designed to that end and I believe that, if properly administered, this will go quite a long way to help the married man in the urban areas.

Now, Sir, although the Central Housing Board does only deal with Africans, I would like just to mention quickly that European and Asian housing are not forgotten by the Ministry and, indeed, we try our best to help the local authorities to put them up and to help the lower paid Asians and Europeans. It might be of interest for hon. Members to know that loans have been made from the Local Government Loans Authority to different local authorities to the extent of £103,000 for European council housing, and £107,000 for Asian council housing. That is a number of different local authorities. In that sphere, I do hope that this particular technique that has been worked out—I am not claiming that it is new because the hon. Member for Nairobi West has already told me that it was tried out some 50 years ago, I think, in England. It is not a new technique but we have tried to adapt it to our conditions here, and I hope that this technique may well help to reduce the cost not only of African housing, but of European and Asian as well. So, when we have had our tests on this, and have started and proved to ourselves that it is successful—as I am sure it will be—then we will go ahead trying to adapt it, not only to housing, but to other types of buildings as well where reduced costs are required.

In this regard, I want to thank the Public Works Department and I cannot remember the proper name now—what was the N.I.T.D. at Kabele for their great help in testing and helping us in regard to these pumice slabs, which, of course, are the basis of the new technique. They have

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been very helpful to us and only the other day I went up to see the classroom which was erected by the N.I.T.D. staff at Kilimani, which is really the first building erected in this design in Nairobi, and I was very impressed. It can be improved, the walls can be smoothed off a bit and so on, but the Education Department seem to be very pleased with it, and the children seem to be very happy in it. Well, Sir, as I say, I do want to thank the Public Works Department and specially the Materials Branch who have been testing all our materials for these houses, and are continuing to do so, and also the N.I.T.D. But mostly, I want to thank and give real credit to Mr. Thornley Dyer. (Hear, hear.) Now, Mr. Thornley Dyer was the architect, as hon. Members know, of this building in which we are now. I know that some hon. Members anyway felt it took a little getting used to, but, personally, I myself think it is one of the nicest buildings in Nairobi and certainly very functional. Mr. Thornley Dyer, with all his great knowledge and experience and terrific energy, really has been the author of what we call the Ministry Scheme. I do not want anybody else, but him, to have the credit for it.

Well, Sir, the main problem that we have to face in regard to housing in Nairobi and in Kenya is that of increasing demand and increasing costs. What we are trying to do is, by the use of local material, to be able to reduce the costs, and, by the use of different techniques of construction and erection, to speed up the actual building on the ground. We are trying by economy in design and economy in manpower to reduce the cost also. That, I think, is the only way in which we can really tackle this problem and it is not one that is going to be solved by this scheme or any other scheme. It is going to be a continuing problem, requiring continual research and continuing imagination.

Sir, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

MRS. SHAW: Mr. Deputy Speaker, Sir, I should like to congratulate the hon. Minister on a most interesting and de-

tailed survey of his work in this department, made up of the most difficult circumstances. I would like to appeal to the hon. Chief Secretary—as he seems to control most things on the ground—to ask if he could not have some control in the air over Nairobi. (Hear, hear.) Because it seems to me that for the hon. Minister to have to be interrupted about ten times by one plane, or possibly two planes, is rather disgraceful.

I want to congratulate the hon. Minister and the staff of his department on the tremendous strides made and on the way they have tackled this very pressing problem of housing. For, on the outbreak of the Emergency, I seem to remember—I may not be entirely correct in my figures, it is a longish time ago—that it was stated in this Council that there was something like 20,000 Africans homeless at night in Nairobi and a lesser number in Mombasa; certainly there were a tremendous number of people without housing who were in regular jobs, not the vagrant class, but who were in regular jobs in this City and in all our towns for that matter. So it is very heartening to know that African housing is going ahead at such a rate and that a building scheme has been devised which will produce as many as six houses a day.

I think the owner/occupier scheme is an absolutely excellent one and I am glad to hear that there has been provision made for taking in lodgers or sub-letting a room. But I should like an assurance from the hon. Minister, that this subject will be under some control. I would like to know what control Government has on the sub-letting of a whole house by the owner/occupier or the resale of a house for that matter.

I was delighted also to hear that the houses have gardens and that they are being built on the plan of latter housing estates in England which are being built round a communal bit of land with shade where the children can play in some sort of a communal garden, and not on the soul-destroying plan of rows and rows, which were the original plan of those council houses in England, because the latter council houses planned in England are very much more attractive and, I think, give people much more pride in their little centre or community than if the houses are built in the style

[Mrs. Shaw]

of the rather soul-destroying rows and rows of unattractive houses.

I beg to support.

MR. GIKONYO: Mr. Deputy Speaker, Sir, I wish to join hands with the gracious lady from Nyanza in congratulating the Minister for Housing for the very full review he gave on African housing.

I wish, first of all, to confine myself to Nairobi, which I know best. The Minister, just as we others, realizes that there is a very serious shortage of accommodation for African workers in Nairobi. As a result, there is very serious overcrowding. It is most gratifying to know that the Government, in conjunction with the City Council, are taking steps to build more houses to accommodate the Africans who live in Nairobi, but I do feel that still greater effort should be made so as to clear the backlog in the housing shortage. I very much doubt whether these 5,000 houses, which are estimated to accommodate 25,000 Africans, will clear that backlog. There is no question that there is a very large number of Africans genuinely employed in Nairobi who have no homes, and I feel that a greater effort should be made first of all to clear the backlog and thereafter to build houses as the need arises.

The Minister said that if this accommodation for 25,000 Africans is built, it will amount to exactly double the present accommodation, but, as I say, I very much doubt whether every African working here will be accommodated. I feel that this is a matter of great importance that every person who is genuinely employed in Nairobi should have a house, otherwise the question of overcrowding will never be solved.

I feel, Sir, that in our future planning for African housing we should aim at family houses and not bachelor houses, because what we consider to be bachelor houses are, in fact, married quarters. You will find three people put in one room as bachelors, but, in actual fact, there are three families living in that house and overcrowding is more serious than many people think.

The Minister talked about Africans taking in lodgers. It is a very good idea, but, as far as I know, it is a foreign thing to Africans in the way of life.

Usually Africans want to live either as a family or as a bachelor, but, as conditions change, I feel that perhaps some Africans will find it suitable for them to take lodgers so as to reduce their rent commitments. I can only hope so.

I personally do not like a non-traditional method of construction, but as it is usual to take the advice of experts and I have nothing very much to say in this regard. All I say is that I hope that these 5,000 houses when built in non-traditional methods will prove to be good houses.

I want to talk very briefly about the rents. I think this question of rent should be reconsidered and very seriously, too. As the Minister knows, the rent charged by the City Council in respect of their African houses is causing a great hardship to quite a number of people. In less than two years the City Council have revised these rents and the result is that many people can ill afford to pay these rents without ruining their standard of living. In most cases the rents take a very large proportion of the earnings of the individuals and I think it is a matter that the Minister should consider.

I want to read, with your permission, Mr. Deputy Speaker, a paragraph of a letter which was addressed to the Minister for Local Government and Housing by the chairman of the Kaloleni Village Council dated 12th May. He says: "The African tenants in Kaloleni Estate are finding it more and more difficult to pay the present monthly rent as revised by the City Council". It is quite clear that a lot of people pay these rents because they have got to pay. I know many people just pay these rents and they have no food for half of the month and they depend on borrowing and I think it is a very serious matter. I hope that the Minister, in conjunction with the City Council, will do something and reduce these rents so as to lessen the hardship of these Africans.

I do not understand, and I am sure quite a lot of other people do not understand, for instance, why a tenant who lives in Kariokor, which was built in early 1920, pays the Sh. 13 per bed space just as a tenant who lives in Ofafa Estate, which is under construction, and it is not completed. I cannot understand. The City Council say they

[Mr. Gikonyo]

adopt the policy of averaging rent so as to even the cost of building. I do not agree with that policy. A man who lives in an old house pays the same rent as a man who lives in a modern house. It is most unfair on the part of the first tenant, and I want to know the economic rent, based on the cost of the construction of Kariokor, and the one based on the cost of building the Ofafa Estate. Then, with those two figures, we can deduce the amount of subsidy, the former subsidizes the latter. I feel that if the City Council do not want a subsidy I do not see the point of imposing the subsidy on the African tenants, because it amounts to nothing less than that.

In conclusion, Sir, I would like, once again, to appeal to the City Council and the Government to consider reducing these rents. There can be no doubt that a lot of people are being forced to hardship and again, although these rents are charged to the African tenants, the standard of service which is provided is very poor indeed. Look at the roads in the locations. The conservancy is deplorable and I feel that they cannot have it both ways: get the rent and not provide good services.

Mr. Deputy Speaker, I beg to support. (Applause.)

DR. HASSAN: Mr. Deputy Speaker, Sir, I rise to congratulate the Minister for Local Government for giving us an excellent review of the housing position of Africans, particularly in this country, and I quite agree with him that the Central Housing Board should include all communities and an amendment to that Act will be welcomed by this Council.

The biggest programme of providing accommodation for 25,000 people in Nairobi and quite a few thousand in Mombasa is welcomed by us all. What I wanted to suggest is whether consideration has been given that these new housing schemes, particularly for Africans in the first instance, are not based on tenant-purchase schemes. What I feel, Sir, in these large towns a large influx of Africans is coming to provide labour and other requirements and it is our intention to see that when they do come into these towns they improve their

social standard and, when their children come, they also learn the better way of life here: enter into schools and so on. When, having made use of the top life, it is not desirable that, because of housing conditions, they should be forced to go back to the reserve. Their conditions may differ materially, but if you help and assist them and stabilize the labour of this country, at the same time help and assist them to learn more and more of the better way of life in this town and to educate their children. Has consideration been given to this fact that these new housing schemes are based on the tenant-purchase line so that rent, together with a little interest charged from them, is counted towards the actual cost of that house, so that in course of time that African will consider himself the owner of that house? This will encourage and help and assist people—Africans particularly—to appreciate and prefer the urban life.

The scheme which the Minister mentioned at Changamwe—I wonder if he mentioned the same scheme which the townspeople of Mombasa suggested should be applied to all communities—or at least to include lower-income group Arabs and Asians here. We have a considerable number of lower-income groups in Mombasa and, due to the modern development of this town, and demolishing of the old houses, they are now without houses and it is a problem which is facing Government and the townspeople of Mombasa to provide accommodation for them. Are they included in that scheme?

The housing schemes at Kitale, Nakuru, Kisumu and Kericho, if based on the tenant-purchase line, will stabilize the African population there and help and assist in the requirements of the townspeople so far as labour and other things are concerned. I hope the Minister, if he has not given any consideration to this fact, will consult his advisers and see if this thing could be brought about to bring a revolutionary change in the housing position of the Africans.

I beg to support the Motion.

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, it appears from the speech of the hon. Minister that the Ministry has a firm grasp of the problem of

[Mr. Chahan Singh]

housing in Kenya. It also appears that the Ministry is doing whatever it can to alleviate the difficulties of the employed classes. I think, Sir, the African population can be divided, from the point of view of housing, into two or three classes.

The first class consists of the manual workers. Their wages are likely to be small for some time to come and I think the essence of the problem in their case is to bring the cost of housing within their reach. I know that experiments have been made to find as cheap a type of house as it is possible. I think that those efforts should continue because in their case, as I say, Sir, it is necessary to provide housing for which they can pay. I agree with the hon. Minister that housing should be an economic service. It should be possible for even the working classes to pay for their accommodation out of their wages. When we have the scheme of adult wage working in the white-collar workers. This class, I feel, can pay the economic rent of their housing. In their case, we should try to build better types of housing which will be consistent with the social status and the dignity of this new class. It is satisfactory to note that the Ministry is doing whatever it can to provide suitable housing for this new African middle class.

The second class, Sir, consists of the white-collar workers. This class, I feel, can pay the economic rent of their housing. In their case, we should try to build better types of housing which will be consistent with the social status and the dignity of this new class. It is satisfactory to note that the Ministry is doing whatever it can to provide suitable housing for this new African middle class.

Well, Sir, the third class, which is a very small percentage of the total African population, consists of the new business community among the Africans. If the Emergency had not been forced on the Colony, I am sure that this prosperous class would have increased in numbers. The progress in that direction has been arrested by the Emergency, but in any case that is another class which we must have in mind. I think they should be enabled to build houses for themselves. It should be possible to set aside land at reasonable prices for this new class of the African population so that they can build their own houses.

The hon. Minister also touched on Asian and European housing. So far as

Asian housing is concerned, my own view is that the problem is not money so much as land, because the Asian community has a habit of owning its own houses as soon as possible. As soon as an Asian has £500 in his bank account he wishes to build his own house. He borrows the balance from the building society or from some rich merchant. I believe a vast majority of Asian houses have been built this way and the owner continues to pay from his monthly income the cost of the house by instalments. Whatever the Ministry can do, and I know it is doing a lot to build houses and to rent them to the employee classes among the Asian community, should be done, but largely as I see it, Sir, the problem is the problem of land and whatever assistance the Ministry can give in that direction will be very welcome.

I beg to support.

MR. TAMENO: Mr. Deputy Speaker, Sir, I only wish to raise one point and that is the fact that according to the Lidbury Commission Report, the rents which the civil servants have to pay depend on the type of house which they live in. Now I find, Sir, that some people have complaints; they happen to have a two-bedroomed house and a sitting-room without having the proper completion of the house. I mean things like the ceiling or conveniences, and they happen to pay just as much as other people who live in such houses with all these conveniences.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: On a point of order, Mr. Deputy Speaker, this particular matter of civil servants' housing does not come under my Ministry, Sir. It comes under the Chief Secretary.

MR. TAMENO: Well, Mr. Deputy Speaker, Sir, in that case I do not wish to speak. (Laughter.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call upon the hon. Member to reply.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, Sir, I am sorry I had to rise on that point of order to the hon.

[The Minister for Local Government, Health and Housing]
Member but I just cannot tell him anything about that particular aspect. I am sure the hon. Chief Secretary will answer his question.

Hon. Members have been very kind, Sir, in their remarks about our efforts to provide housing and the efforts of the Ministry, and I do thank them for it.

The hon. Member for Nyanza was a little bit worried, I think, about the resale of houses and the control of sub-letting with regard to lodgers. It raises a very big problem. First of all, with regard to control, there is no doubt at all when we launch out schemes of this sort there has to be a very good administration of such estates and control of the number of lodgers and so on. That, the Government has very much in mind and we are trying to work out, in conjunction with the City Council, the methods of such control.

With regard to the resale of the house under these schemes, there have not been any demands yet for resale; there is no laid down control as I understand it, but I will have to check; I believe that there is ultimate control which remains in my hands so that people cannot just, when they are still owing money, they cannot make quick profits, especially as the land has been provided, in these cases, by the Government at a very nominal peppercorn rental.

The hon. African Representative Member, Mr. Gikonyo, raised a number of points and he emphasized, first of all, the overcrowding in Nairobi and, of course, I do agree with him. We recognize that there is overcrowding although, at the moment, we do not know exactly how much. There is in view a survey, one might call it a pilot survey, which my Ministry is trying to organize with the help of other Ministries to find out a number of facts on which we have little or no knowledge with regard to the urban population. We want to know how many people are married, how many children they have, how many rooms are being occupied by three families instead of three bachelors and so on. I hope, Sir, that survey will take place in the very near future which will give us rather a better basis for our future plans. But from what we can guess, more or

less, we feel that the present overcrowding in Nairobi, which again I would stress varies even from month to month, but the present overcrowding may be to the extent of some 25,000 people and, therefore, that the provision of accommodation for 25,000 under this new scheme is only catching up on backlog. I did say when I introduced the Head Sir, that this is, and we fully realize, a continuing problem. By completion of this scheme of 5,000 houses in Nairobi we are not going to solve the problem altogether and there is no doubt that it is a matter of backlog, and then we will have to plan again according to the circumstances and the number of people that are requiring housing at the time. It is a matter that one cannot plan specifically many years ahead, it depends entirely on the development of the particular area concerned. If a number of factories suddenly come to Nairobi requiring a lot of labour, there again more housing will be required and so on. But I can assure him that we do not think that by putting up these 5,000 houses we have solved the problem for good; it certainly is not so.

I was interested in the remarks the hon. Member made, Sir, that he felt that every African genuinely employed should have a house and I entirely agree with him. That is the basis of the allocation of houses and of permission to be in the City which he himself seems to stress—that is that they should be genuinely employed. Naturally there must be an unemployed pool to some extent of those just looking for jobs or just changing jobs, but I agree, and most sincerely agree, with what he has laid down himself that only those genuinely employed should be allocated a house.

I was interested to hear from the hon. Member that lodging is foreign, a foreign idea to Africans. I think it has already been a fair success in some cases and I only hope, as he does, that with the very changing type of life that the urban African is now living, compared with what he used to live in his own rural areas, I am quite certain, in fact, that this idea will be adopted with alacrity.

Also the hon. Member was not very happy about the non-traditional method of construction, but it is the only answer

[The Minister for Local Government, Health and Housing]

and really, one has got to be non-traditional in a non-traditional country. It is what we have not done sufficiently in Kenya; to find out the best use of our own raw materials; Just because stone may be a good thing to build with in, say, Arbroath, it does not necessarily mean to say it is a good thing to build with in Nairobi and we have got, I think, to explore every possibility with our own raw materials; I recognize, of course, that he feels that non-traditional materials might lead to a certain impermanence, but that is all being tested by the experts and we have to take their advice, as he said himself. I am quite certain in my own mind, that this non-traditional type of construction of which I did not really give him details—it is a frame of reinforced concrete with a filling of concrete and pumice concrete slabs. I am quite certain that we will find they are almost as perfect as anything else.

ADJOURNMENT

THE DEPUTY SPEAKER: It is a convenient time to take the adjournment.

Council will stand adjourned until 2.30 on Tuesday, 7th June.

Council rose at thirty minutes past Twelve o'clock.

Tuesday, 7th June, 1955

Council met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The Weights and Measures (Amendment) Rules, 1955.

The Weights and Measures (Sale and Importation) (Amendment) Rules, 1955.

(BY THE MINISTER FOR COMMERCE AND INDUSTRY)

ORAL NOTICES OF MOTIONS

SUPPLEMENTARY ESTIMATES No. 9 of 1954/55

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that a sum not exceeding £1 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 9 of 1954/55.

MAIZE SUBSIDY—WRITE-OFF

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

WHEREAS, in pursuance of resolution of the Legislative Council agreed to on the 30th August, 1950, and the 17th July, 1951, advances amounting in all to £111,459-19-95 and to £4,629-18-35 have been made to maize growers and to wheat and barley growers respectively;

AND WHEREAS provision was made by the Maize Subsidy Repayment Ordinance, 1951, for the repayment of the said advances to maize growers, but no repayment of the said advances to maize growers had been effected when the operation of the said Ordinance was suspended for so long as

(The Minister for Agriculture, Animal Husbandry and Water Resources) the Increased Production of Crops Ordinance, 1942, remained in force;

AND WHEREAS no provision has been made for the repayment of the said advances to wheat and barley growers;

AND WHEREAS the Increased Production of Crops Ordinance, 1942, will be repealed on the coming into operation of the Agriculture Ordinance, 1955;

AND WHEREAS it is not expedient now to demand repayment of the said advances:

BE IT THEREFORE RESOLVED that this Council approved that the said amounts of £111,459-19-95 and of £4,629-18-35 be written off.

**SUGAR CONSUMPTION TAX ORDINANCE—
CONTINUATION IN FORCE**

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I also wish to give notice of the following resolution:

BE IT RESOLVED that the Sugar Consumption Tax Ordinance (Chapter 271 of the Laws of Kenya) shall remain in force until the thirtieth day of June, 1956.

BILLS

FIRST READING

Municipalities (Amendment) Bill

(The Parliamentary Secretary to the Minister for Local Government, Health and Housing)—Order for first Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Distribution of German Enemy Property (Amendment) Bill

(The Minister for Legal Affairs)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Tax Reserve Certificates Bill

(The Chief Secretary)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Accountant General (Transfer of Functions) Bill

(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Egerton Agricultural College Bill

(The Minister for Agriculture, Animal Husbandry and Water Resources)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Accountants (Designations) (Amendment) Bill

(The Minister for Commerce and Industry)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Transport Licensing (Amendment) Bill

(The Minister for Commerce and Industry)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Branding of Stock (Amendment) Bill

(The Minister for Agriculture, Animal Husbandry and Water Resources)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Maize Subsidy Repayment (Repeal) Bill

(The Minister for Agriculture, Animal Husbandry and Water Resources)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Medical Practitioners and Dentists (Amendment) Bill

(The Minister for Local Government, Health and Housing)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Kenya European Civil Service Contributory Pensions Bill

(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

COMMITTEE OF SUPPLY

VOTE XXVI—HOUSING

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

Debate resumed.

THE DEPUTY SPEAKER: When Council adjourned on Friday the Minister for Local Government, Health and Housing was replying to the debate on the Order Paper and he will now resume.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I was dealing with the points raised by the hon. African Representative Member, Mr. Gikonyo, when we adjourned last week. The main complaint he had was the level of rents in Nairobi. It seems I am going to be unlucky with aeroplanes again.

Sir, I should like to deal with that complaint to some extent. Firstly, I would like to say that for the bachelor, the unmarried man, in Nairobi, his rent is not a burden on him in that the element of housing is the minimum wage has risen according to the rents charged, so, so far as the single man is concerned, he is not suffering under any particular handicap and, in fact, he gets Sh. 13 from his employer on the minimum wage, and he pays Sh. 13 for a single accommodation. But, of course, there is, and I recognize it, a certain burden on the married man. I think I stated previously that the figure one must keep in mind is that some 78 per cent of the houses in Nairobi belonging to the City Council are for the accommodation of three persons, so that in the great majority of the houses in Nairobi, a married man, if he wishes to have a room to himself and his wife and thereby have a certain privacy, has to pay the economic rent for accommodation for three people. Well the accommodation is based on Sh. 13 per person, so this man would have to pay Sh. 39 for that room. That I recognize is quite a difficult burden and it is because of that that we have gone ahead in the Ministry with this new scheme to provide more housing on the one hand, and also to provide a type of housing where the man need not pay for three spaces, but can pay for two, which I think is really, when

we are moving towards the married man's accommodation, a better unit.

Well, now, Sir, the hon. Member pointed out that rents had risen very considerably, and I think he took Kaloleni estate as an example. Well I would like to take that also as an example. The rents have risen very considerably. In 1946, rents in Kaloleni ranged from Sh. 10 to Sh. 22 for a room, a house; to-day, they range from Sh. 39 to Sh. 78; and I would like to give some of the reasons for it. When Kaloleni was built in about 1946, first of all there was a capital subsidy provided by the Colonial Development and Welfare Fund of half the capital cost of that estate. That was of very, very considerable help. This also applied to locations such as Shauri Moyo, Bondoini and Ziwani. At that time, the remaining capital money required to build that estate was borrowed by the City Council at a 3 per cent rate. To-day, borrowings are 4 per cent and over. New borrowings may be very much over. At the time, 1946, building costs were Sh. 10 a square foot. To-day, they are Sh. 27 a square foot according to the latest tenders which have been received by the City Council. Within the rent element, within the rents charged to Africans, the services, or many services, are also charged. The man pays a definite figure for his rent, and that includes water, conservancy, repairs and renewals, administration and so on. Well, Sir, all these things have doubled and sometimes trebled in cost. Water and conservancy have gone up three times over 1946; administration has doubled; repairs and renewals are more. Now, Sir, why have these particular services gone up so high? It is an interesting fact to note that once again we get back to our vicious circle. Administration, conservancy, the removal of rubbish and so on, nearly all depends on manpower, and it is the wages themselves—the rise in wages—based on Sh. 13 per person, so this man would have to pay Sh. 39 for that room. That I recognize is quite a difficult burden and it is because of that that we have gone ahead in the Ministry with this new scheme to provide more housing on the one hand, and also to provide a type of housing where the man need not pay for three spaces, but can pay for two, which I think is really, when

[The Minister for Local Government, Health and Housing]
 in 1947 to Sh. 31 and Sh. 38, also inclusive of house allowance. In 1948 it rose to Sh. 35, plus Sh. 5 for house; in 1950—Sh. 37, plus Sh. 5; in 1951—Sh. 38/50, plus Sh. 5 and then Sh. 42, plus Sh. 5; in 1952 we had four jumps—Sh. 43/50, plus Sh. 5, Sh. 43/50, plus Sh. 6/50, Sh. 48, plus Sh. 6/50 and Sh. 50 plus Sh. 6/50; in 1953 it went to Sh. 52/50, plus Sh. 7; in 1954—Sh. 62/50, plus Sh. 11 and in 1955—Sh. 71/50, plus Sh. 13 and to-day Sh. 75 minimum wage, plus Sh. 13 house allowance.

Now, those are interesting figures which I think hon. Members should recollect. Between 1946 and 1955, the minimum wage, inclusive of house allowance, has risen from Sh. 28 to Sh. 88.

Now, Sir, that does, to some extent, give the reason why the services, anyway, are more expensive and certainly also the reason why building is more expensive. I have just quoted the cost of Sh. 10 in 1946 to Sh. 27 to-day. The cost of wages themselves have been a great factor in that rise.

Now, I know very well, Sir, that the hon. Member wonders, and quite a number of Africans wonder, why they have to pay more to-day—apart from the direct increase in costs, such as services—over the cost in 1946. The policy of the City Council has been to average out the cost of rents in Nairobi. Now, to my mind this is entirely a right policy and a right procedure. Just because people were lucky to get a house in 1946, which was built so much more cheaply, subsidized, etc., we cannot retain the rents at that level, even if it did include the increased services cost, because the rents of to-day's houses—the houses that are built to-day—would be so high, if we did that, that they would be completely out of the reach of the majority of the Africans. So, the City Council have averaged, and the cheap building costs of 1946 and the subsidies of 1946 have gone towards the reduction of the economic rents of to-day's houses at to-day's prices. There were four estates built up to 1946—Kaloleni, Ziwani, Shauri Moyo, Bondoni—and if the rents had been left at the prices they were paying when they were built—the rents they were paying—it would mean a subsidy to the extent of £45,000 or over. That would include the

increased cost of services. If—I will give you another figure—the rents of those particular estates were left at the same level, including the increased cost of services, as charged in 1946, the bed-space rents in new estates would be Sh. 17/50. Now, if you multiply that by three, that will come to, I think, about Sh. 54—something round there—for one room of three bed-spaces, as against Sh. 39 to-day. That gap between the Sh. 54 and the Sh. 39 is how the old estates subsidize the new ones.

The Africans are subsidizing the others, the hon. Member says. It is the Africans, of course, subsidizing the Africans. In fact, it is their own people subsidizing each other. I suggest it would be completely outside the bounds of possibility to charge a Sh. 55 rent for a three bed-spaced room. I will give another figure which may answer the hon. Member's question. If all the rents, apart from direct service charges, were kept at the 1946 level, it would mean that there would have to be a subsidy of at least £110,000, and, if the present houses that I am considering building—500 houses—were also kept at the 1946 level, it would mean a subsidy of a quarter of a million pounds. That, Sir, is what the Government on the one hand and the City Council on the other cannot face—that heavy subsidy, although with regard to subsidy, the Government is prepared to go some way.

The averaging, Sir, which I have described, cuts both ways. I hope hon. Members—especially hon. African Members—will recognize that. If it is possible for us, with this scheme that we are putting into effect, to charge an economic rent of less than Sh. 13—and it certainly is possible, although I will give no promises—if, for instance we could work out the rent at Sh. 11, then that rent would be averaged over all the estates and the present rents of the present estates would be reduced. So it does cut both ways. If costs go up, it helps, and if costs go down, it helps.

Sir, the hon. Member also stated that he thought that the standards of services were very low in the African locations. I would not say that they are perfect by any means at all. The City Council is now launching on a programme of conversion from bucket latrines to individual flush lavatories, which

[The Minister for Local Government, Health and Housing]
 will cost a lot of money, and they have already, as the hon. Member knows, put in a lot of new street lighting and have a programme for further street lighting. It might be of interest for hon. Members to know that they have spent £160,000 on street lighting in the last few years, and they plan to spend another £150,000 in the next couple of years or so.

Roads was one matter I think the hon. Member mentioned, and that at the moment roads in the location areas are mostly murrum. That is true. It may not be realized that it would cost £10,000 a mile to convert those murrum roads into tarmac, and I do not think that there are a very great number of vehicles which use them—that is, the estate roads; the main roads, of course, are different—£10,000 a mile and there is something in the region of 20 miles of roads in the locations. So one would envisage an expenditure of some £200,000 to bring it up to tarmac standard. That again, Sir, in the very stringent period that we are going through financially, I personally do not consider justifiable.

I do want to complete my remarks, in regard to the hon. Member's criticisms and complaints, with this; that I and the Ministry and the Government fully recognize the problems of the Africans with regard to rents. We really quite sincerely are extremely sympathetic and this particular scheme which is going to be launched is, I think, an example of our good will. The other matter is that even now we are considering the raising of the element in the minimum wage for house allowance to try and relieve the burden. As hon. Members know, the Government have accepted that, through the Carpenter Committee Report and the White Paper thereon, Government will move towards a married or adult wage over a period. That will apply, not only to the wage itself, but also to the housing element in the wage. If hon. Members have read the White Paper, as I am sure they have, they will note that Government said that they will move, with regard to the housing element in the minimum wage, towards the adult standard, or married standard, quicker than with regard to the wage itself. In other words, the Government have recognized that the housing problem of the

African is priority even over the cost of living itself—the other elements of the cost of living. So, therefore, the hon. Member may expect, I think, in the fairly near future, an announcement that may warm the cockles of his heart.

Sir, the hon. Member for Eastern Area, Dr. Hassan, mentioned the matter of tenant purchase and especially with regard to Asians down at the Coast. The situation with regard to the Changamwe housing scheme at Mombasa is that, at the discretion of the Mombasa Municipal Board, any of those houses can be tenant purchase houses. It is up to them to do it, all except the bachelor hostels. Plots are being provided at Changamwe for the middle income group of all races, so the Asians are being looked after in that regard. As I have stated in moving these Estimates, Sir, the Central Housing Board is still African, but I do hope that we may be able to convert it to high density housing.

I think he asked me for the figures of the accommodation supplied at Changamwe and the first scheme, which is now going ahead, will accommodate 4,000 people, whilst Changamwe II, which will be put into effect when the first phase is completed, will house 3,000 people.

The hon. Member for Central Area, Mr. Chanan Singh, mentioned the matter of the two categories of Africans who require two types of houses. The first, we have dealt with, and the second—what he has described as "white collar workers"—I do not know if it is a very good description these days, but there it is—and I merely want to say that probably on the old race-course there will be a pilot scheme for some 50 houses of a good design and rather higher standard for higher class Africans. It is only a pilot scheme. I hope that they will be on a tenant purchase basis. They will not, of course, be subsidized, but will provide a very much better type of accommodation for that class. At the same time, Government is trying to find further areas to exploit—or rather to develop—for this type of housing and also finance for it. As I say, these types of schemes will be economic; there will be no subsidy in them, and we hope that because they are economic there might be a chance of finding the money.

[The Minister for Local Government, Health and Housing]

The hon. Member said that the greatest difficulty with regard to Asian housing was not so much the shortage of housing as the shortage of land on which to build houses. Only in one area has this particular problem been brought to my notice and that was in Eldoret, and I understand that that has now been met and that land has now been made available. If there are other areas in which there are shortages, if any hon. Member would like to bring me details, I will go into them.

Now, Sir, I do thank hon. Members for the kind remarks they have made in this debate. I also thank the aeronautical gentlemen for the way they have appreciated my debate! I only wish to re-emphasize what I have said at the beginning that the housing problem cannot and will not be met by just one scheme or by two. It is a continuing problem, varying according to the demands of the different areas, varying according to the economy of the country. Therefore, we have to face it and meet all the different problems as they arise.

Sir, I beg to move. (Applause.)

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XXVI—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND HOUSING

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move:

THAT a sum not exceeding £116,060 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXVI—Ministry of Local Government, Health and Housing.

Question proposed.

Office of the Minister for Local Government, Health and Housing

Heads A, B and C agreed to.

Services Under the Authority of the Ministry of Local Government, Health and Housing

Head 1 agreed to.

Head 2

MR. TYSON: Mr. Chairman, in connexion with African housing generally, there is only one warning—I do not know whether this is the place that one ought to raise it in. That is in connexion with the African housing problem generally.

THE CHAIRMAN: The hon. Member's remarks must be confined to a particular item. If it is related to something on page 160, under A or B, it would be in order, but if it is on general policy, it would not be in order.

MR. TYSON: Well, could I bring it up, Sir, under 160, item B (2)—African Housing?

THE CHAIRMAN: I am afraid it must relate to a particular item. The policy debate was the correct time to bring up a matter of general policy.

Head 2 agreed to.

Miscellaneous Services

Heads A, B and Z agreed.

The question was put and carried.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, Sir, I beg to move that the Committee do report to Council its consideration and approval of Vote XXVI—Local Government, Health and Housing, and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that the Committee of Supply has considered and approved the Resolution that a sum not exceeding £116,060 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXVI—Local Government, Health and Housing.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XXII—VETERINARY SERVICES

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair in order that Vote XXII—Veterinary Services—can be discussed and the appropriate supply approved.

Mr. Deputy Speaker, Sir, as in the case of the Agricultural Estimates, I began my remarks by giving comparative figures of estimated provisional expenditure for the services from 1951 onwards, and I would like to do the same thing in the case of this Vote.

Sir, in the year 1951, the estimates of expenditure amounted to £377,770, of which we actually spent £345,000. In 1952, the estimates were £423,365 and the expenditure was £399,000. In 1953, the estimates amounted to £448,527 and we spent about £410,000. In 1954, last year, our estimates were £494,264 and the estimates which are before hon. Members now amount to £541,035. If you exclude the Hides and Skins Services, financed directly from the cess which is imposed on hides, the amount that we have asked for this year is £490,373 or about £4,000 less than we asked for last year. Of this estimate of provision that we are asking for now £50,000 is accounted for by the effect of the Lidbury Report. So, roughly speaking, making allowances for Hides and Skins Services, the estimated expenditure of the department is very close to that we asked for last year.

It will also be noted, Sir, that the direct revenue earned by the department has increased from £63,809 in 1950 to

£108,792, which is the estimate we put in, for this year's Budget.

Also, Sir, as in the case of the Agriculture Department, the expansion which we have made has been concentrated mainly on research and field services. Now, as during the past five years the Ministry's headquarters expenditure has about doubled itself, that research and field service is very nearly three times as much.

The development of the livestock industry of the Colony during the post-war period has, I think hon. Members will agree, been very marked, even though Government has been criticized, of course, for not giving the livestock side of agriculture sufficient support.

Milk production has increased since 1945 from about 5,000,000 to nearly 10,000,000 gallons. During the same period, butter production has gone up from 5,000,000 lb. to 9,000,000 lb. Dairy and pig production has increased from £238,000 to £626,000, and the value of stock purchased by the Kenya Meat Commission since its inception has increased from £730,000 to £1,392,000.

The importance of the Veterinary Department activities at such stations at Kabete and Naivasha and in the field in connexion with the expansion of this industry can hardly, I think, be over-estimated.

Here, Sir, I would like to say something about our work in African areas. The general picture, of course, is that there is a steadily increasing demand for the class of cattle that is produced in the pastoral reserves. This demand comes from the Kenya Meat Commission which obtains its slaughter stock through the African Livestock Marketing Organization and from the large consuming areas in the African reserves, where there is, of course, a steadily increasing demand for meat and, but for the emergency, there would be an immensely increased demand for meat.

In 1954 the total number of slaughter stock handled by the Kenya Meat Commission was 75,000 head, which compares with approximately 55,000 in 1951. Of the total of 75,000 head, 30,000 were produced from the African reserves. This figure of 30,000 cattle purchased by the Commission through, as I say, the

[The Minister for Agriculture, Animal Husbandry and Water Resources]. African Livestock Marketing Organization during last year, I would stress represents only a very small proportion of the total number of African slaughter stock we are taking out of the reserves at the present time, because a lot of it is sold for slaughter and consumption in the African consuming areas.

The Commission's latest estimate for the annual requirements of African-produced cattle is 45,000 head and we are opening a canning plant, which is going to open immediately now, and assuming it operates for nine months of the year, this requirement will be increased to 65,000 head per annum.

In general, Sir, it would seem that we are now beginning to get near the stage when we are taking off, and in many cases from very over-stocked areas, about the natural increase per annum. It is a very considerable step forward from, as hon. Members will recollect, the position as it was some years ago. But, Sir, it is not only essential to step up the tempo of marketing and sales; it is essential to take all possible steps to increase the quality of the cattle by, of course, improved water supplies, controlled grazing and local ranching and stock improvement schemes.

As hon. Members are aware, we have started quite a number of ranching schemes operated by African district councils under control of the department. As these schemes develop, we hope that a better quality of African stock will come on the market in increased quantities. I would also like to draw attention—although most of the provision is in the Development Estimates—to the work that is done by our Stock Improvement Centres in the African areas. We are told—without wishing to appear complacent or to boast—that probably we are ahead of any other Colony, certainly of any other Colony in Africa, as regards this particular development.

These development centres are not only there for the purpose of trying to breed up a better type of animal but are, of course, chiefly there as examples of what can be done and to show Africans the type of improved animal from our own indigenous breeds which can be produced. They are also there, Sir, for the purposes of training and we run

a year course for Africans and we put through 125 Africans per annum on this year course. It is not very many, but at any rate it is a start, and I am told that it is a very satisfactory and thorough course.

Now, Sir, I would like to turn to the question of biological research, diagnostic and protective services, and the first thing I would like to mention is that I anticipate that there may be comments on the substantial increase in the cost of the purchase of vaccines, if you look at item 10 of D—Miscellaneous—on page 136, together with a very much reduced provision for the production of serum and vaccine under item I under C on the same page. I would remind hon. Members that this is due to the taking over by the East African Veterinary Research Organization of the rinderpest group of attenuated virus vaccines and the consequential increase for the purchase of those vaccines from that organization. I think, Sir, hon. Members are well aware of the whole of this arrangement and I can only add that the reports that I have received so far show that the handling over was very efficiently done and I would say that in my opinion it reflects considerable credit. It is a very tricky business this handling over. We failed on it the first time; but this time I think it has been successful—on Mr. Hammond when he was Director of Medical Services, and Mr. Blinn the Director of the East African Veterinary Research Organization.

Now, Sir, I feel that hon. Members opposite who have stock would probably draw my attention, if I do not anticipate them, and require some remarks on this very serious outbreak of foot-and-mouth disease that we have had in this territory. As we all know, the livestock industry has suffered a widespread and severe outbreak of foot-and-mouth during the last nine months. During the last few months—two years, at any rate—for the first time in Kenya a "Vallee O" type of virus was identified and the Kenya cattle population was very, very susceptible to this type of virus. It was first confirmed in an outbreak in the Masai area early in 1954 and it spread northwards until all the areas in the European Highlands became infected, with the exception of the Trans Nzoia. The picture, of course, is complicated throughout by the present

[The Minister for Agriculture, Animal Husbandry and Water Resources]. residual pockets of infection due to the "Vallee A" type virus left over from the outbreak experienced in the year before, in 1953. Well, we hope, Sir, that owing to recent improvements in methods of identifying foot-and-mouth viruses prepared by an institute in Great Britain, it is possible, and perhaps for the first time in this country, fairly quickly and accurately to determine the type of virus which causes any particular outbreak. This has enabled the department to use foot-and-mouth disease vaccine, imported from Europe throughout the farming areas, and efforts made by farmers assisted by the Veterinary Department have resulted in the use to date of about 160,000 doses of this vaccine imported from overseas. Vaccination has undoubtedly protected individual herds to a considerable degree and perhaps to some extent what might have been very heavy economic losses for the industry have, I repeat, to some extent only, been avoided.

We have in this country 700,000 head of relatively high-producing exotic grade cattle in the Highlands surrounded by between six and seven millions of African Zebu stock, in which the standards of management control are such as to render the quarantining of any outbreak of this extremely infectious disease almost impossible. The disease has six virus types which are different and against three of these types we have vaccines, and we have them in this country. But against the "Z.T.", the South African types, no vaccines, as far as we know, have ever been successfully prepared. Well, we have not yet got those types up here and I hope we shall not. But we do believe, in the present state of our knowledge, the only practical objective in the prevention of spread and the reduction of losses to a minimum as regards the types for which we have got protective methods is by the use of vaccine and beyond that I do not think we can go at the moment. I wish we could.

As hon. Members are aware there is a great deal of work on foot-and-mouth disease being done all over the world, in countries with similar problems to ours, and I have great hopes that some of that research work by some of the most

competent people that it is possible to find may be centred in this country. May, I say, be centred in this country. As far as the instance of foot-and-mouth in Kenya at the moment is, it would appear that the position is fairly static and no major new outbreaks have occurred during the last few months, only minor extensions of existing outbreaks continue to occur in odd districts. We have plenty of supplies of vaccine against both types "A" and "O" on hand at the moment.

There is one other activity which perhaps is worth mentioning by the research side of our Veterinary Department—the Kenya one—in that it looks as though we have now produced an effective vaccine against enzootic sheep pneumonia, a disease which has caused us great losses in this country, against which hitherto we have been unsuccessful in finding any prophylactic.

Well, Sir, your questions may arise over the research side, and I will do my best to reply to them.

Lastly, Sir, I would like to say something about the employment of Africans, because that matter was raised in the Agriculture Department debate. We have at the moment six African Veterinary Officers—I am talking now of qualified ones—ex-Makerere in the department. We consider ourselves under an obligation to recruit, and happily do so, any qualified veterinary student who presents himself from Makerere. Well, we have got six but the number offering so far has been somewhat disappointing. I do not know how many hon. Members may have seen the faculty at Kabete, where the Veterinary faculty is situated. It is a very modernly equipped building and I gather that the students that have been there so far have been contented and like it and I have great hopes that we may induce larger numbers to take this rather lengthy and difficult course, because we badly need more African veterinary officers if we can get them.

Sir, with those remarks I beg to move that Mr. Deputy Speaker do now leave the Chair in order that the provision of £490,373 be discussed with the view to granting it to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956.

I beg to move. (Applause.)

DR. TRIM seconded.

Question proposed.

MR. SLADE: Mr. Deputy Speaker, Sir, I should like to take this opportunity of congratulating the Minister and the officers of the Veterinary Department on the work of that department (Hear, hear). I think it is particularly important that the good, steady, quiet work of that department should be recognized, because it has disasters from time to time, like other departments, like all other services, but in that particular department the disasters of vaccines going wrong and so on are particularly conspicuous, and are particularly long remembered. It is rather a case where, more than in any other service almost, "the evil that men do lives after them"; whereas the good work, steady work, is taken for granted. We have to have a sense of proportion in these matters. In fact, I think every farmer realizes how well this department serves us.

I should also, Sir, congratulate the Minister on checking, in these straitened financial times, any increase in cost of this department; though I must say I should have been happier to see such check first in other departments which are less closely related to short-term economic development. It is, indeed, necessary to check expense everywhere. It seems to be a little wrong that we should have to check it here first.

Mr. Deputy Speaker, it was interesting to hear what the Minister had to say about this increasing menace of foot-and-mouth. There is only one point in that respect on which I should like to have his comments. I have heard it suggested in other places on other occasions, and the suggestion has, no doubt, come his way, that there should be some scheme of compulsory insurance among farmers to meet the cost of vaccines; so that vaccines could be supplied free. Some kind of levy, at any rate, on farmers who are in any danger at all of having this infection near them. The argument in support of that idea is that, when the farmer has to pay for every vaccination he is naturally rather inclined to put off vaccination and have the minimum number of vaccinations, with the result that there may not be vaccination as soon as there might otherwise be, and the disease is allowed to

spread faster than it otherwise would have spread. It is clear that vaccination is, in fact, of just as much importance to a man's neighbour as it is to himself, and it is all-important that farmers should be encouraged to have their animals vaccinated as soon as there is any appearance at all of the disease on their farms.

Another argument in support of the idea is that the cost of vaccination, being in the interests of the whole community, should be spread more evenly over the whole community, instead of falling just on that unfortunate farmer where disease has struck. I have no doubt, there are difficulties about such a suggestion, but I should be grateful for the Minister's comments on it and an assurance that, if it has not yet been considered, it will be considered.

I beg to support, Sir. (Applause.)

LADY SHAW: Mr. Deputy Speaker, I would like to ask a question and perhaps the Minister would answer when he is replying. It is on the subject of certain establishments, which are of a training type, such as what I always call veterinary farms—it is extraordinarily difficult to find a better name for them. I am particularly interested in one in the Machakos area, which is a sort of sideline of the veterinary station; there I am not discounting, Sir, the value of the veterinary station to the district—the entire district, both European and African, or, indeed, to the country as a whole. But I do always question, and I still question the value of this farm which is attached to this department and which finds its place in the commongage outside the township. It has a farm manager there, in addition to the veterinary staff; it must cost a good deal of money and I question very much whether the value of that establishment is comparable in any way to its cost. I would be very glad if the Minister could give us his views on the subject of this type of establishment. I have no doubt that many are useful. This one I think is perhaps of less use. I would like to say quite definitely, Sir, that I am not criticizing the staff of this veterinary farm; I am merely questioning its value as such. One of the reasons I question it is its position: I believe that if you wish to teach the African of the Kamba Reserve to look after his cattle, you will be well

[Lady Shaw]

advised to put any veterinary instruction right down in the heart of the cattle country. Where, in fact, this farm is situated, there are practically no cattle. I would like very much, Sir, the Minister to give us his views on this subject when he replies.

MRS. SHAW: Mr. Deputy Speaker, Sir, I wish to join with other hon. Members in congratulating the hon. Minister on his interesting and detailed account of the Veterinary Department. I should like to support the hon. Member for Aberdare in his suggestion of a cess for the payment of vaccines, because I would point out that on cattle farming vaccines are becoming more and more of an expense to the dairy farmer and indeed to the farmer who ranches as well. For instance, in the small district in which I farm, we used to have to do five inoculations a year. Now, with the addition of one for trypanosomiasis, and one for foot-and-mouth, the total is seven. That is a big drain on profits every year and I support very strongly a suggestion that some compulsory cess should be imposed or something like that, and the cost of vaccines still be free.

The other point on which I would like to ask the Minister to give us any information is the very short duration of the foot-and-mouth vaccine. It only gives the immunity for a period of something like, I believe, four months, I am not quite sure, but I think that it is four months, and I would know if he could tell us a little more about that.

The other point on which I would like information in his reply is, has the Veterinary Department made any advance in the question of what is really "drug fastness" of ticks. In other words, the ticks becoming resistant to dips and getting a certain drug fastness in that way, which has caused a great many deaths in the last year in our particular district.

I beg to support.

MR. TAMENO: Mr. Deputy Speaker, on a point of order, I would like to ask whether I would be in order if I raised anything to do with the African Livestock Marketing Organization? It does not appear in this Vote and I wonder whether the Development Vote is going to be debated in Council.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I shall certainly be happy to answer anything the hon. Member wishes to raise on this debate.

MR. TAMENO: Mr. Deputy Speaker, Sir, the only thing I wanted to raise—I know that the African Livestock Marketing Organization is part of the Veterinary Department. Now, I wonder, Sir, whether this organization would deal more with encouraging the traders to do the trading, because I have raised before in this Council that the African Livestock Organization has more or less taken a monopoly of buying African stock. I wonder, Sir, whether it is not right and proper that the organization deals in encouraging and also trying to find means for ordinary traders to be able to buy and sell their stock.

Secondly, Sir, I wonder whether it would be possible for them to try and encourage the African stockowners to sell their cattle directly to the Kenya Meat Commission as the European farmers are doing.

I beg to support.

MR. LETCHER: Mr. Deputy Speaker, Sir, I would like to congratulate the Minister and the Veterinary Department on the very good work done in many reserves as regards stock improvement. This has to be seen to be believed. Sir, I do know that in Sangano in the Kitich country the cattle there are giving to-day something over two gallons a day, whereas their ancestors gave about a half a gallon. Now, a great deal seems to have been done in the native areas and I feel myself, that in proportion we have not had the same amount done in the European areas. I would like the Minister just to tell us if that is so or not.

I beg to support the Motion, Sir.

LT.-COL. GROGAN: Mr. Deputy Speaker, Sir, I only wish to add my tribute to the Veterinary Department. I find them prompt and ready to help in every possible way, but at the same time they have suggested to me that their efforts are likely to prove unsuccessful if another department of Government, engaged in farming elephant, allows them to invade their neighbours and fill the whole place with flies as soon as they have been cleared.

I beg to support.

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

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, the hon. Member for Aberdare asked about the possibility of some form of insurance, presumably based on a levy per head—some scheme of that kind—being brought into operation. He pointed out that having inoculations carried out was in the interest of the whole community, at any rate, of the community of that particular neighbourhood. Well, Sir, I shall be very happy to go into that. I have, myself, heard it suggested, but I have not myself had it brought to me very seriously by anybody. Of course the difficulty is that you have heard the danger of having infection near one and then one has to get one's animals inoculated. We are all, I am afraid, a little bit in danger of having infection near us, because it can jump such enormous distances, as we all know. Birds of the air can carry it, anything can carry it. The other difficulty of an insurance of this kind is the shortness of duration of immunity given by this vaccine. Sir, I would be very happy to go into it and see if anything could be done and, if the hon. Member has got any ideas, I would be very glad if he would perhaps tell me what they are and I will go into it with the Director, certainly.

The hon. Member for Ukamba questioned the value of this veterinary farm at Machakos. I think I am right in saying she has raised this particular issue on a previous occasion and we did go into it about two or three years ago. I think, I am not certain, speaking from memory, we cut the area down, but the conclusion was reached by the department, at any rate, that this particular station did serve a useful purpose. I am afraid I am not in a position, this afternoon, to give the hon. Member the arguments for its retention, but I will certainly go into it again and will have great pleasure in telling her what the conclusion is that we came to because, if there are doubts, let us by all means try and resolve them. I do think there is something in what the hon. Member has said; that is, the geographical situation of this particular place may not be the most suitable for the area, but if we are going to start a

new one, of course, it means a lot more expense. That is one of the difficulties and very often it pays on balance, to retain an existing institution, although it is perhaps not quite in the optimum situation.

The hon. Member for Nyanza alluded to the shortness of duration of immunity conveyed by vaccination for foot-and-mouth. Well, I am afraid I am not an expert; I can only say there is, as far as research has got so far, she also asked me if I could say anything about the possibility of some immunity against certain dips—she called it "drug fastness"—if there were any signs of that in her particular area. Well, you know, I think this has been exaggerated, I think more often than not the fault is with the operator and more often than not, when one hears these rumours, one discovers that the dip was very under-strength or perhaps the animals had not been completely immersed. I think there is an awful lot in that, as well as the possibility of some form of what she calls "drug fastness".

The hon. Mr. Tameno asked about the African Livestock Marketing Organization and asked whether I could say anything about traders being allowed to buy and whether we could not allow more traders to operate. Well, Sir, I think the hon. Member will find that at very, very many sales the Organization does not buy any stock at all because traders pay higher prices and buy all the stock. So there are traders, you know. In most cases, I will not say in all, but as far as I know, in most cases, traders are allowed to buy and, indeed, the African Livestock Marketing Organization does use traders to a large extent in certain parts of the country, notably of course, the Northern Frontier.

The hon. Member also asked whether we could not make arrangements for African stockowners to sell direct to the Kenya Meat Commission. Well, Sir, originally we hoped that they would sell direct to the Kenya Meat Commission and not only bring them into Athi River, where that was possible, but we had Kenya Meat Commission buyers going around the country trying to buy directly from Africans. It is because the African stockowners were suspicious of these buyers and apparently had a little bit

[The Minister for Agriculture, Animal Husbandry and Water Resources] more faith in the Veterinary Department—the Government Department—than they had in this, as they suspected, rather commercialized organization, that we formed the African Livestock Marketing Organization. I think that on the whole that organization has proved successful, but there is nothing to prevent Africans selling direct to the Meat Commission as things are at the moment. I think possibly if the hon. Member, who is very interested in all this, in view of these particular African stockowners whom he represents, would care to come and discuss it with me and, possibly, the Director of Veterinary Services. I think we could possibly explain what is happening and if there is anything that as a result of those conversations we find we can do to improve the operation of this Organization, we would be very happy to do it, because I think it is most important that we should keep the confidence of the African stockowners in this particular African Livestock Marketing Organization.

The hon. Member for the Trans Nzoia wondered whether we were doing as much in the European areas as we were doing in the African areas. Well, I do not like to separate these things too much, I always rather try to keep the country as a whole if we possibly can in Agriculture matters. I think if he takes into account, although we may not be doing quite as much in breeding improvements, some of the research work we are doing in places like Naivasha and so on, plus the diagnostic service that is being carried on by the Veterinary Department, I would say that we are doing just as much in one area as in the other.

The hon. Member for Nairobi West said that a lot of the good work of the department was sometimes damaged by the influx of game. Well, of course, I cannot deny that is the case and I know it happens in his part of the world and it also happens with buffalo and elephant on the edge of the Highlands. It has caused us quite a lot of trouble recently, but all we can do is do our best and we cannot do very much.

Sir, I have tried to reply to all these points. I now wish to move that Mr.

Deputy Speaker do now leave the Chair in order that this vote amounting to £490,000 may be dealt with item by item. (Applause.)

The question was put and carried.
Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VETERINARY SERVICES—VOTE XXII

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £490,373 be granted to the Governor to defray the charge which will come in the course of payment for the year ending 30th June, 1956, for Vote XXII—Veterinary Services.—

Question proposed.

Heads 1, 2, 3, 4 and 5A and B agreed to.

Head 5 C

LT.-COL. GHERSIB: There is no explanatory note in the Memorandum, Sir, and in previous years, the sum expended on this particular item has been £52,430, this year it is reduced to £8,980. Now it may be, Sir, that this is tied up with the fact that these vaccines are now manufactured at Mugga and that has become a High Commission Service and, of course, it may be reflected in the next item—Miscellaneous—D (10)—Purchase of Vaccines for £17,694. But even if one adds those two figures together, it is less than half of what was expended on vaccines in the previous year. I wonder if the Minister is satisfied that there is sufficient vaccine available or will be made available in the Colony?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I am afraid I cannot answer the hon. Member, but I will get the answer for him. I rather think it is something to do with large stocks we have kept. We kept a very large amount of vaccine stock after we handed over and, therefore we only purchased this year less than we will do in future years when we have used up the stocks that we kept, at the time the handing over was accomplished. I am not sure, but I will let the hon. Member know. I think that is right.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

My hon. friend, the Minister for Finance has given me a further answer which is to this extent that the production of rinderpest vaccine, which is always the greatest part of production of sera and vaccines in this Vote, has now been handed over to the High Commission has resulted in an apparent saving of £43,470. The remaining provision is to cover the running costs of the production side of the Kabete Laboratories and the remainder of vaccines produced by the department. The item previously covered the purchase of many animals required for both production and research. As the emphasis now is chiefly on research, it is considered more appropriate to provide for these under experimental animals, which will show the hon. Member an increase this year of £14,470. A considerable amount of this will be recovered from the ultimate disposal of the animals. The change has also necessitated an increase in the purchase of vaccines £6,480 from High Commission and £5,300 for foot-and-mouth vaccines from overseas, less a reduction of £556 in other vaccines and an increase of £275 on the non-recurrent item, purchase of refrigerators. But I think there is also something in the answer I gave previously to the hon. Member. I think it is a combination of all the facts.

Head 5 C agreed to.

Head 5 D

LT.-COL. GHERSIE: Mr. Deputy Speaker, the Minister did touch on this item. Could you expand a little further, Sir, on this increase from £200 from £14,670—Experimental Animals?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: The hon. Member is aware, for the production of vaccine alone, we require a very large number of animals and it is hard to get, actually, the type of animal we have got to get.

LT.-COL. GHERSIE: But why is this now necessary in view of Muguga?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: No, but I think what they have done now is they have put—that figure used to be included in the production of sera and vaccine and now it

has been taken out of that and any stock you do buy or deal with is shown as Experimental Animals. Before they had very few experimental animals and I do not know which ones are put in under that but it was not animals used for production or experiments on vaccines themselves. I think that is the answer.

Item 5 D agreed to.

Item 6

MRS. SHAW: No. 23, I would be glad, Sir, if the hon. Minister could give me some idea of what those Veterinary Schemes are?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I think that that is the subvention that is made to one or other of the local schemes where we have private practitioners.

MRS. SHAW: Could the hon. Minister tell me which one?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I am afraid I cannot tell you, but I will find out and let the hon. lady know. I think that is what it is. It is the scheme that we have started and some have been successful and some of them not so successful.

MR. TAMENO: Mr. Chairman, D—Miscellaneous, XIX—maintenance of control. I wonder whether this means veterinary training centres? If so, Sir, has the Minister tried to encourage the African, who have passed School Certificate, to take a course which will enable them to become livestock officers?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Well, yes, Sir, we are doing the very best we can. As I tried to point out we have got 125 training at the present time, doing a year's course, and those have to be persons who must have some education. We do try and get comparatively educated Africans to take these courses and become livestock officers. In addition, of course, to those who take the Makerere course and become fully fledged veterinary officers. Certainly we do encourage them as much as we possibly can.

Heads 6, 50 and Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to the Council its consideration and approval of the Resolution on Veterinary Services—Vote XXII.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair.]

REPORT

MR. STOW: I beg to report that the Committee of Supply has considered and approved the Resolution that a sum not exceeding £490,373 be granted to the Governor to defray the charge, which will come in course of payment for the year ending 30th June, 1956—Vote XXII Veterinary Services.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XXXIII—1 FORESTS

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: Mr. Deputy Speaker, I beg to move that Mr. Deputy Speaker do now leave the Chair.

Once again, in introducing the Forest estimates I have to record that we shall show a very large deficit in revenue as against the expenditure. The happy days have gone for the moment when the Forest Department contributed large sums to general revenue and to-day the Forest Department has to spend more than it gets back in royalties. That position, I hope, will not last indefinitely. It is, in fact, due in part to the conditions of the Emergency that many mills are not able to cut the timber they used to and it is also in part due to a slight recession in timber values which are now, again, I am able to say, being made

up. In that connexion, I would mention that under the new method of assessing royalties, they are assessed on a percentage value of the selling price at the mill station. This means that as and when timber prices rise the Government gets its share of the advantage; similarly, of course, when timber prices fall Government shares the general depression in having to take a smaller royalty.

The other financial point, before going on to general policy, to which I should draw the attention of the Council is the fact that despite Lidybry and its large increase in salaries—about £26,500—the estimates of the department have not increased this year. That is largely due to the fact that last year, the casual labour vote was over-estimated and, by closer estimate this year we have been able to cover the increased expenditure of Lidybry which leaves this Ministry with no increase on Forests due to the Lidybry Report and the salaries revision.

I would like to speak briefly on the two aspects of forest policy which are indivisible and both of vital importance. We have, in the forest estate, two distinct assets; one a protective asset, which is the protective value of forests to water supplies and so forth, and also the economic side. In mentioning this, I would say that the whole forest estate is about 5,334 square miles and that is only 2.5 per cent of the land area of Kenya.

Now, in general, in other countries, this is considered a very small area for forests in proportion to the country. I mention this fact rather particularly now, because more and more people cast covetous eyes on the forest estate and ask why it cannot be developed for farming and for purposes of that sort. Well, the answer is that in the conditions of Africa, any further encroachment and excision of the forest area, in my view would be most dangerous—(Hear, hear)—and it is not the policy of Government to excise any more of the forest area other than the most minor boundary adjustment which must inevitably take place between any boundaries.

Under the last Minister for Forests, a Boundary Commission was set up which did deal, we hope once and for all, with the question of land which can be more usefully excised from the

[The Minister for Forest Development, Game and Fisheries] forests and used agriculturally, and the decisions of that Commission have either all been implemented now, or are in course of being surveyed.

There is one peculiarity of the Kenya forest estate, inasmuch that though we are overcutting in area by some three times the area we are planting, we are nevertheless planting up some five times in volume per annum to what we are cutting when the timber reaches maturity. This is due to the fact that in Kenya the stands of indigenous timber are amongst the poorest in the world and you often have to cut over a considerable acreage to achieve a small tonnage, but that is yet another reason why we do not wish to cut down or whittle away, in any sense, the forest estate, because though we are far more replacing the timber in volume, we are not always replacing it, by any means, in area.

Since last year the Forest Department has taken on another responsibility which is afforestation under the Swynnerton Plan in African areas, and I am glad to be able to say that we have now started under that plan, in Machakos and in Nyanza, in afforestation schemes which are welcomed by the inhabitants. That last is, to my mind, a very important point: that both the Nyanza people and the Machakos people are very anxious to see these plantings go on. It will, of course, involve in the future a commitment to Government when the Swynnerton money is exhausted, because it is not possible to plant timber and say goodbye to it, unless you wish to lose a proportion of the money you have put in. You may not have achieved something, but you will not have achieved efficiency if you abandon the maintenance two or three years after planting, so I would draw to the attention of this Council that when the Swynnerton Plan money is expended, if we wish to keep going the forests in these native areas as they should be kept as an economic asset, then we will probably have an annual recurrent commitment which does not appear in the present estimates.

The policy to-day of the department is to work as closely as possible with the utilization side of timber, and because

we do recognize that the milling of the timber, and the planting of the trees are one industry, and, that being so, we are working in the closest collaboration with the industry.

Further to that, the department is now working to definite working plans; I mention that because there is an idea that you plant trees, and that this is the Forest Department's part, and then later, when they mature, they are milled, but that is not a good and sound basis for forestry and we are now working out, in every area, planned planting to give a sustained yield in order that when the trees are milled you have a mill which will go on, more or less, for ever on a sustained yield basis. It is a very intricate problem in this country, and with the short staff that we have got, we are getting on with it fairly slowly but getting on with it nevertheless, and I hope in the future we shall always plant to very definite plans of planting and cutting.

A point which I feel is certain to be raised in this debate, is whether the department proposes to go on with the forest squatter system after the Emergency. To my way of thinking, in a country such as this where you have an immense rail haul and, if you are selling in European markets, a very expensive freight, it is essential to think in terms of planting your timber more cheaply than anyone else in the world is able to do, and this country hitherto has been able to achieve that. It has done it by what is called the *shamba* system. There is no need to explain to this Council what that means. It is simply that the forest employee cultivates the land after the planting and before the planting to his own benefit which is also to the benefit of the trees themselves, and in the peculiar circumstances of Kenya, the cultivation required by trees is very great, and cannot be abandoned without risking them for at least four or five years after planting this because the Kikuyu grass kills them. I therefore feel that I should say here and now that I cannot envisage any other way of afforestation which would be economic other than this *shamba* system.

There are objections to it, and there have been great objections in the past on security grounds, and I am the first to admit that the Kikuyu squatter dotted

[The Minister for Forest Development, Game and Fisheries] about in the forest was a very grave risk to security, and, therefore, in the future, we shall never revert to that. What will be done is that the squatters will be concentrated in villages and adequate European staff will look after them. Prior to the Emergency it was not uncommon to have as many as 250 or 300 squatter families over a widely scattered area, sometimes many miles apart, under the charge of one forester. That, we can never go back to, and, despite the fact that it will be more expensive, we shall have to have more foresters in the future and, despite the extra expense, I am quite convinced that in the long run it will pay us—not only from a security angle but from a greater output from the labour in the forests.

Another difficulty which confronts us when we go over to the village system, is that the depredations of game on plantations in the past was prevented by this very system of scattered squatters, and because throughout the plantation areas there were a number of scattered huts, the game was held at bay and that will be one of the problems that we shall have to solve when we go on, as we shall go on, to complete villagization—a horrible word, I hate to use it.

Of course, in fact, villages have been built in all the forest areas already; whether the sites they are on to-day, will remain permanent or not, is another matter. Some of them were sited purely for security reasons and from a forest policy angle, may later on have to be changed.

I should have mentioned, when dealing with the African areas, that quite apart from the climatic advantage of reafforestation, it is vitally important in many of these native areas, for the people to have supplies of fuel which are gravely lacking and also, as they wish for a better standard of hut, for building also and I do look upon that side of the Swynnerton reafforestation project as one of vital importance.

Now, one other point I would make is this—because the Forest Department is in a way not very much noticed and works, as it were, in the dark and in rural areas, I think it is important for people to remember that this country has

few natural assets. Indeed, the only assets we have are agriculture in its various forms, and forestry, and we have an opportunity in this country of producing trees at a more rapid rate than in any other part of the world. As an example of that I will quote a statement made by Professor Hiley in his report where he says that for a mill producing a million cubic feet of timber a year, in Europe 17,000 acres of rotational planting were required, whereas in Kenya only 5,000. Now this is an enormous asset which we must cash in on. The fact that it is costing money at the present time, has got to be faced because in the long-term result, Government, and more than Government—the national income and the exports of the country—will derive an immense benefit from the forest estate, and, indeed, within seven or eight years, there will be an ever-increasing revenue from royalties from the timber already planted which is not yet mature, for, even at 20 years, the thinnings will yield a very large quantity of timber for export.

Mr. Deputy Speaker, I beg to move that Mr. Deputy Speaker do now leave the Chair.

Question suspended.

Council suspended business at fifteen minutes past four o'clock and resumed at thirty minutes past four o'clock.

Mr. COOKE: Mr. Deputy Speaker, I was glad to hear that the hon. Minister has decided to continue the system by which Kikuyu work in the forests. I always have been in support of the system of employing the Kikuyu in the forests. What was wrong was the way that system was administered, but I think that we have learnt from past experience now and I am confident that the Minister will see that the system is administered a good deal more strictly. I would personally like to see headmen and sub-headmen and sub-sub-headmen, as it were, in the villages with proper badges of rank and a sense of responsibility. I have no doubt that the hon. gentleman also envisages social services and schools and so on, to keep these people happy and contented.

Actually, I think with the extension of motor roads—and in that respect the Emergency has not been an unmixed evil—it will be much easier to send parties

[Mr. Cooke] out during the day in Land-Rovers and lorries, and they will not be handicapped so much in that case from the fact that they have to live in villages. On the other hand, the amenities of life will be greatly increased, if these villages are properly selected, and I do hope that with the abundance of wood which is in the forests, houses will be properly built—more on the Swahili style than the old Kikuyu hut—and in that case one can envisage quite a big advance socially for these people.

I am not one of those who thinks that when the war is over we must keep these people ostracized for many years; I think a vindictive measure like that would only do more harm than good. It is going to be, of course, a good deal more expensive, as the hon. Minister himself said. I would suggest his thinking about a system of honorary forest wardens, Europeans. I have been suggesting it for some time past—and I am sure that there are a lot of retired people who would give their services in exchange for a small house, say, and four or five acres of land on which they could grow vegetables; I am sure there are a lot of pensioners and people like that—who would save Government a great deal of money by looking after certain areas and being fire-watchers and so on. The scheme would not take up much space in the forests but I am sure it would add to the supervision, and save, as I say, a good deal of money.

Sir, I beg to support.

MR. CROSSKILL: Mr. Deputy Speaker, I always believe that policies should be flexible, within certain principles, and I believe that in relation to the forests everyone must realize the absolute necessity for observing the economic values, the aesthetic values and the climatic values of the forest area. One must not take liberties with those tremendous values which are the property of the nation, and not only of this generation but of posterity.

But, Sir, as I say, I do believe policies should be flexible; they should bend themselves in accordance with exigencies and stringencies which from time to time tend to limit development. And, Sir, I do hope that when I am going to suggest

alternative methods, and perhaps say that the present policy is too conservative, it will not be interpreted as being said that I am demanding the end and the ruin of this tremendous heritage that we have. I should rather be endeavouring to see how we could possibly achieve greater development, in the present difficult times, and even an extension of the forest area to which the Minister referred.

Therefore I think one should at oneself, is the forest area being developed as fully and beneficially to the area as it could be at the present time. In the Hiley Report, Sir, a quotation is given from Lord Listowel who said in a despatch dated 10th December, 1948, "Clearly there are difficulties involved in these proposals, particularly on the financial side, but if they can be overcome a bold and imaginative programme of development should result in substantial economic and strategic advantage both to East Africa and to the Commonwealth as a whole."

Well, Sir, I ask myself and I ask this Council to consider whether we are being bold enough at this present juncture. Now, quite obviously the limiting factor at this present time is money, and I think we must look around for some other currency, some other possible way of achieving the results—the possible results—which were envisaged in two reports which have been made within recent years on the potential of the forest in East Africa, the first one by Mr. Marquand and the second one by Mr. Hiley.

The first one, Sir, the report of Mr. Marquand, I think was considered to contain rather extravagant claims. He did claim that we should develop plantation areas at the rate of 12,000 acres a year instead of the present 6,000 acres a year. As I say, it was considered to be rather extravagant, and therefore a further committee or commission was appointed and the Hiley Committee was instructed rather to view the extravagant or the believed extravagant promises, and to state whether they were to be considered feasible or not. And therefore, that committee—that commission—was given a commercial bias. It has been criticized for that, but it was given that bias with the very definite intention of

[Mr. Crosskill] bringing things down to earth, and stating whether the visionary report of Mr. Marquand was in any way possible.

Well, the Hiley Report, Sir, with its commercial bias, advocated that the plantation areas should be increased from the present planned one of 200,000 acres to 400,000.

Now that committee, Sir, with a commercial bias to it, surely has investigated the possibility of future consumption in the world markets of the timber which becomes available gradually in accordance with their greatly increased plan.

Now, just briefly, Sir, I wish to examine the present position. The Minister has just said that he considers the percentage of the country which is under forest is unsatisfactory compared "in general with other countries". I do claim, Sir, that that is a dangerous generalization. With other countries in the world you have Brazil, which may be 90 per cent afforested; you have other countries which are only perhaps 1 per cent; and I do think one must take a judgment of that nature on an *ad hoc* basis and consider whether as regards the climatic conditions obtaining in East Africa, we have an adequate forest cover. Now, as everybody knows, a very considerable proportion of the area of Kenya is unsuitable for growing trees of any type—up in the Northern Frontier District particularly. I think we must therefore consider the area of the African reserve, the forest reserves and the settled European area, and I think if the Minister will work out the percentage there he will find that it is about seven, I think that that is a very satisfactory percentage.

Now, it has been stated that in the forest area of 5,000-odd square miles there are 1,000,000 acres of potential plantation area. How are we going to use that? That is one-third of the area of the forests. Now, we are planting at the rate of 6,000 acres a year and have now 100,000 acres and we intend, so we are told, to plant up to 200,000 acres or one-fifth of the potential. Now, should we not add to that, rather underplanting of the potential, and should we not also be afforesting as well as reafforesting? I do believe there are great areas in Kenya which should be under trees of some kind; I believe that we should have a

great belt of trees in this country from Mount Kenya right across to Kapenguria, with the object of preventing further desert encroachment.

I think we should study measures which are being adopted in South Africa now, where in similar dry areas they are being able to plant large areas of trees for that very purpose. Not only for that purpose, but those areas would be more accessible for milling than many of the areas which are now being put under trees for milling on the mountainside.

Now, how can we do this? How can we increase the plantation area on the forest and at the same time carry out afforestation in other areas where I believe it to be really necessary for the long-term interests of this country? The limiting factor, of course, is money. Now, how can we overcome this. Here I would like to refer to a statement which was made in the debate on the Hiley Report in December, 1953, with regard to the possible start of a pulp industry, of a pulp mill. Here, surely, if we can induce industry to come into this country and produce paper pulp, we have a great field for obtaining royalties. Now, in the forest area there are some 400,000 acres of the bamboo. That, Sir, I consider is an area which should be subject to—or a great part of it—to the potential of milling. That again was mentioned in the debate by the then Member for Agricultural and Natural Resources, Sir

"There is another thing I would like to refer to and that is the disposal of the by-products of which other countries make use. We have under consideration new projects, and the possibility of having a pulp mill in this country. In the past I personally was opposed to the giving out of bamboo concessions for the making of paper, because at that time we had little knowledge of the real value of bamboo or otherwise, as cover on high hillslopes in this country. Also we were not in a position to replant as we should have had to do had there been a drastic destruction of bamboo. But I think the position is entirely changed to-day." Now, that was considered, Sir, in December, 1953, and I would ask the Minister in replying whether the consideration has gone any further; whether he has yet been able to come to a

[Mr. Crosskill] decision with regard to the utilization of this tremendous part of our forest asset, the 400,000 acres of bamboo.

What else could we do, Sir, to further implement the policy which has been recommended to us? Well, Sir, I believe that we could do as other countries have done before, as they did in the United States of America in the early days of settlement there. We could have tax relief, with regard to forest assets which are planted up. I believe that if they were made exempt from death duties, and if the income tax which would eventually be payable when those trees were harvested were reduced, I believe that would be a great incentive towards planting forests on private land in this country.

In the early days, as I say, that was encouraged in the United States and most of the trees now in the Province of Oregon are due to that early origin when planting was encouraged by Government on a tax basis.

Our third way in which we could, I believe, Sir, overcome the difficulties—the present limitations—of finance, are with regard to private enterprise; to encourage private enterprise to afforest and reforest in this country. Now that also was considered in the debate on the Hiley Report, Sir, as the then Member for Agriculture and Natural Resources stated: "It has also been suggested that we should try to endeavour to induce private enterprise to help us finance our forest development, possibly taking up a concession and possibly planting up on behalf of Government. The possibility of bringing in private enterprise is being pursued; it is not as easy as it sounds but I have hopes that something of the kind will emerge on quite a big scale". Now, here, Sir, I would like to ask the Minister how the pursuit is going and whether anything is likely to materialize on those lines.

There have been various reports recently by Lord Portsmouth, another by a committee under the chairmanship of Mr. Pell Smith which have made various recommendations in some detail as to how private enterprise might help us in this forest enterprise, I believe, Sir, that those reports have not had sufficient consideration and I do ask that the

Minister will study those reports, possibly meet the writers of them, and discuss with them how possibly some part or whole of the recommendations could be put into practice. Now, Sir, how could this private enterprise possibly help the development that we want. Well, Sir, I believe that it could be by leading areas from the forest to individuals for planting up. I think those areas possibly, which would have been used in the bamboo areas for milling, might conceivably be utilized for farming for a period of years before being put back to forest. I believe that that would be a logical and correct use of the soil. Richness and wealth has been stored up in the soil under the bamboos for hundreds of years and surely rotation is advocated all over the country and throughout the world. That would be correct rotation, Sir, and for a period of years I suggest that that stored up wealth should be utilized for the production of crops before it reverts to forest trees.

Now, in that way also we should have trees planted up at a very negligible cost. We have been told by the Minister, and rightly so, that the cost of production of trees is a very, very important factor on account of our communications and the great distance to send timber down to the coast for export. There, Sir, is a manner in which we should produce timber—even more cheaply than he has been doing under the *shamba* system of which he spoke earlier this afternoon. And, Sir, surely when we are in the very difficult position as regards finance for developing our forests, surely this is the way to do it. It would not be costing any money but would be a rational use of our national asset, which at the present time I submit, Sir, is in cold storage. We are not utilizing it and by lending that asset for a period of years we should achieve success in the direction which we want.

Now, Sir, I am not going into any detail on these plans proposed for private enterprise. This is not the place and there is certainly no time, but I cannot believe that there is any insuperable difficulty, anything which cannot be overcome by discussion and technical advice and so forth. I think that the difficulties such as the zoning of age groups of timber for cutting could be

[Mr. Crosskill] organized under private enterprise in the same manner as it is by the department, and I certainly cannot accept, Sir, the argument against private enterprise which was put forward by the hon. Minister for Agriculture in the last debate on the Hiley Report, that he found temporary occupation leases unsatisfactory and that they were difficult to terminate. Now, Sir, surely that is a defeatist attitude. Everybody realizes that the temporary occupation lease is a temporary one, and if the man who has that temporary occupation lease does not realize it, then somebody else must, and I cannot accept that as a valid reason against the possible introduction of this system, Sir.

Now, in making this recommendation, Sir, for the introduction of private enterprise for reforestation I am not recommending that any of these areas should be excised from the forest or should be alienated. I do believe the words of the Minister when he said that the present area, apart from small adjustments, must not be decreased. I agree with that completely, and therefore I do emphasize that in making this recommendation I say that it should be leased and should not be alienated or excised. And, furthermore, it should remain under centralized control. If this were adopted, Sir, this suggestion, we should overcome our financial difficulties to a very great extent. It would provide profitable occupation for private enterprise and what better opportunities could be given to ex-servicemen after this Emergency than that they should be given an area of land for their own utilization and later for afforestation. Furthermore, Sir, it would permit the department to concentrate on the very important aspect of afforestation, of which I have already spoken, and also of tending the protection forests on the mountain sides.

Furthermore, Sir, I do believe that in this way we should be able to afforest the necessary soft timbers for milling in more accessible areas, and better areas in every respect, because I do believe that ecologically it would probably be better to replace the indigenous mountain rain forests with indigenous timber, rather than plantation timber of short-term growth, which we are doing at the

present time. Now, Sir, with regard to the method of reforestation which has been referred to already in this debate, the squatter system with Kikuyu. I do think that everyone in this country hopes for several reasons, and not only security reasons, but also for the financial advantage to the department that a change will be made towards casual labour. Crops of tremendous value have been grown to the advantage of the squatter, which I believe should be to the advantage of the department. In times of financial stringency, such as this, I believe that every penny which can derive from forest development should go towards forest development. Now if that is impracticable from the administrative point of view I suggest that the cess on the crops such as maize, which are grown by these squatters should be increased very considerably. At any rate, Sir, to the extent of paying for the necessary extra supervision which everybody acknowledges must be a feature of future work in the forests.

One further point, Sir, with regard to survey. I did ask the Minister in an earlier debate, which I fear I cannot trace at the moment, whether he was deriving benefit from aerial photographs which have been made during the Emergency of the forest areas. I would ask him when replying, Sir, if he would inform me whether he has been able to get these from the Services.

Mr. Deputy Speaker, I beg to support.

Mr. LETCHER: Mr. Deputy Speaker, Sir, the Minister says that he intends to carry on with the squatter system of afforestation. I was wondering, Sir, if the Minister would care to consider encouraging tribes other than the Kikuyu. I am thinking especially of people like the Maragoli who are, I think I am right in saying, just as congested as the Kikuyu. Now, I see no reason why these people should not be encouraged, and protected if necessary, into areas close to their own reserve, and I would like to know what the Minister thinks about this, Sir.

I beg to support the Motion.

Mr. GIKONYO: Mr. Deputy Speaker, I have one question which I would like the Minister to give me an answer when replying, and that is I want to know what steps he and his departments are taking to train Africans in forestry so

[Mr. Gikonyo] that when they are trained they can be appointed as Forest Officers.

MR. TAMENO: Mr. Deputy Speaker, Sir, I have only one point to raise, and that is concerning the Game National Reserves. There are quite a number of them and I wonder what proportion of the revenue that comes out of the Game National Reserves is handed over to the African district councils. I feel it is fair that these people should—the African district councils—should have all the revenue that accrues from the Game National Reserves.

I beg to support.

MR. SLADE: Mr. Deputy Speaker, Sir, I would like to thank the Minister for his very clear and interesting survey of the work of the Forest Department and its prospects; but at the same time I want to support the hon. Member for Mau in two criticisms, or may be suggestions, that he made.

First of all in his plea for greater elasticity and imagination in policy. It is a mistake I think, Sir, to regard the forests of Kenya as just a fixed estate with fixed boundaries and limited for all practical purposes to what is now set aside as the forest reserve, for the two reasons that I think the hon. Member made. One is that the forest reserve includes at present a considerable quantity of land which does not have to carry forest for the protective purposes which I think the Minister mentioned. That land is first-rate land for farming, and I think I am right in saying that forest policy in enlightened countries elsewhere, is usually to use your good land for farming and other purposes, and to develop as forest land that which cannot be used for other purposes. I realize the limitations of that, particularly in tropical countries where you have to keep an eye always on the protective aspect of forests, but I do believe that there could be a little more elasticity in that respect.

On the other hand a large part of the real forest estates of Kenya is outside the forest reserve; and, as the hon. Member for Mau pointed out, there could be much more yet outside the forest reserve. I would ask the Minister to put his mind very much to the encouragement of afforestation all over the coun-

try by every means he can. It is most heartening to hear his description of all that is being done in that respect in native land units; but I am sure a lot more could be done also in the European settled areas, by teaching farmers, encouraging them to plant trees on those parts of their farms where they cannot usefully do anything else with the farm.

The other point in which I again want to support the hon. Member for Mau is in regard to the future policy of labour in the forest reserve. The Minister, quite rightly, believed that we are all most interested to know what that policy is to be, and he made his position very clear. It was encouraging to hear that, although he thinks the department must still carry on with the same policy as before, of employing squatter labour, the need for closer administration and concentration in villages under proper control and with consequent improvement in amenities is clearly recognized. He warned us, Sir, and quite rightly I am sure, that that is going to involve more expense; and that is one reason, among others, for asking the Minister to take very seriously what the hon. Member for Mau said, in suggesting that some of that extra expense might be balanced by the profits that at present the squatter earns from these *shambas*. Now, no one grudges the squatter a good profit from the *shamba* he cultivates; if he is doing it at his own risk and for his own benefit; but when those profits become very big, while the Forest Department is running at a loss because of the cost of administering the very men who are making those profits, the position becomes rather absurd. And I would ask the Minister to go so far as to consider whether the future forest labourers, who will now be living in villages and working on more clearly defined areas, should not work on those areas as employees of the Forest Department, cultivating the land for the Forest Department, rather than purely for their own benefit. I can see the need to give a good incentive to the labourer, and the justification of giving him a good return, working sometimes in fairly uncomfortable climates, but that could easily be arranged either by increase of cash wage or even by a percentage of the crops developed from these *shambas*. And if the ultimate profit belonged to the Forest Department, there

[Mr. Slade] would be a prospect of recovering a large part of the increased expenses of closer administration.

I think most of us must agree, Sir, with the Minister that the right way of developing the forests in this Colony is by encouraging people to cultivate the land for themselves, or for you, and then coming behind them and planting. That being so I would ask the Minister to consider reverting to a policy which the Forest Department adopted for a little time not so long ago, and to which I think the hon. Member for Mau referred, and that was, in effect, the European squatter in the forest. If the Forest Department is willing to let Africans develop considerable areas of the forest for their own profit, then they may get very satisfactory results from letting some Europeans do the same. I am thinking of the concessions for growing pyrethrum and other crops which were granted some little time ago on the basis of the concessionary handing back after three years, I think, one-seventh of the area every year; so that by the end of ten years, his concession was finished and there was some good cultivated land which had been planted up year by year. I would be grateful if the Minister would tell us whether he is prepared to revert to that policy, at any rate in cases where adequate African labour is not available or where necessary to expand any particular areas as fast as the Minister would like them to expand.

Sir, I beg to support. (Applause.)

MR. TYSON: Mr. Speaker, I think we all admit that our forest areas are part, and a very valuable part, of what we might call our undeveloped estate. If my colleague, the hon. Mr. Riddoch, was here I feel very sure he would have supported the attitude adopted by the hon. Member for Mau, an expansionist, energetic and enterprising policy for extending our forest areas.

In the Estimates it states that owing to the difficulties of operating in the forest areas at the moment, it has been possible to reduce the estimates for labour by £20,000. It does seem to me that instead of saving on the Estimates, the £20,000 that has been referred to, that money quite well may have been

used in exploring the possibilities of forest areas being started, for example, in areas which may seem unsuitable, but areas, for example, between here and the coast. I would like the hon. Minister, when he replies, to tell us what steps are being taken, I think rather on the lines which were indicated by the hon. Member for Mau, to find other suitable areas where forests could be started up in other parts of the country.

I beg to support, Sir.

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, I have only one point which I wish to raise. I thought I understood the Minister to say in the course of his opening remarks that, regardless of the financial effect of the Lidbury Report, the cost of the Forest Department *vis-à-vis* the previous year had not increased. Well, Sir, if we look at the memorandum, it states under Forests, "The Estimates for the forests show an increase of £15,528, after taking into account the transfer of the Accounts Branch to the Office of the Minister". Well, Sir, one or other of these statements are presumably incorrect, and no doubt the Minister will be good enough to clarify the position.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Member to reply.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: Mr. Deputy Speaker, Sir, the hon. Member for the Coast asked me a question as to the supervision of forest villages by Africans and by headmen. Well, the answer to that is that, of course, we are very conscious of the necessity for headmen and various grades of African headmen, I would take this opportunity also of replying to the hon. Member for African interests, Mr. Gikonyo, who asked what the department was proposing to do to bring the African on to more responsible positions, and we have now got a forest ranger grade that can now go to Foresters, Grade III, and can get anywhere thereafter, but one of the difficulties is that we have not got a forest training school and do exist for a forest training school, I as and when we can find the finance, I can assure the hon. Member that we shall use every endeavour to train

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Africans. I recognize, and the whole department recognizes, that with an expanded programme it is absolutely essential that increasing numbers of Africans should be trained in more technical jobs than they have hitherto purely as rangers.

The hon. Member for the Coast also put up a suggestion that one might use honorary wardens in the forest, much as we use honorary game wardens in the Game Department, and I can assure him that I will give that matter deep consideration because I think it is a constructive suggestion. It will be that there are retired people who might be glad, in exchange for living in the forest, to assist in that sort of work, and I will consider the matter as to whether it is possible or not.

The hon. Member for Mau made a number of suggestions and certain statements. I think he took exception to my remark that 2.5 per cent was low in relation to the area of Kenya, because of the Northern Frontier and so on. I agree that you cannot lay down a hard and fast policy of the percentage of land that should be under forest in any country. I entirely agree and accept that. When I said 2.5 per cent is low, it is low rather in relation to the fact that we have vast deserts, and it is, of course, always arguable whether the remarkable agricultural climate of Kenya, compared to other parts of Africa, is due to that forest percentage, or whether the forest percentage is due to the climate which was there already. You can argue it, but personally I am fairly convinced that the forest has a great deal to do with it.

Two hon. Members brought up the question of afforestation in dry areas. That is a matter which we have not previously tackled, but are, in fact, tackling now in Machakos, and it will be very interesting to see the result of our afforestation efforts in the Machakos area which can, for the purposes of discussion, be called a dry area. If it has meant the arresting of desert encroachment by dry planting, that, of course, is another thing altogether which might be experimented with, but at the moment we lack the money to do it, and, of course, afforestation in dry areas is

hardly something that private enterprise would produce the money for if Government was not prepared to produce it themselves. It is a distinctly tricky operation which may succeed or may fail, and such operations in general have to be tackled by the Central Government, because private enterprise is not generally prepared to take it on.

The hon. Member mentioned the pulp industry. The position over that is that the only areas which are suitable for a pulp mill must be areas where you have a constant water supply, and where there is a sufficient distance below the factory for the water supply to be treated by sedimentation, as the pulp industry has an effect on water which makes it not only not potable, but also not suitable for irrigation which is not generally realized. We have one particular place earmarked as a possible pulp factory site. There have been inquiries by private enterprise, and we are prepared, of course, to do all we can to assist private enterprise with any information we can give. It is also the intention of Government to go into this matter more deeply than at the last committee, because we have had somewhat conflicting reports on the report of the Pulp Committee and we now really want an expert opinion on certain facets of setting up such an industry, of which, I might mention, the most important one is the absorptive capacity for kraft paper of the East African Territories. That also is a thing that, I hope, will be inquired into in the near future. I would not like anybody to think that this Ministry is not deeply interested in pulp and is not pursuing it very carefully. It is not a thing you can rush into. It involves very heavy expenditure and you have got to lure somebody to spend the money after examining the facts, which we have to produce.

The hon. Member suggested that private enterprise should be used for afforestation or afforestation. Well, there are difficulties about that; private enterprise would not be prepared to re-afforest cut-over areas because they could not mechanize and they would have to use hand labour; which from the point of view of a farmer is too expensive; but I think what the hon. Member

[The Minister for Forest Development, Game and Fisheries]
particularly meant was the bamboo areas of which he mentioned some 400,000 acres. I, personally, still am of the opinion that large-scale cutting out of bamboos on catchments is a dangerous policy and it was suggested by the hon. Member that people should be given an area of bamboo forest, cut it out, farm it for a period of years—obviously they would have to have that time or they would not take it on—and at some later stage they would re-plant it. That does involve the laying bare of a bamboo-covered area, and I, for one, am not prepared to risk it. What I am prepared to do in certain areas, experimentally, until we see how it goes, is a measure of interplanting of the large bamboo areas with trees, and in doing so I do not think we should be taking a very big risk, but any suggestion of total replacement of bamboos by exotics is not something I, personally, am prepared to risk, and I think it would be a very brave man who tried it. The biggest bamboo area I know of is the area between Uplands and the Aberdares, and that in particular is very much a catchment area, it is a sort of sponge. To cut it out offers, I admit, a very attractive immediate return, but would be taking a very grave risk. It may be that I am too conservative in this matter, but it is a responsibility I am not prepared to take.

MR. CROSSKILL: Strips only.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: Strips only would involve the giving of a strip to somebody for a period to farm and I do not think you can mix the two things up. He is going to farm it for a period of years or he is not going to take it, and I cannot, personally, see much advantage to the farmer in doing that, or much advantage to us. I take it the sort of period envisaged would be five years or six years, when he could take off a crop and that brings me to the whole question of T.O.L.s. That is a policy that we have rather soft-pedalled on. It was done during the war for pyrethrum when pyrethrum was a prime necessity for the war. Since then we still continued in certain areas with T.O.L.s of grassland. Sometimes it has

been a success and more often it has been a failure. It is exceedingly difficult to get people to hand over the land in condition to plant the trees. Moreover, a great deal of the grassland, especially on the western side of the Mau, is not highly suitable land either for farming or for trees. In certain areas such as the Elgeyo Forest, and much of the Mau, the reason that the grass areas do not grow trees is a very good reason. It is because the soil is not up to it. It is a peculiar factor in Kenya, which was raised by somebody else in the debate, that, in general, in other countries you grow the trees on the worst land and agriculture is indulged in on the best. That is perfectly true. In the particular circumstances of Kenya the catchment areas have all been clothed with forest in the past and where there are glades and grasslands, it is in general because the soil is not up to the standard to carry the forest. I am not suggesting that it is not possible to grow forest on the inferior land, but I think any attempt at a change-over, which has been suggested in many quarters, from growing the forests in the rich catchment areas to growing them on the poorer land and farming the catchments would, in fact, be disastrous.

Private enterprise in the form of big companies growing trees is another matter. I do not know whether the last Minister for Agriculture, who then had Forests in his portfolio, went into this matter, but I think it most unlikely that any large company would be prepared to take on farming and planting trees as a commercial enterprise. It sounds attractive but I am very doubtful of it. Whether you can mix up, in our new very carefully thought-out forest policy, certain areas to be run by private enterprise and certain areas under the Forest Department, I think is very doubtful, and I would not build on it myself. I would hate to see the forest areas split up here and there to large companies in parallel with our own schemes. I do not think it would be tidy from the point of view of the technics of forestry, and I do not think it would, in the end, be economically sound.

Two hon. Members mentioned the question of casual labour against the

[The Minister for Forest Development, Game and Fisheries] squatters. Well, that is a perennial argument. The point being that the department should employ the casual labourer to look after the trees and grow crops for the department's profit. Well, I think you are asking something very difficult because you are really trying to make our foresters into farmers as well, and I do not believe that you can combine the two things.

The other suggestion, of course, is a suggestion in the reverse; that you should collect farmers and turn them into foresters. It is not my belief that either method would be the best, either for agriculture or for forestry. I do agree that the forest squatter should not be allowed to make a vast fortune, over and above what is a fair wage from his *shamba*, and it is the intention that in future the *shambas* of squatters should be worked out in agreement with local government (who have an interest in this matter) so that their *shambas* are large enough to give them a decent living, but not so large that they would be, in effect cashing-in on the forest estate, as the hon. Member for Aberdare suggested they have done in the past. I am not denying that that has happened. The old practice was that they were given pretty well as much as they and their wives could cultivate. That, I admit, is wrong. What is right is that their cultivation should be something which augments their wages to a point where they have a decent standard of living, and that will be done in the future and is part of the whole squatter policy.

The hon. Member for Trans Nzoia brought up the question as to whether other tribes might not work under the *shamba* system or any other system in the forest. The answer to that is, they always can and, in fact, always could. We are trying very hard to introduce into the areas adjacent to certain reserves, like the Elgeyo, the tribes that live near them. Unfortunately, in general, the tribes, other than the Kikuyu, do not like working in the forest under the *shamba* system. But I do assure the hon. Member that there is no bar to it and we have tried to encourage it, but we have had very few takers, either from the Maragoli or from any of the other tribes, but more especially from the

pastoral tribes have we got very little way in bringing them into the forest. It was the policy and is the policy to try and do so in order that the forests shall not be entirely Kikuyu—they were in the past, but I cannot hold out any great hope that we shall be able to implement it as much as I should wish.

The hon. Member for Nairobi North drew attention to an error of mine for which I must apologize to the Council. What I should have said was that the personal emoluments are £4,000 less than for 1954/1955, which is mainly due to a reduction of £26,000 in the casual labour vote. The other charges, however, do show an increase. This is mainly due to an £11,500 refund of royalty on fence posts and pencil slats, which was not included in last year's Estimates. The balance of the £15,000 he calls attention to was increases in the votes for maintenance of forest stations and roads, maintenance and operating expenses of plant and machinery. So that, in fact, what I said was not correct. I should have said that the personal emoluments, in spite of Lidbury, showed no increase, but that there is an increase of £15,000 of which £11,500 is the rebate on fence posts and royalties brought over from the previous year.

The hon. Member for African Affairs, Mr. Tameno, asked me what proportion of revenue from game was paid back to the African district councils. The answer to that is that in the African land unit areas it is the policy to make such areas "control areas" for shooting, and where the revenue warrants it money from special licences—or a proportion thereof—is paid over to the African district councils concerned. I think he is thinking of Masai, where we have done that. No proportion of the actual game licence, as opposed to the interest those African areas in game in special controlled areas, licence for specific animals, is paid to the African district councils. But it is the policy to their area by putting, where we can do it, special fees on certain animals and handing that money to the African district councils concerned.

I think I have answered all the questions that have been asked me in the debate and, Mr. Deputy Speaker, I now

[The Minister for Forest Development, Game and Fisheries] beg to move that Mr. Deputy Speaker do now leave the Chair. (Applause.)

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XXXIII—1—FOREST DEVELOPMENT, GAME AND FISHERIES

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £410,211 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXIII—1—Forest Development, Game and Fisheries.

Question proposed.

Forest Department—Head 1

MR. CROSSKILL: Mr. Chairman, in view of the remarks by the hon. Mr. Tyson, is the Minister prepared to include the £20,000 and to devote it to experimental work of the nature that has been suggested by various people on this side of the Council?

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: No, Sir, in the present stringency of the Colony's finances, I certainly would not be prepared to agree to that.

Head 1 agreed to.

Head 2 agreed to.

Game Department

Heads 1, 2 and Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of Vote XXXIII—1—Forest Development, Game and Fisheries, and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that the Committee of Supply has considered and approved a Resolution that a sum not exceeding £410,211 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXIII—1—Forest Development, Game and Fisheries.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XIII—PUBLIC DEBT

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that Mr. Deputy Speaker do now leave the Chair.

MR. MACKENZIE: Mr. Deputy Speaker, Sir, I beg to endorse. The Public Debt Vote provides for gross expenditure of £2,138,596, of which £643,429 are reimbursed as Appropriations-in-Aid leaving a net total debt charge of £1,495,167. The bulk of the Appropriations-in-Aid cover interest and sinking fund payments on pre-1948 railway loans, interest on the loans contracted in order to finance the Mombasa Water Supply and on the Colonial Development Corporation loan for African housing, charges on loans made to local authorities and interest on loans to the Land Bank and to the Local Government Loans Authority. In other words, the whole of that portion of the Colony's debt charges relating to pre-1948 railway loans appearing under Funded Debt is reimbursed and, in addition, practically the whole of the Unfunded Debt is not a direct charge on the Colony's revenues. The balance of £1,495,167 is mainly related to the interest and sinking fund charges on the funded portion of the Colony's debt but it also includes provision for new loans to be issued during the coming year, for interest on short-term borrowings for the

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Support Fund on existing and future local loans, and for interest on deposits held by the Government on behalf of various semi-public institutions.

There is one element of debt for which no provision has at present to be made, and therefore no reference will be found to it in the estimate. That is the two loans of £2,000,000 and £1,000,000 which have already been drawn from H.M. Government for Emergency purposes. These will both be repayable in 20 annual instalments, the first of which becomes payable five years after the date of issue of the loan. In fact the first instalment on the £2,000,000 loan becomes payable on 17th September, 1959, and that on the £1,000,000 on 31st March, 1960. These charges will not of themselves of course add any unmanageable sums to our total debt charges. There are, however, outgoings which, like a great deal of the U.K.'s debt which was incurred in war time, will not be matched by any economic assets, and it is more than probable that we shall have to call on more of these loans during the next 12 months. The terms I imagine will be similar to those that we have already had if we have to call on them.

A good deal has been said from time to time about the burden of our Public Debt on the present and future generations. I propose, therefore, having given brief details of the figures contained in the vote, to deal now with our general debt position. I hope that this review will show hon. Members that the position not only in respect of recurrent charges but of our total borrowings is considerably less serious than may often be thought, whether by comparison with other countries or with our own past.

At the present time our total Public Debt, excluding amounts borrowed by the East African Railways and Harbours Administration and the East African Posts and Telegraphs Administration, but including the £3,000,000 interest-free loan from H.M. Government towards the cost of the Emergency, is £31,853,649. If we include the Railway borrowings included in our Estimates and an appropriate element of the borrowings of both the Railways and Harbours and the Posts and Telegraphs Administrations since 1948 the total figure is brought up

to approximately £52,750,000. For comparative purposes it is probably desirable to use the latter figure since the Colony is a guarantor of the loans raised by these Administrations. It should, however, be remembered when making comparisons between the total debt and the Colony's revenue that the loans contracted by these two Administrations are, in fact, well covered by substantial assets. They are also in the hands of thriving organizations which are likely to be able to continue to meet their own debt charges from revenue and which are indeed enjoined in terms of their charters to do so.

The existence of substantial assets which have been provided from these loan moneys is also a characteristic of the vast bulk of the existing net Kenya debt and it is a factor which distinguishes our position sharply from that of say the United Kingdom, the bulk of whose debt was incurred in the economically unproductive business of fighting two world wars. On the other hand, of course, most of the U.K.'s debt is owed to residents of that country and the debt charges do not, therefore, represent an outward drain of resources in the way that those do here. In terms of resources, they merely represent transfer payments within the country, whereas the bulk of our Public Debt has been provided from abroad and the charges to that extent represent a drain on our resources. It is, however, a drain which is inevitable in a developing country since it is impossible to raise large internal loans where there are no developed resources from which to draw them. For some considerable time it is unlikely that we shall be able to meet all our debt requirements ourselves, and in these circumstances we must borrow abroad or stagnate. It is a measure of the confidence which the more developed countries have in our development potentialities that they are, in fact, prepared to lend us this money without which we should be dependent on our own boot straps, which, as hon. Members are aware, are of very little use for pulling oneself from the ground.

So far as can be seen then, Sir, it is inevitable that, for a long time, we shall be faced with a considerable external debt. A start has, however,

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has already been made towards tapping our own growing resources and it is hoped that these will, as time goes on, provide us with more and more of our financial needs. It is for this reason that we have recently made provision in general loan legislation not only for long-term but also for short-term borrowing within the Colony. It is for this reason too that we wish to see developed a thriving money market in Nairobi. It will no doubt be a long time before we can rely entirely on our own resources and it is interesting to note that, up to the beginning of the last war, a number of the self-governing dominions and independent countries, too, carried more foreign debt than internal debt.

To turn to the statistics, it is interesting to compare our position with that of other countries and to see whether we can really be regarded as carrying too great a debt in comparison with our geographical income and our revenue. As I have already said, our total net Colony debt held against the Colony's revenue is £31,853,000. This represents 23.6 per cent of our national income and 126 per cent of our estimated revenue for the coming year. If the Railways and the Post Office are included, the total debt is £52,750,000, representing 39.9 per cent of our national income or 208 per cent of the revenue for the coming year. These sound high figures. If, however, we look at Central Africa we find that the total Public Debt is of the order of £183,000,000, representing approximately 70 per cent of the national income and over 300 per cent of the estimated annual revenue. In this connexion, Sir, hon. Members will wish to know exactly what is meant by revenue in the Central African context. The figure on which the sums which I have just quoted is based is the total for the Federation and its component parts. It comes to £60,000,000 for 1954/55. This is a larger figure than that which was used by my hon. friend last week in comparing national incomes and revenues. The figure used then was the Federal revenue figure of £37,000,000. If the larger figure had been used on that occasion, the proportion of revenue to national income would have been not 14 per cent but 22 per cent. This is, of course, still less than the

Kenya figure of 25 per cent. In both cases subsistence agriculture has been excluded.

In South Africa, to continue with Public Debt, Sir, the Public Debt is approximately £885,000,000, and that represents 59 per cent of the national income and 338 per cent of the national revenue. It is hardly necessary to go on and deal with the United Kingdom, where the total debt of £26,888,000,000 represents 168 per cent of the national income and nearly 600 per cent of the annual revenue.

The one point that does stand out from all these figures is that even when the Railway and Posts and Telegraphs Administrations' share of the debt has been included, we have borrowed at a far lower rate than these other countries whether we make a comparison with our national income or with our Government revenue. Far from being prodigal in our borrowing, we have been possibly over-cautious and it may be that our development would have been greater if we had been able to borrow in the past, at a higher rate. It is, however, interesting to note in the latter connexion that, in proportion to both our annual revenue and our estimated geographical income, we were considerably more heavily indebted in 1938 than we are at the present time. At that time our net Public Debt was £4,466,000 against an annual revenue of £2,800,000 and an estimated geographical income of £16,000,000. The debt was, therefore, approximately 28 per cent of our national income, as against 23.6 per cent to-day, and 160 per cent of our national revenue as against to-day's figure of 126 per cent. Similarly, if the Railways and Harbours' share of the debt is included, the total 1939 debt would amount to £17,700,000, which is 111 per cent of the then national income and 632 per cent of the then territorial revenue. It would seem that if we compare the debt with our own resources, we have become comparatively more cautious in recent years than we were before the war although there has, of course, been a considerable growth in the debt expressed in absolute figures. There has also been a certain growth in the total debt burden per head of population which, in so far as net debt is concerned, was rather

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less than £1 in 1939 and only about £4 if the Railways and Harbours are included. To-day the figures are £5.3 per head excluding the Railways and Post Office and £8.7 per head if we include them. To that extent we are more heavily capitalized by loan to-day than we were in 1939. Our figures are, however, still extremely low when compared with those of the people in Central and South Africa, where the figures are £26 and £66 per head respectively.

I come finally to a comparison of the annual charges. It will be anticipated from what I have already said that these cannot be regarded as unduly onerous. In practice they represent just over 1 per cent of our national income. The corresponding figure for Central Africa is 2.5 per cent and for South Africa 0.9 per cent. Expressed as percentages of total revenue, our charges in 1955/56 will be 5.9 per cent as against 11 per cent for Central Africa and 5.4 per cent for South Africa. In 1939 as a matter of comparison our debt charges represented 8.5 per cent of our annual revenue.

I hope I have not wearied hon. Members too much with all these figures and percentages. I think, however, that they indicate that our borrowing policy has not been unduly rash when compared with the position in neighbouring countries. We shall, in fact, have to borrow a great deal more if we are to develop as they have developed and the greatest danger we probably have to face at the present time is not so much that of incurring too much debt for us to be able to meet the charges from our resources, but that of being unable to raise on the market all the money we need. That is unfortunately a condition in which most countries, and, indeed, most individuals, inevitably find themselves during the greater part of their existence and it is a result of the general tendency of people's hopes and ambitions being in excess of resources everywhere. Provided, however, we are able to keep our own house in order there is no reason to fear that we shall be unable to raise our appropriate share of the available funds or to believe that we shall have any insuperable difficulty in meeting the charges from the growing produce of our labour.

Sir, I beg to second.

MR. USHER: Mr. Deputy Speaker, Sir, I am very much obliged for the statement that has been made. It has clarified our position in a way that I could not have clarified it myself by reference either to the published Estimates with their memoranda or to the memorandum on the Development Plan. I think that possibly by this time tomorrow, if the HANSARD is out, I shall be in a better position to appreciate what we have been told. In the meantime there is just this question that I would like to ask. The provision for loan charges on the new loan is, I see, £300,000 and I would like to know whether that is calculated, as I myself calculated it, on £4,000,000 or upon £5,000,000.

I beg to support.

THE DEPUTY SPEAKER: No other hon. Member rising to speak. I will call on the hon. Mover to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, on the point raised by my hon. friend, the Member for Mombasa, regarding the £300,000 provision. This is largely, of course, a guess—or an estimate if you will—of the rate of interest at which we will be able to raise the amount provided in the Loans Ordinance which is £6,000,000. We shall be unable to assess the correct amount until we have gone to the market and know what our chances are in regard to rates.

The question was put and carried.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XIII—PUBLIC DEBT

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £1,495,167 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XIII—Public Debt.

Question proposed.

A to E agreed to.

Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the Resolution on the Order Paper—Vote XIII—Public Debt—and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that a Committee of Supply has considered and approved the Resolution that a sum not exceeding £1,495,167 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XIII—Public Debt.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council do agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

VOTE XXXVI—MINISTRY OF COMMUNITY DEVELOPMENT

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that a sum not exceeding £12,538 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXVI—Ministry of Community Development.

Question proposed.

A agreed to.

B—Other Charges

MR. COOKE: B, Sir. May we recall that a couple of weeks ago I endeavoured to raise this item, but I was ruled out of order, or out of turn—not for the

first time in this debate or series of debates. (Laughter.) This refers to other charges of the United Kenya Club, and I am opposing the item. I am doing so for this reason and it is an important reason. The United Kenya Club was founded about ten years ago and I happened to be one of the foundation members, and it was founded as a club where Europeans and Africans could meet and exchange ideas. It was strictly a social club and politics were debarred and the rules were drafted indeed on the lines of well-known clubs like Nairobi Club and Muthaiga Club, and there was a very strict balloting committee.

Later on, I think actually on my suggestion, the club was opened also to the Asians, but, unfortunately, before very long, several of the Indian members rather turned this club into a political forum, and they gave a lot of offence to a great many of the members with the result that I, and certainly two or three others, resigned. Mr. Maagal, whom we have referred to before, used to take advantage of this club to let loose his rather wild theories and to utter abuse of European settlement and European settlers.

I am sorry to say he does not seem to be here to-night—that my hon. friend, the Asian Minister without Portfolio, repeated this in Mombasa, where there is another United Kenya Club, only a few weeks ago, and I feel, Sir, that if this club is to exist there must be an undertaking that there will be no political vapourings, political threats and no political propaganda, and because these political speeches are taking place I do not think it is right and proper that Government should give a grant; and therefore I am opposing this item. (Applause.)

THE CHAIRMAN: I am not quite clear. Does the hon. Member wish to move a reduction of B, Other Charges, and, if so, by what amount?

MR. COOKE: Well, I wish, if possible, to excise the whole amount of B (2), United Kenya Club grant; £250. I want that completely cut out.

THE CHAIRMAN: The correct procedure would then be for a Motion to be moved that B, Other Charges, be reduced by £250.

Mr. COOKE: Yes, Sir, then I move that it be reduced by £250.

Question proposed.

THE MINISTER FOR WORKS: Mr. Chairman, I think it is but right that some sort of explanation should be given as to what has been happening in the United Kenya Club, because, as my hon. friend, the Member for the Coast, has said, that sort of thing has been expressed in public and a great deal of misunderstanding exists.

Now, Sir, the hon. Member is quite right when he says that in the original instance the club was formed on certain lines. Then, Sir, from time to time, various prominent speakers, both within the country and without, took the opportunity to come and speak at these meetings, and the reason was, Sir, that once or twice speakers have made references to political matters in rather violent terms. But, Sir, just because sometimes when the speaker is given the courtesy to come and speak to the particular meeting, and perhaps the chairman has not been very strong at that particular meeting to stop the man, I think to make a proposal that an institution—which is one of the few institutions in this country which should have the support of all people who have the interests of the country at heart—to be reduced like that I think is a wrong procedure. As a matter of fact, Sir, I would like to say that the hon. Member for the Coast should have shown a great deal more moral courage by being on the committee and stopping the undesirable trend—if he thought that was the trend of the thing. His Excellency the Governor, Sir, is the patron of the club, and I am sure that if it was the policy of the club to hold political discussions as the main platform of its political forum, I am sure that His Excellency the Governor would pull up the management and at least, if he did nothing else, he would certainly not be the patron of the club. With these things, Sir, I would also say that from time to time prominent European speakers, whose views have not always been of the moderate trend, have come and made speeches and the other communities have not taken objection to it. I think that to move a vote of reduction on the thing

is doing a great disservice to the country.

Mr. COOKE: Mr. Chairman, it is just as bad if the Europeans made political speeches. It does not alter a bit, in fact it strengthens my case. The fact of the matter is that I protested strongly at the time, and gave the committee one year in which to decide and I have in my possession letters from the then president, Mr. Erskine, in which he said that strong action would be taken if it happened again: It has not been taken and I think it is a disgraceful thing if my hon. friend had not made rather what I think they call nowadays an immoderate speech. I might have withdrawn this, but I shall not now, and I think it is a great pity that my hon. friend did not take a different line, because I have not blamed his community and I have only blamed actually, as far as I know, the Indian community. So I must insist on my Motion standing.

Mr. USHER: Mr. Chairman, I rise merely to support my hon. friend, the Member for the Coast, in what he has said and to say that, really, so far as Mombasa is concerned, interest, so far as the two other communities are concerned, has been absolutely killed.

THE MINISTER FOR COMMUNITY DEVELOPMENT: Mr. Chairman, I rise to oppose the Motion moved by the hon. Member for the Coast for the very simple reason that the United Kenya Club from the beginning aimed at being an association in the Colony of persons of all races, and its objects were to make available facilities for cultural, social and recreational activities. Now, I understand that with those activities he has no quarrel whatsoever; but he alleges that in the course of its life the facilities have been wrongly used by certain of its members. I believe the Council will appreciate that the facility which is made available for the use of communities of the whole country—if a member of that club one day made the wrong use of that, it may not be an absolute necessity to wipe away the whole facility completely.

I should like to say that I am very glad to note that the hon. Member of the Motion has not referred to the use of this club by all other members of the community in the same way as he has

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done in the case of one of them. But I am quite sure that the objective to which this club aims stands unaltered. It is an absolutely non-political club, and if members and speakers who were gathering under its auspices happened to talk politics and so on, I agree with the hon. Member that they were misusing it and we ought to try to rectify that and make quite sure that in the future the correct use of the club is emphasized rather than that it should be a political forum.

Mr. Chairman, I should like to mention that the affairs of this club are entrusted to six trustees—men who are responsible and have quite a standing in their own communities—and I am quite sure that if they were reminded of wrongs in the past, they would take the necessary steps to make sure that mistakes were not repeated in the future.

Now, founded in 1947, the club has achieved certain objectives. That is, it has achieved some of its aims. Membership at the moment stands at 300. It is true that Europeans and Asians number about equal, but that Africans are still rather few. Nevertheless, how ever few the Africans may be, I believe that they are at a stage when they are to learn mainly from the other races and I have no doubt that if all went well, they would follow suit and that their membership will rise.

The notable achievements of this club, I think, could be seen in their being able to provide for themselves a club-house which was built from their own initiative and with the generosity of people of good will of all races in the Colony, and which now stands to their credit and offers a club-house that can be used for quite a number of things in Nairobi for which otherwise there would be no other facilities available. At the same time I should like to point out to my hon. friend the Member for the Coast that the grant of £250, which Government now makes to the club, is a necessity which arose from their having to borrow the capital with which to put up the building; and that this grant of £250, which has been given to them for the last two years or more, will be required for the last time this year. After the receipt of this grant it will no longer

be necessary for the United Kenya Club to rely on Government grants again as they consider that their bank overdraft will be fully repaid at the end of our next financial year.

For those reasons, I very much hope that the hon. Member will see fit to withdraw his Motion. (Hear, hear.) (Applause.)

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Chairman, Sir, in a way I am glad that I have received preference against the hon. Member for the Coast who stood up to speak again. I happen to be, Sir, quite by reason of natural forces, a member of that much maligned community which the hon. Member for the Coast is always attacking: the community called Indians.

It seems to me, Sir, that whenever the name "Indian" is mentioned, my hon. friend the Member for the Coast starts jumping about and I am reminded now of something that an American poet said: "What ho, what ho, this fellow is dancing mad, he has been bitten by the tarantula." In this instance the tarantula being the Indian.

Sir, I should like to point out to the hon. Member for the Coast that certain members of the Indian community have provided and made a great deal of intellectual contribution in the management of the United Kenya Club and that some of them are contributing to the debt incurred in erecting the buildings of the club to which the hon. Minister for Community Development has referred. All Asian members of the United Kenya Club are not non-Indians; there are quite a number of them who are Indians and some of them are well known. I would suggest to the hon. Member, Sir, that he might consider withdrawing his Motion because this is an institution which, in my opinion, is making a great contribution towards promoting common ideas between different races in this Colony, and also, what is more important, providing one of the few platforms or forums where peoples of different sections can meet, talk together, and sit together. Surely my friend, Sir, the hon. Member for the Coast, is not interested in seeing this club being abolished which could result, to a certain extent, in intellectual decay in certain quarters.

[The Parliamentary Secretary to Minister for Commerce and Industry]

There is one other point, Sir, to which I should like to refer and that is the question of Mr. Mangat. It seems to me this gentleman is mentioned every now and then by certain Members on the Opposition, and I should like them to drop the Mangat bogey.

THE CHIEF SECRETARY: Are we in order, Sir, in continuing on that line?

THE CHAIRMAN: I do not think it really is anything strictly connected with the United Kenya Club. It seems to be a side issue.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Well, I can see the point in the objection and I will not pursue that, but I will repeat my request to the hon. Member for the Coast that he should seriously consider withdrawing his Motion because even if there are Indians, the United Kenya Club is making a great contribution towards the solidarity of the various communities here.

MR. COOKE: Mr. Chairman, the speech we have just listened to is typical of the type of speech we hear in the United Kenya Club nowadays! A version of personal abuse and so on. That is the kind of thing to which I take so much objection and I might have withdrawn this Motion, at the request of my hon. friend, the Minister for Community Development, who made a very reasonable speech, although it was very irrelevant really to what is in question. My point of view is that this must stop. So long as it is going to be a social club, politics must cease; and anyone who makes these speeches ought to be expelled from the club. The club is not carrying on its true functions. I have represented this for the last two or three years and I think it is time some action was taken.

THE CHIEF SECRETARY: I would like to say, Mr. Chairman, that it is the hope of the Government—I will not say the instruction or the wish of the Government—that the club should confine itself to its cultural, recreational and social activities.

MR. COOKE: Having received that assurance from my hon. friend, I withdraw the amendment. (Applause.)

THE CHAIRMAN: The amendment is withdrawn.

The question was put and carried.

THE CHAIRMAN: Committee will suspend business for thirty minutes.

The Committee suspended business at fifteen minutes past Six o'clock and resumed at forty-five minutes past Six o'clock.

MOTION

VOTE I—THE GOVERNOR

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £38,157 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote I—The Governor.

Question proposed.

Head Z agreed to.

The question was put and carried.

MOTION

VOTE II—JUDICIAL

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £214,253 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote II—Judicial.

Question proposed.

Heads 1, 2, 3 and 4 agreed to.

The question was put and carried.

MOTION

VOTE III—LEGISLATIVE COUNCIL

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £58,991 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote III—Legislative Council.

Question proposed.

Heads A, B and C agreed to.

The question was put and carried.

MOTION

VOTE IV—AUDIT

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £34,000

[The Minister for Finance and Development]

be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote IV—Audit.

Question proposed.

Heads A, B, C and Z, agreed.

The question was put and carried.

MOTION

VOTE V—CIVIL SERVICE COMMISSION

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £14,715 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote V—Civil Service Commission.

Question proposed.

Heads A and B agreed to.

The question was put and carried.

MOTION

VOTE VI—CHIEF SECRETARY

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £124,751 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote VI—Chief Secretary.

Question proposed.

Heads 1, 2, 3 and 4, agreed to.

Head 5

MR. TAMENO: I have a point to raise on Head 5. I would like, Sir, to know whether it would be possible in future for the Chief Secretary to consider whether it would be possible to have all the communities represented in the Public Relations Office in London. I am not saying this on a racial basis, but I would think, Sir, that it would be possible to get from each of the communities some body who would be able to do the work.

THE CHIEF SECRETARY: No, Sir, I cannot see that any useful purpose would be served by having a representative of each community in the Public Relations Office. We have one skilled man who was selected for the job and trained to it, and who is doing extremely well. It would be a waste of public money to try to develop a kind of multi-racial office.

He, of course, represents the Government, which does represent the multi-racial ideal.

Head 5 agreed to.

Head 6 agreed to.

The question was put and carried.

MOTION

VOTE VIII—IMMIGRATION

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £63,525 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote VIII—Immigration.

Question proposed.

Heads A, B and C agreed to.

The question was put and carried.

MOTION

VOTE IX—LEGAL AFFAIRS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £74,291 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote IX—Legal Affairs.

Question proposed.

Office of the Minister for Legal Affairs

Heads A and B agreed to.

Legal Department

Heads A and B agreed to.

Registrar General's Department

Heads A and B agreed to.

The question was put and carried.

MOTION

VOTE X—MINISTER FOR FINANCE AND DEVELOPMENT

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £4,847 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote X—Minister for Finance and Development.

Question proposed.

X—A—Personal Emoluments

MR. COOKE: Mr. Chairman, I wish to move, Sir, a reduction in the salary of my hon. friend, the Minister for Finance.

You will observe, Sir, that I have got more than my usual complement of papers in front of me to-day because to-night I am taking on, I think, a fairly tough proposition.

THE CHAIRMAN: Would the hon. Member say by how much he proposes to reduce the vote?

MR. COOKE: One hundred pounds—I thought I said so; sorry, Sir. One hundred pounds, being a token vote.

Now, Sir, we have argued in this Council over the Estimates for many days and my hon. friend the Minister for Finance has not, so far as I can recollect, made one important concession to those on this side of the Council. We have, with the exception, of course, of myself, put up quite constructive suggestions, but it always appears to me that my hon. friend never regards anything as constructive unless it emanates from himself. I sometimes think of that old definition that "orthodoxy is my doxy, and heterodoxy is the other man's doxy". It is the same, of course, with constructive criticism. Whatever my hon. friend says must be constructive, but what my hon. friend—the Member for Mombasa, and my hon. friend the Member for Aberdare, and my hon. friend the Member for Nairobi South says, and the others say, must necessarily be destructive. I do not mind my hon. friend attacking me because at times I attack him, but even the most mild Member on this side of the Council—and there are quite a few mild Members on this side of the Council—has not escaped his jeers and sneers. Even though we try on this side of the Council to put forward measures or suggestions which we think are good ones, we are assailed with what might be a "whipping" if it came from somebody more important than my hon. friend. But he does not seem to have any regard whatsoever for what we say on this side of the Council.

Therefore, I am impelled to ask that his salary should be reduced. Usually his speeches are full of what one calls

ipsi dixit—the "Great I Am", you take it or leave it. He leans over the despatch box and he sermonizes and, indeed, preaches homilies to people on this side of the Council. Now, I would not mind, as I said before, if he did it on occasion, but it is becoming so much a habit now that I, at any rate, am beginning to think it is time it ceased, because the subject of finance is too important to leave to the vagaries of my hon. friend.

Now, my hon. friend makes, I think, the mistake that he will never give way, or will seldom give way, if we raise a point on this side of the Council. He says that we are interrupting him, but I being an observer, sometimes think that he jumps to preconceived conclusions, and then, Sir, he as we used to say when I was at the University, invents his premises with which to support those preconceived conclusions. Of course, if we interrupt while he is in the midst of one of these false premises, he says, "Let me finish my sentence", or "Let me finish my argument", but as the argument is based on false premises, the conclusion must be false. So he gets so angry with us, if not having accepted his premises, we fail to accept his conclusion. Now, I have noticed this time after time in this Council, and that is, I know, a severe pen picture to paint of my hon. friend. Nevertheless, I contend it is a true picture; and he will even intervene, Sir, not only in financial affairs, but he will try to teach us sometimes—not very often, I admit—how the strategy of this country should be run. Well, I do not believe my hon. friend really knows one end of a rifle from another. It is getting so irksome that I feel that it is necessary to protest.

Now, Sir, I am going to quote from certain remarks made by certain prominent people in this country to show that I am not the only one who has this point of view with regard to my hon. friend. Now, the Mayor of Nairobi, speaking the other day, and the Mayor of Nairobi is, I think, a very able economist, and a very able man at any rate—(Hear, hear.)—and he says—(Inter-ruption.)—is that supposed to be sarcastic, or is it supposed to be in agreement—however, what my hon. friend the Mayor says is this, that the financial policy of Kenya was "channelling all

[Mr. Cooke] the power to the centre—that is to my hon. friend—the Colony was in a ridiculous and retrograde position of finance-making policy; using finance to promote ideas that were personally liked to deflate those that were personally disliked" by my hon. friend the Minister for Finance; and that he was "trying to put across this country his personal wishes and whims". "An astute politician"—Hear, hear—I mean the "Hear, hear" comes from me—"How can we deal with this frightful colossus of control at the centre? Those who are controlling finance, are controlling policy and our destinies."

Now, that is a serious allegation to make and, if it is not true—I hope it is not true—perhaps we can have correction to it. Now the *Sunday Post* had an article the other day and I must say that, although I do not pay compliments to the Press, I thought it was extremely well written. On the 22nd May, it said, "As it is, the Colony must either rely upon successive monetary gifts from Britain"—it ends up like this—"or face a retrenchment far more disastrous than those of the 'twenties or the 'thirties."

Now, if I made that remark in this Council, I would be told: I was causing alarm and despondency at home and that local loans would not be subscribed to; and so on and so forth. In fact, I would be a very dreadful chap! But that is what the *Sunday Post* says.

Now, the Elected Members received the other day—the European Elected Members at any rate—certain articles or suggestions from the Nairobi Chamber of Commerce, and they say "they view with serious concern"

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I am quite content to listen to the attack on myself, Sir, but I would suggest that if the hon. Member gets deep into policy—a statement of policy to the Council—

THE CHAIRMAN: Yes, I think what the hon. Member says must be related—

MR. COOKE: I am not quite certain how long I have, Sir.

THE CHAIRMAN: Two minutes more.

MR. COOKE: The hon. gentleman was too clever for me because he did not

make a policy statement. "They view with serious concern"—I will read very quickly now—

THE ASIAN MINISTER WITHOUT PORTFOLIO: On a point of order, Sir, can the hon. Member read his speech.

MR. COOKE: I am not reading my speech, I am quoting. That interruption is in order to waste time, the hon. Minister is extremely clever, (Laughter.)

THE ASIAN MINISTER WITHOUT PORTFOLIO: Can the hon. Member attribute—

MR. COOKE: I am not giving way to the hon. Minister because he is just trying to waste time.

THE ASIAN MINISTER WITHOUT PORTFOLIO: On a point of order—

MR. COOKE: "And the Elected Members were asked 'to explore alternative means of raising specific Emergency taxes which would show an equitable contribution by all races in Kenya'."

Now, the hon. gentleman went so far as to accuse me the other day of knowing nothing about economics. Well, I do not know what my hon. friend's economic history is, but I understand he was described in the voters roll about ten years ago, when he first came to this country, as a "company promoter", or a company director, and a "musician". Well, Sir, I happen, humble as I am, to have taken a degree in economics. I do not say it was a distinguished degree, but it was a degree and I do wonder how my hon. friend can make the remarks that he made that I ought really to go back to school—or words to that effect—to learn economics. It may be that company directors know more about economics than I do, but I do not think that I would really like to accept that suggestion. He then went on to give totally false figures about the ratio of expenditure to the national income. I have not got time, unfortunately, to explore those figures, but I hereby challenge my hon. friend to prove the figures before any statistical society in Kenya. He has got, on record, what he said and I now hereby challenge him to prove the statement he made.

I told him at the time he would have to be very careful of what he said—

THE CHAIRMAN: Time is up.

MR. COOKE: And that is why I move a reduction of this £100 in my hon. friend's vote.

Question proposed.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I do not know exactly what this debate is based on. If it is an item in the Estimates, it seems to me that the hon. Member for the Coast is completely out of order, as he has been talking on broad lines and financial policy and making a personal attack on the Minister for Finance.

I was just in time, Sir, to hear him quote a speech by the Mayor of Nairobi. As Minister for Local Government I would like to say straightaway that the Mayor of Nairobi, in making that speech, made it as a completely independent person and an individual who has no real knowledge of the inside working of the Government at all. (Hear, hear.) (Applause.) The Mayor and myself are, of course, on good terms and we see each other very often: As Minister for Local Government, I have a considerable amount to do with the City Council and with the financial aspect of the City Council and the finances that should be made available to them and so on. It is all channelled through me and through my Ministry and I will here and now say that the Minister for Finance is not shaping policy with regard to local government. He has a very, very difficult task in that he has very little money, we have a very big gap recurrent and a very big gap in our development or capital estimates, and the whole matter is channelled through me and it is my recommendations that go back to the Mayor—not those of the Minister for Finance. I personally think that the speech the Mayor made the other day, as quoted by the hon. Member for the Coast, was one which was completely and entirely unfair and based without any knowledge of the true facts. (Applause.)

MR. COOKE: Say that at the next election.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I will.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Chairman, with reference to the hon. Member's speech—apart from the fact that some sections

of it may have been out of order—I must ask the privilege of replying in kind. I found the hon. Member's speech extremely depressing to listen to for this reason, that the hon. Member on many occasions has made contributions in this Council that have added a great deal to the stature of the Council, and to the tone of debate. I found, however, to-day, that the tone of his attack on my hon. friend was in many respects the negation of those qualities which I, with so many other Members of this Council, admire in the hon. Member for the Coast. To refer, as the hon. Member did, in personal terms, to the educational opportunities of my hon. friend, was, I thought, the absolute negation of good taste and something of which the hon. Member should be ashamed.

Secondly, and I can speak with some knowledge in this matter, the hon. Member for the Coast referred to himself as one who has taken an economics degree. Well, rightly or wrongly, I have been a professional economist and have earned my living as one and taught economics at Cambridge, and I would say that to make an attack of the kind made by the hon. Member on the Minister for Finance, attacking his grasp of economics, a grasp that very few people in this country have had—(Hear, hear.)—is, I believe, one of the lowest forms of attack. I believe that my hon. friend has mastered economics in a way few people have done. He has had practical experience, he has, to my knowledge, backed it up by hard study and I think to listen to the hon. Member for the Coast in that vein is humiliating to Members of this Council.

Now, Sir, I would not be at liberty, in view of your ruling, to defend my hon. friend's general economic policy. You have ruled that would be out of order. But I did find it somewhat derogatory to the dignity of this Council to find that not a single criticism of my hon. friend's policy was made: personal attacks, yes; quotations from other people who made personal attacks, yes; any constructive criticism of his policy, no—a personal attack with nothing behind it except allegation and quotation. I would refute what the hon. Member has said and I believe that on a free vote in this Council—and that is not a matter for me—I believe that the

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vast majority of hon. Members on both sides of the House of all races would refute the allegations of the hon. Member for the Coast. (Hear, hear.) (Applause.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, before the debate gets too heated, I would like to say, Sir, that my hon. friend, the Member for the Coast is a man with whom I have had differences from time to time and with whom, I have no doubt, as long as he puts forward some of the economic theories he puts forward, I shall continue to have differences with him from time to time.

I am quite prepared to admit, Sir, that, different to my hon. friend, the Member for the Coast, I had no education other than that at an elementary school. I am quite prepared to admit, Sir, that I have had to keep myself since the age of eleven and that, therefore, there was no chance for me to enjoy the privileges that were enjoyed by my hon. friend, the Member for the Coast.

I learned my economics the hard way, the practical way. I learned them in the way of trying to make businesses pay—and I can say with reasonable success making those businesses pay. I learned them by study and I learned them by work. I also think I may claim to have learned them to some extent through 20 years' nearly, experience of this country, 16 years of which I have been associated with local government and Government, most of it in some capacity connected with finance.

Now, Sir, I do not propose to deal with the personal side of my hon. friend's attack any more than that, but I would say this that there are certain people in prominent positions in this town—and, I think, some members of this Council and Committee—who are unaware of the principles of parliamentary and cabinet government, and I think that budding young ambitious politicians should read at any rate three books at least: those dealing with parliamentary and cabinet government by Ivor Jennings and the Control of Public Expenditure by Chubb.

Now, Sir, I have tried so many times to explain in this Council what is the

position with regard to collective responsibility. I think I can do no better now, Sir, than use the words that I have used in previous debates. With your permission, Sir, I will quote them: "The responsibility of the Minister for Finance and the Treasury, on any scheme that is put forward at any time, is to study the scheme, its financial implications, its short-term economic implications, and its long-term economic implications, and place those before the Government. If the Government, in the face of those foundation facts, moves to a certain policy, then that is a matter for the Government as a whole, but the duty of the Finance Branch is to see that, in its consideration of any policy, the Government is fully aware of the financial and economic implications on the Colony as a whole as well as, in this particular case, the groups of separate groups. As long as I occupy this post, so long shall I try to place before the Government the economic facts which control matters, and it is particularly important, in my opinion, in this case because the European community stands to a very great extent as the backbones—if you like to quote an over-quoted word—of our economic structure. It is important that it should see what economic burden it is taking up in this respect and this regard before it takes that step. I should be failing in my duty if I did not see that the complete and salient facts were in front of everybody before they took this particular step." I shall continue to press the whole picture and the complete picture of the salient facts, economic and financial, before the Government before a decision is taken. When the decision is taken, and the full knowledge of the facts are known, then I can either follow the step as a loyal Minister in the Government of saying that I accept this policy, or I can follow the other step which lies open to any Minister, any honest Minister, who disagrees with the policy of the Cabinet and the Government, of which he is part."

Now, that, Sir, is the outline of the principle of collective responsibility which I have tried to put before this Committee and this Council on many occasions. It is the principle on which the Finance Department of the Government has always operated and, on all matters of policy, all Ministers of the

[The Minister for Finance and Development] Government accept the responsibility for the acts of their colleagues, having been first assured that those acts are in line with general policy by a discussion and a decision in the Council of Ministers, I think I may fairly claim to have followed that policy solidly and steadfastly during the time I have been a Minister in this Government. (Hear, hear.)

Now, Sir, my hon. friend, the Member for the Coast, has questioned some figures. I am prepared to accept, Sir, his challenge and take these figures before any statistical society. My hon. friend has in front of him at the present moment a list of the figures which were supplied to him from the Treasury folder and he knows well enough that those figures substantiate and do not alter the figures that were put forward.

Now, Sir, I would like it to be fully understood—and I say this with all consciousness of what I am saying—that I am at any time willing and ready to lay down the Portfolio of Minister for Finance and Development in this country at any time and at any moment that a majority of this Council, on a free vote, expresses any lack of confidence in myself.

MR. COOKE: You are quite safe.

THE MINISTER FOR FINANCE AND DEVELOPMENT: And it is open to any hon. Member to move such a Motion as my hon. friend the Member for the Coast has done in this case. I shall ask my hon. friend the Leader of the Council to allow a completely free vote on this matter now, or on any subsequent occasion that it should be raised. Sir, believe me, I do not want to hold this position for one moment of time beyond the point when the people of this country, as represented in this Council by Members of both sides of the Council, be they European, African or Asian, say that they have no longer confidence in me or in the financial policies that I have had to place before Government, and this Council, or which the Government has put into practice. I repeat, Sir, I am willing at any time, on a free vote in this Council, to lay down the Portfolio I hold if the people of this country, as represented by this Council,

have not confidence in the advice that I have tried to give and the service that I have tried to render to my country. (Applause.)

MR. COOKE: Mr. Chairman—

THE MINISTER FOR LEGAL AFFAIRS: On a point of order, Mr. Chairman, I think the hon. Member for the Coast has exhausted and more his right to speak on this occasion.

THE CHAIRMAN: I was going to say that I allowed a certain amount of latitude on both sides of the Council in considering this particular item under A, and I think now if there is to be any more debate at all, that it must be strictly related to the provision for the Minister for Finance and Development.

MR. COOKE: Mr. Chairman, with all respect, certain charges have been made against me by my hon. friend, the Minister for Finance, in his speech. (Cries of "Order".)

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, Sir, I made no—

THE CHAIRMAN: Order, order, I am afraid I cannot allow any further remarks by the hon. Member.

MR. COOKE: Well, now, Sir, I do—(Cries of "Order")—ask that I should be permitted to read out what the hon. gentleman said about me in the original debate. He says that I made an unfair attack—

THE CHAIRMAN: I am afraid that I must rule that this is not strictly related to the provision under Head A, item one.

MR. COOKE: Do I understand from your ruling, Sir, that one is not permitted to substantiate one's point that the hon. gentleman's salary should be reduced by £100. Is that not the understanding? In Committee we have unlimited right to say what we wish to say.

THE CHAIRMAN: As I have said already, the debate has already ranged very far into policy and, as I have said, I have allowed a certain amount of latitude. I think the time has come when we must confine ourselves to the provision side of it.

MRS. SHAW: Mr. Chairman, is it in order for two hon. gentlemen to be standing the whole time in the Council? I see three standing up now.

THE CHAIRMAN: No, would the hon. Minister resume his seat. I will call on the Chief Secretary.

THE CHIEF SECRETARY: Sir, I cannot say how bitterly we deplore this malicious, personal and futile attack upon a brilliant and honoured colleague. (Hear, hear.) (Applause.)

If it should come to a question of a vote, I have no hesitation, of course, in saying it shall be entirely free.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Sir, on a point of order, may we have this clear? Are we in Committee? Can hon. Members speak twice, or what? I mean, if we are in Committee, although I disagree absolutely fundamentally with what the hon. Member for the Coast has said. Has he not the right to speak twice?

THE MINISTER FOR LEGAL AFFAIRS: With respect, Mr. Chairman, this is a particular Committee governed by particular rules of order—and I refer to Standing Order No. 136 (i): "All speeches, other than the speeches of the Minister in charge of the Vote, Head or Sub-head under consideration, shall be limited to ten minutes." That must imply ten minutes in all, otherwise anyone would be entitled to speak on any number of occasions for ten minutes. On this particular occasion in Committee, it is my submission, Mr. Chairman, that a Member may speak for ten minutes and no longer.

LT.-COL. GHERSIE: On a point of order, Sir, surely that refers to any particular speech. I think an hon. Member may speak as often as he wishes in Committee, but his speech cannot be extended over ten minutes on a particular occasion.

THE MINISTER FOR LEGAL AFFAIRS: Not, in my submission, on one item because it makes that particular Standing Order which I have read out complete nonsense. That is my submission, Mr. Chairman, and I would invite you to rule on it.

THE CHAIRMAN: It does appear from reading of (i) of Standing Rule and Order No. 136 that there is no particular point in having a limit of ten minutes if immediately any Member can rise after a small interval of, say, a minute or two and continue to make another

ten-minute speech. It seems to be contrary to the spirit of the order if it is not actually written into the letter of the order. That is my ruling on this matter.

MR. STADE: On yet another point of order, Mr. Chairman, the question of the scope of this discussion has been raised. I do submit that my hon. friend the Member for the Coast was completely in order in what he said, whether or not hon. Members agree with what he said. He moved a reduction in the Minister's salary. In support of that Motion, his main argument has been that the Minister goes beyond the proper scope of his functions as Minister for Finance. Now, if my hon. friend cannot say that, how on earth can he say anything in support of the Motion?

LT.-COL. GHERSIE: Mr. Chairman, on a point of order, I think we must get this position cleared up. Let us assume, Sir, that an hon. Member spoke three times for three and a third minutes. Would he then be debarred from entry into the debate again?

THE CHAIRMAN: I have given my ruling on that, and I adhere to it.

LT.-COL. GHERSIE: I beg your pardon, Sir.

MR. COOKE: On a point of order, Sir, you have ruled you have permitted some very disgraceful attacks to be made on me and my only alternative now is to bring in a Motion later on, which will far more waste the time of the Council, calling in question my hon. friend's right to remain Financial Secretary of this Colony. It is exactly the same to me whatever happens, but I think it is rather a pity, if I may say so, that it has come to this.

THE CHAIRMAN: I am not quite sure what the point of order raised is.

THE ASIAN MINISTER, WITHOUT PORTFOLIO: Mr. Chairman, I oppose the Motion moved by the hon. Member for the Coast. I believe that there is no substance in his speech and there are no merits in the reasons he has advanced and that is why to support his speech he had to quote some extracts from a speech made or something said outside this Council. He did not point out to us on what matters the hon. Minister for Finance has failed in his duties or has dictated policies to this country. It

[The Asian Minister without Portfolio] shows, Mr. Chairman, that the hon. Member for the Coast is absolutely ignorant about the principle of collective responsibility and that the hon. Minister for Finance cannot decide anything against the wishes of the Council of Ministers. I would say, Mr. Chairman, as an Asian Elected Minister, that the Asian community always has a very high regard for the hon. Minister for Finance. (Hear, hear.) (Applause.) The services he has rendered to this country are valuable at this difficult period.

I would also like to say, Mr. Chairman, that the hon. Minister for Finance has served this country well for a long time and one would say that the observations and remarks made by the hon. Minister for the Coast—(Laughter)—hon. Member for the Coast—amount to nothing but malicious and reckless statements.

MR. GIKONYO: Mr. Chairman, I listened with very deep regret to the speech made by the Member for the Coast in attacking the Minister for Finance. I wish to say publicly that I have had the privilege to know the Minister for Finance some time ago. I worked with him not only in this Council, but in the City Council and I have come to like him and admire him for his honesty, ability and, above all, sincerity. Therefore, I wish to disassociate myself completely with everything that the Member for the Coast said about the Minister for Finance. In doing so, I would like to assure the Minister for Finance that, as far as the Africans are concerned, not only the African Members of this Council, but the African public, have very great confidence in the Minister for Finance. (Hear, hear.)

I beg to oppose the Motion.

MR. J. S. PATEL: Mr. Chairman, in all my life either in or outside this Council, I have never heard such mean expressions about a person to whose credit goes, I think, the honour for the whole of Kenya standing on its feet and facing up to the present situation.

The Minister for Finance has undertaken such grave responsibilities and I personally endorse that he has carried out those responsibilities faithfully and very ably.

I oppose the Motion.

LT.-COL. GHERSIE: Mr. Chairman, I hope my small contribution to this debate will not be regarded as my personal attack on the Minister for Finance. I would rather deal with the principle which is this, Sir, that I believe Government should seriously consider the question of divorcing from the Minister for Finance that part of his Portfolio which is responsible for development or planning.

I believe, Sir, it places the Minister in a very invidious position; He takes part, because of the particular Portfolio he holds, in the planning of development and then he is in that rather awkward position afterwards of having to provide the necessary finance. I would never suggest for one moment that he would allow his personal affection for any particular plan to guide his judgment, I am sure he is far beyond anything like that. But I do suggest, Sir, as he pointed out himself a moment ago when he was quoting his own speech—I think he said it was his position to study the schemes and provide the necessary finance according to the Colony's needs, or words to that effect.

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, Sir, can I correct the hon. Member by quoting the exact explanation—The responsibility of the Minister for Finance and the Treasury on any scheme that is put forward at any time is to study the scheme, its financial implications, its short-term economic implications, and its long-term economic implications, and to place those before the Government. If the Government, in the face of those foundation facts, moves to a certain policy, that is a matter for the Government. . . .

LT.-COL. GHERSIE: Yes, Sir, I think the Minister very much for having read that out—I could not take it down quite so quickly as that. That is the function of the Treasury; that is the function of the Minister for Finance. That is why I suggest, Sir, that if he is originally instrumental in the actual planning of development, by the very virtue of that fact, it places him in an invidious position when he then has to study it from the financial point of view. I do submit that the two should be divorced one from the other. In fact, I consider it is quite unfair that

[Lt.-Col. Gherisie]

a person should be placed in a position where he is responsible for planning and then responsible for examining the scheme and deciding where the priorities should arise and, in fact, whether or not finance should be made available.

MRS. SHAW: Mr. Chairman, I would like to support what my hon. friend the Member for Nairobi North has just said because I think that the fear of some hon. Members is that finance dictates policy. I join with other Members on this side in disassociating themselves from what I consider a merely personal attack. I do not think the Member for the Coast's attack was anything but a personal one; therefore, I do not see really why we should all disassociate ourselves on this side from that attack, though apparently it is fashionable to do so and I also say that I would not join in any attack on the Minister for Finance which I consider a purely personal attack from the Member for the Coast.

THE MINISTER FOR COMMERCE AND INDUSTRY: On a point of order, Mr. Chairman, the last two speakers, in speaking did not indicate whether they were in support of the hon. Member for the Coast, or opposed, to the reduction of my hon. friend's salary. In Committee I thought it was usual that that should be indicated.

MRS. SHAW: On a point of information, I said that I regarded it as a personal attack and that I did not see why the whole of the Unofficial side should be associated with that by inference.

MR. COOKE: Have I permission to speak again?

THE CHAIRMAN: No, I have given my ruling on that—unless this is on something quite different.

MR. COOKE: Well, I just wanted you to give a definite ruling that one cannot speak more than once in Committee, because it cuts right across the custom of this Council and also the rules of this Council. If it is your definite ruling, I ask you to reconsider it because if that is your definite ruling, I shall have to bring the matter up in another place in a Motion.

THE CHAIRMAN: I have already given my view that it is in the spirit of Stand-

ing Rule and Order 136 (f) that speeches shall be limited to the ten minutes, and that I cannot see my way to agreeing to further speeches of that time or duration.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Chairman, I should like to speak if I might to your ruling. I think the Council must accept your ruling now as the correct and proper thing to do. I do not think, Sir, necessarily on a point of order that collective responsibility holds because this is a free assembly of individuals engaged in a common purpose, and I would like to submit, Sir, that the Council should accept your ruling now as you have made it and that is correct, but I would like to record that it is a matter which we should discuss with you because the essence of Committee is the quick interchange of opinion over a period of time and not the set speech of debate. That is as I see it, and I believe, Sir, if we cannot speak twice in Committee we will be eliminating something which is essential—the cut and thrust of opinion across the floor of the Council—which is part of the democratic process. (Hear, hear.)

THE CHAIRMAN: I am, of course, perfectly willing to discuss this particular point and there are, at the moment, a number of amendments to the Standing Rules and Orders which could be clarified. I think this is probably one of them, but I think, as the hon. Member has said, the ruling having been given, we should stick to it now.

MR. SLADE: Mr. Chairman, for purpose of debate, I support this Motion. The purpose of the Motion undoubtedly was to bring to the notice of the Minister and Council, the growing feeling among certain Members of this Council—and people outside this Council—that the Minister does not quite understand the proper limitations of his functions and, for that reason, I support this Motion.

Now, the Minister has read to us a definition of his functions as Minister for Finance, and with that definition I think we probably all agree. That definition seemed to me to mean, in more humble language, that it is not for him to say what course you should take, or should not take; it is for other people to do that—other Ministers in charge of particular departments—but at a certain stage he has to say, "Now look here, you want a coat and you want this cloth

[Mr. Slade] for it. Just consider carefully where you have got to get that cloth from, and how much the wearing of that coat is going to cost you afterwards". All right, that is one thing; it is another thing to say, "Cloth is not available now—and is not going to be available in the future—no coat". That is to say, however much you like that policy, it is out of the question, both now and in the future.

Now, it is very difficult for Members of this Council—for people outside this Council—to know exactly how far it works like that. All I can say is that this Council must know exactly what is happening. We were merely told, in answer, that we do not understand the principle of collective responsibility. Now, Sir, I admit that I do not understand that principle. All I know is that collective responsibility is very good cover against individual responsibility. However, it has got to be made clear somehow or other despite collective responsibility, that, in fact, the Minister for Finance does not dictate policy.

Now, Sir, the hon. Asian Minister without Portfolio said that no one has given any example as to where it has been happening. But I can give one, and one that springs to my mind straight away—and is one that we have heard often before in this Council—and that is the question of the European Education Authority.

Now we have put before this Council a proposal for a transfer of responsibility—financial responsibility—for the recurrent financing of European education which does not necessarily alter the cost to this Government for the European education one jot or tittle. We have, Sir, proposed the transfer from central revenue to a European Education Authority of precisely the net amount it is now costing Government for European education. The European community can then be left to get on with it, and if they want more they can always make provision for it, but that has got to depend on their particular willingness to pay any extra sum involved.

Now after that, we are delayed by a series of committees established by the present Minister for Finance going into all kinds of figures; and this is rubbish,

for it is clear enough to me that the proposal does not involve or call for any figures at all. It is, as I said in a previous debate, a matter of algebra, not arithmetic. Then one committee eventually brought in a report which was withdrawn, and another one has not reported yet. The Minister answers, "It is my responsibility to see that people do not embark on undertakings of this kind without full understanding of the facts". Facts are important, Sir, but figures do not matter; and this proposal is concerned only with facts already clear to us. That is the sort of thing that makes us very angry.

I have no more to say, Sir, except that in principle, and in the light of those facts, and of the situation as we see it, we do feel, as the Member for Nairobi North says, particularly anxious that the matter of development, all the constructive policy of Government should not be in the hands of the Minister for Finance whose job is at times just the opposite of saying "No development". It does not make sense to me.

It is on these points that we, on this side, and the public in general, want an explanation.

MR. COOKE: Since this exhibition of bad temper on the other side of Council, there was a point raised by my hon. friend Mr. Patel, the Asian Minister without Portfolio, which I—

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Are you speaking on a point of order?

MR. COOKE: Since I first spoke, there has been a point raised by my hon. friend, the Asian Minister without Portfolio, to which I claim the right to reply. Now, the hon. gentleman said—

THE MINISTER FOR LEGAL AFFAIRS: Whether or not your ruling was right or wrong and whether or not the hon.—

MR. COOKE: Is it a point of order?

THE MINISTER FOR LEGAL AFFAIRS: Yes, it is a point of order. Whether or not the hon. Member for the Coast considers it was right or wrong, it has been given and, it seems to me, we have accepted it. In that event, unless the hon. Member for the Coast is seeking the indulgence of the Council to make a personal statement, to explain something

[The Minister for Legal Affairs] which he said previously, or in speaking to a point of order, in my submission he has no right to speak to the subject—

MR. COOKE: Mr. Chairman, I thought your ruling was that I must not speak about anything I have spoken about before—[Laughter.]—and this is an entirely new point; I have had a lot to stand from the other side of the Council, and I claim the right to reply to it.

THE CHAIRMAN: I think we had agreed that for the purpose of this debate, and we were going to consider afterwards what amendments we might make to Standing Rules and Orders, but for the purpose of this debate if a Member had spoken for ten minutes on the main issue, that was going to be the limit. I think we will have to abide by that for this particular debate at any rate.

Question that the vote be reduced by £100 put and negatived, no voice being heard in favour of the question.

THE MINISTER FOR WORKS: Divide.

THE CHAIRMAN: Under Standing Rules and Order No. 54 a division may be directed if the decision of the Speaker is challenged, but I was of the opinion that it had not been challenged.

THE MINISTER FOR WORKS: Mr. Chairman, I asked for a division and surely, Sir, I am within my right to ask for a division. (Cries of "Order, order".)

THE CHAIRMAN: Standing Order No. 55 says: "The Chairman may take the vote of the Council, or the Committee, by calling on the Members who support or who challenge his decisions successively to rise in their places and he shall thereupon as he thinks fit either declare the determination of the Committee or direct a division to be taken". My decision was that the "Noes" had it. I will call upon those who support that decision to rise in their places.

All Members present save four rose in their places.

THE CHAIRMAN: I am satisfied that the decision which I have already announced is the correct one. (Applause.)

A agreed to.

B agreed to.

The question was put and carried.

MOTION

VOTE X—1—TREASURY

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £146,349 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote X—1—Treasury.

Question proposed.

MR. COOKE: Mr. Chairman, the hon. Minister for Finance, Sir—I am just asking for a ruling—is responsible for the Treasury, or am I wrong? Perhaps I would be permitted to move a Motion of reduction in the Treasury estimates to express my lack of confidence in my hon. friend, the Minister for Finance.

THE CHAIRMAN: Which item is this?

MR. COOKE: The Treasury, Sir. It really does not matter which item—

THE CHAIRMAN: I am afraid it must relate to a particular item. It is absolutely essential.

MR. COOKE: Yes, Sir, I am sorry, I should not have said that. The whole Personal Emoluments A of the Treasury. The reason I rise, Sir, is to express—and indeed I have expressed it many times here—that I do not believe, the hon. gentleman, the Minister for Finance, is a sufficient disciplinarian in his official position and he allows too much latitude to these various officers, and I would like, for that reason, to draw attention to those misdemeanours.

THE CHAIRMAN: I am afraid that the hon. Member is not in order here. Any remarks which may be made must relate to the particular posts which are shown under Head A—the Secretary to the Treasury, etc.

MR. COOKE: The hon. gentleman has made rather serious remarks to-day, but I am not allowed to quote them, but, if I were, I could show that the hon. gentleman began this quarrel and he made very disparaging remarks about me about a week ago. Now I wish to move a reduction in salary of the Secretary to the Treasury to express my disapproval of my hon. friend, the Minister for Finance.

THE CHAIRMAN: I do not think I can rule that that is in order. We have had a considerable amount of debate already

[The Chairman]

on the question of the Minister, and we have now moved to the Secretary to the Treasury. I cannot allow, on that item, further comments on the provision for the Minister for Finance.

Serial Nos. 1 to 4 agreed to.

Z—Appropriations-in-Aid

LT.-COL. GHERSIE: Z, Sir, Appropriations-in-Aid. Again it is a matter of principle. I am dealing with items from 2 to 12 inclusive. Are we to understand, Sir, that these departments will subsequently become self-accounting, with the result that there will be a reduction in the Treasury as these officers pass over into these particular departments? In other words, a reduction in the corps of accountants—I think that is the expression used?

MR. MACKENZIE: Mr. Chairman, Sir, the departments in question are already self-accounting, but in order to achieve certain flexibility while the new system is coming into force, and also to achieve a common standard of accounting throughout the Service, it was considered advisable to bring the various accountants into the Treasury corps of accountants so that the Treasury might post them where the individual services of each man was most needed, and so that a department would not find itself possibly saddled with the wrong type of man, or with a higher grade or a lower grade of accountant than happened to be necessary. We require flexibility and that is the reason why, for the time being, the accountants have been brought in as part of the Treasury establishment whilst continuing to work in departments. The Government will see how that works out over the next two or three years whilst we are getting used to this new system of accounting, and it may be, and it may not be, that at the end of that time, it will be found desirable to move the actual posts back to the departments; but I would not like to give any assurance on that point at this stage. My hon. friend may realize that it would not be very wise to do so.

LT.-COL. GHERSIE: On a point of principle, Sir, quite recently we passed an Exchequer Audit Bill whereby we have accounting officers in the various departments. Those departments are supposed to be self-accounting. Here we have

a position where contributions are made under the Appropriations-in-Aid from all these departments to the Treasury. I submit that some of these departments, in view of the amount allocated to them to meet expenditure, should have an accountant provided for in their establishment.

Surely we must follow the system as laid down. The accountant, when posted, should be responsible to the accounting officer and the corps of accountants should disappear as these people take over their respective duties in these departments.

MR. MACKENZIE: The position, Sir, is that each department is already self-accounting, and each department has its accounting officer. It also has a number of people who are posted to it, one or more people, depending on the size of the department, to actually keep the accounts of the department. Those people, whilst they are posted to that particular department, are entirely responsible to the accounting officer of that department, who, as my hon. friend is aware, is not normally himself an accountant. It is possible that in a number of years' time, these accountants will be provided for within the departments, in which case the Treasury corps of accountants, as such, would cease to exist. But, for the moment, there is no question of the people, for whom this money represents, being primarily responsible to the Treasury. They are responsible to the accounting officer of the department in which they are serving, and to nobody else.

LT.-COL. GHERSIE: Mr. Chairman, surely they are responsible to the accounting officer of that department. The hon. Member said they were posted to that department. Are they, in fact, posted there? Or are they on the establishment of the Treasury?

MR. MACKENZIE: They are on the establishment of the Treasury, Sir.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, perhaps the hon. Member for Nairobi North will turn to page 70A for the division; in fact, Sir, the vote for which I believe has already been passed, and that is the Accounts Division. In that it says, Sir, "To facilitate the change over to the Exchequer system of accounting, the

[The Minister for Finance and Development]
various departmental accountants' posts (other than in the Public Works Department) were taken over by the Treasury and replaced by a single Corps of Accountants under the control of the Treasury. These officers are subject to posting where their services are most needed, irrespective of seniority, which is, within the corps, personal to the officer rather than to the posting."

MR. COOKE: On a point of order, Sir, is the hon. gentleman in order in leaving this room with his hands in his pockets as the hon. gentleman who has just left? I do not think it is in accordance with the dignity of this Council.

THE CHAIRMAN: I am afraid I did not see him, but if he did so, it would not be in order.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Chairman, on a point of order, the hon. Member has just been addressing the Council with his hands in his pockets. When he was calling the attention of the Council to the hon. Member who had his hands in his pockets, he himself, had his hands in his pockets. (Laughter.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: I will repeat it under the circumstances—"To facilitate the change over to the Exchequer system of accounting, the various departmental accountants' posts (other than in the Public Works Department) were taken over by the Treasury and replaced by a single Corps of Accountants under the control of the Treasury. These officers are subject to posting where their services are most needed, irrespective of seniority, which is, within the corps, personal to the officer rather than to the posting."

Now, Sir, comes the important factor for this corps of accountants. "It is thus possible for a senior man to be posted to a department whose size would not normally justify it if important accounting problems or difficulties arise." It was for that reason that after a very long discussion, the late Secretary to the Treasury, and, as pointed out, the present Secretary to the Treasury, felt that it was important in the beginning to set up this corps of accountants. There can be little doubt in my mind that it would be of

great advantage in as much as it does enable top class and top ranking men to be posted to small departments even though the departmental establishment would not justify at this stage a man of the seniority which could be sent from the Treasury corps of accountants. But when the service grows to the stage where the establishment of accountants in any particular Ministry can be regarded as large enough to justify a man, an accountant, of sufficient rank, then probably the practice can come to a stop, but, until that time, I suggest that this is the best method of handling the position which is in front of us. I must emphasize again, as my hon. friend, the Secretary to the Treasury did, that these men have a fundamental loyalty to the accounting officer under whom they are serving. It is merely the convenience, the opening of ranks of promotion for the men themselves, that has brought about this particular step.

LT.-COL. GHERSIE: Mr. Chairman, I am afraid, Sir, the Minister has missed the point of my original question. The reading of this paragraph emphasizes the most important point which is, "It is thus possible for a senior man to be posted to a department whose size would not normally justify it if important accounting problems or difficulties arise." Now, Sir, this is not an interim measure just because an important problem or difficulty arises. He then went on to say, Sir, that when these departments justify an accountant, one will, presumably, be posted there permanently. Is he for a moment suggesting, Sir, that the Forest Development, Game and Fisheries Department which is contributing £3,000 to the Treasury is not entitled to an accountant of its own?

THE MINISTER FOR FINANCE AND DEVELOPMENT: With all due respect, Sir, they have accountants of their own, but they would be limited in the promotion which they could offer to a man inside that establishment. Therefore, for the time being, the central corps is being built up with the idea of it giving all the people a chance of promotion. Now, Sir, we have run it the other way for a considerable period of time, and the experience of Mr. Petrie, when he was Secretary to the Treasury, and, indeed, I think I am right in saying, of the Director of Audit as well, was that the

[The Minister for Finance and Development] standard of accountancy was sinking rapidly because we were not able to attract the standard of accountants to the job because there was not a sufficient run of promotion. That was why this particular device was developed during the beginning of this Exchequer and Audit operation. As long as those channels of promotion are kept to small departments, as they were previously, there was this difficulty, and I can assure my hon. friend, the Member for Nairobi North, that this was worked out after a very long study of the situation because we were worried at the general standard of accountancy.

THE CHIEF SECRETARY: Sir, may I speak as one at the receiving end of these accountants. I do assure hon. Members that this is the sensible and the rational way of doing things at the present time. These accountants must be under somebody for pay and discipline and technical instruction. It is obvious that at present they should be under the Treasury.

LT.-COL. GHERSIE: Of course they should, Sir, but to return to my original question that I am asking, Sir, which was when these various departments justify an accountant of senior rank, if you like, of their own, does it mean there will be a diminishing effect as far as the personnel in the Treasury is concerned? Surely you are not going to keep a Treasury corps of accountants and as you post these fellows into the various departments and they are capable of undertaking that job, that we will continue to retain accountants in both departments. Because, Sir, in the first instance, the whole object of the Exchequer and Audit Bill is that these departments should be self-contained with their accounting officer, that they maintain their own accounts and look after their own affairs, and as that is effected, so the Treasury corps of accountants should diminish in number.

MR. MACKENZIE: Sir, the position is that the accountants in the Treasury corps of accountants are, in fact, working in the departments and in the Ministries and not in the Treasury. They are not working in the Treasury and they never have been working in the Treasury.

The position is very similar to that of the general staff of the Administration where one does not have a separate vote for the district commissioner and the district officer of each district. One has them all in one vote because it is more convenient for moving them around, and for exactly the same reason in a smaller way, the accountants are gathered together in the Treasury corps of accountants, but they are not, in fact, working in the Treasury at all; they are working in the departments, and it is to recognize the fact that they are working in the departments that we have these contributions from departments and Ministries to the Treasury vote. That recognizes the fact that the work is being done on behalf of the department and that they pay for it—not the Treasury.

LT.-COL. GHERSIE: I realize that there is a Treasury corps of accountants who are posted out to these various departments, but will the hon. Member answer my question: When these accountants are subsequently posted to these departments, and presumably that time will arrive, will it then have a diminishing effect as far as your corps of accountants in the Treasury is concerned?

MR. MACKENZIE: If, Sir, the accountants were to be established within the departments in which they were working, there would naturally be a reduction—a corresponding reduction—in the number of people held under the Treasury vote, and there would also, of course, be an equal reduction in the Appropriations-in-Aid.

LT.-COL. GHERSIE: I am sorry, Mr. Chairman; is it the intention of the Treasury that sooner or later these departments, such as I have mentioned, will have their own permanent accountant or as soon as it is considered justified?

THE MINISTER FOR FINANCE AND DEVELOPMENT: The answer is yes, Sir, as soon as it is justified subject to the fact that there must be a sufficient assurance of promotion to attract good men, otherwise, Sir, the system falls down as it was doing before this particular system was instituted.

MR. SLADE: Mr. Chairman, even without the assurance of promotion in the particular departments of the officers serving at the moment, surely he can

[Mr. Slade] be seconded to that department and come under the department's vote or pay roll and no longer be part of the central corps?

THE MINISTER FOR FINANCE AND DEVELOPMENT: If he is not part of the central corps promotion is not assured. The object of the central corps is to see that there are plenty of opportunities for promotion open to him, but, of course, he is posted and as the Appropriations-in-Aid show he is recognized as a member of the staff of that department.

LT.-COL. GHERSIE: It would appear to me, Sir, that the work is undertaken by the Treasury, and these departments contributed to the Treasury for these services.

THE MINISTER FOR FINANCE AND DEVELOPMENT: That is right, Sir, and to the extent that the Appropriations-in-Aid, the department, is faced with the salaries of these particular people so it is recognized that they are serving on the staff of that department.

MR. COOKE: Sir, would it not curtail the debate if the hon. Member on the other side would give straight answers to straight questions. (Hear, hear.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, has the hon. Member any right to accuse me in that manner? Is it not, Sir, with all due respect, getting time that the hon. Member had his attention drawn to the fact that there is a Standing Rule in this Council, Sir, which deals with continuous obstruction of the Council's business? Z agreed to.

The question was put and carried.

MOTION

VOTE XI—MISCELLANEOUS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £1,398,619 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XI—Miscellaneous.

Question proposed.

(1) Recurrent

A to D agreed to.

E—Miscellaneous

MRS. SHAW: I should like some information on what exactly is the Commissioner's fee in Bombay and Karachi.

MR. MACKENZIE: This estimate, Sir, covers the fixed office allowances of £337 10s. for Bombay and £518 8s. for Karachi, plus, in each case, a commission of 14 per cent on pensions and gratuities paid, and 24 per cent on salaries and other payments made. As a result of the Lidbury Report, some increase must naturally be expected in the payments on pensions and salaries.

MRS. SHAW: May I ask what the purpose of this office is, and what work it carries out? That is what I want to know—not the salaries.

MR. MACKENZIE: The work, Sir, that they carry on is to pay pensions and gratuities and salaries to officers of this Government who are visiting or living in India or Pakistan.

MRS. SHAW: And I would like some information on No. 3, Incidental Expenses. I have always been taught that to put down sundries is a very bad thing in accounting and I see £2,500 for incidental expenses when every other sort of expenses seem to have been listed. I would like, Mr. Chairman, to know what that is for.

MR. MACKENZIE: It always does arise, Sir, that there are certain small payments that have to be made from time to time for which it is impossible to make provision in advance. I do not say it would be impossible, but it would be extremely tiresome to this Council if we had to come along for every minor payment which may not possibly have been covered—minor types of payment that may not have been covered in advance—and very often cannot be covered in advance. That, Sir, is the only reason for having an item of this kind.

LT.-COL. GHERSIE: There is an item here, Sir, which refers to the reduction of tools. Now should that be tolls? (Laughter.)

MR. MACKENZIE: Yes, Sir.

LT.-COL. GHERSIE: Because there is a reduction of £10,000. (Laughter.)

THE CHAIRMAN: I think the hon. Member is technically out of order because there is no particular provision there.

MRS. SHAW: Mr. Chairman, I have one other question under 8. I see there is nothing in the estimates this year. Does that mean the grant to the United Kenya Club has been discontinued?

THE CHIEF SECRETARY: It has been transferred to Community Development.

MRS. SHAW: Sir, we never seem to be in order on speaking on this matter. (Laughter.)

THE CHAIRMAN: There has been a considerable amount of discussion on this already.

E agreed to.

(50) Non-Recurrent.

A to D agreed to.

E—Miscellaneous

MRS. SHAW: Can I have No. 2? Purchase of safe and cash boxes. Well, I hope that will write the one out, the loss of sales and cancellation of stamps. I am sorry I did not know it, but I would like No. 22. The expenses of the Efficiency and Economy Committee. I want to know, Mr. Chairman, if we ever had a report from that committee and I understand the gentleman has been working for a great many years now and I do not think we have had a report. That is the first question.

The second is, why is it necessary to pay £3,500, or have it in the estimates, the expenses of the Efficiency and Economy Committee when you are going to estimate for £8,000 for the Organizations and Methods Unit. I understood that the Organization and Methods Unit of the Government was coming here to take over the work of the Efficiency and Economy Committee which, in my opinion, has been a complete waste of time and public funds and I understood that the unit from Her Majesty's Treasury was to take over their function and do their work. I, therefore, cannot see the need for a double Vote of £8,000 for the Organization and Methods Team and £3,500 for the old Economy and Efficiency Committee under Colonel Asher—the one-man committee, I think it was called.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, the expenses of the Efficiency and the Economy Committee. I am sure the hon. and gracious lady will remember, that this

particular operation was undertaken at the request of the other side and that they, indeed, were the people who through the Public Accounts Committee, chose the gentleman who is operating. It is not a one-man committee; the person concerned was responsible to the Public Accounts Committee in the first place and now to the Estimates Committee. He has, indeed, placed before the Estimates Committee two reports which have, indeed, been considered by sub-committees of the Estimates Committee. Now the point is that the gentleman is on contract; is working on the Public Works Department and we have, as yet, as far as I know, not had his report. That will, of course, presumably when it comes go to the Estimates Committee for their consideration.

The Organization and Methods Team is, as the hon. Member will see on page 76 (a), a special team visiting for a special purpose. It will, we hope, be working for a period of four to five months and then have somebody remaining behind for a whole year to follow up the work of the team and also, I hope, to advise on the continuance of an Organization and Methods section inside the Government. If that is their advice, and I believe it will be their advice, then the other sector should, in my opinion, disappear.

MRS. SHAW: The Minister did not altogether answer what I asked for. The difference of the purpose of the two committees it seems to me that there are two committees with a single idea.

THE MINISTER FOR FINANCE AND DEVELOPMENT: The Organization and Methods Unit is not a committee.

MRS. SHAW: It functions the same.

THE MINISTER FOR FINANCE AND DEVELOPMENT: No, it will not be quite the same. In the case of Colonel Asher, he was appointed by the Public Accounts Committee to go into certain departments in general aspects. The Organization and Methods Unit has its defined purpose which is the organization problem and to advise on the setting up of a permanent Organization and Methods Unit. Now if the hon. and gracious lady will cast her mind back to a speech I made in the Council not so very long ago, she will remember that I said that I hoped that with the report of this

[The Minister for Finance and Development] Organization and Methods Unit, the other type of sporadic committee which, in my opinion, has been of no service to the country would be dispensed with, which, I think, if the hon. and gracious lady will remember, I said some time ago in this Council.

MRS. SHAW: Yes, that is why, Mr. Chairman, we are so disappointed to find that it is not dispensed with.

THE MINISTER FOR FINANCE AND DEVELOPMENT: That, I think, Mr. Chairman, with all due respect to the hon. and gracious lady, stands in the fact that the man was engaged on contract and you cannot, indeed, dispense with him; he is still engaged by the Estimates Committee. I must remind the hon. and gracious lady that it was at the request of hon. Members opposite that he was engaged.

LT.-COL. GHERSIE: Mr. Chairman, Sir, I think the original query raised by the hon. and gracious lady was the justification really for these two particular items and she wondered whether there was not a discrepancy between £3,500 to one individual and, when you refer to the memorandum, Sir, the £8,000 during the year, which will cover air passages, salaries, allowance, local travelling of four or five officers for a period of four or five months, and salary and allowances for the local travelling of another officer for a whole year. I think that is what the hon. and gracious lady had in mind, that in comparison to four or five people to be here for four or five months and one to be here for a full year, it looked out of proportion paying £3,500 for one individual compared with £8,000 for the team.

THE MINISTER FOR FINANCE AND DEVELOPMENT: There, Mr. Deputy Speaker, the point is that the £3,500 not only includes the salary of the officer, but includes the salary of his stenographer and his general expenses as well—office expenses, equipment expenses and things of that kind.

LT.-COL. GHERSIE: Presumably these gentlemen have stenographers, too.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Well, Sir, with all due respect, I think we should remember

that in this particular case we are getting assistance from Her Majesty's Treasury and they are, I think, being as usual, extremely reasonable.

MR. COOKE: Can the hon. Member say whether the committee is either efficient or economic, at the present moment?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Judging, Sir, by the behaviour of the hon. Member for the Coast, from time to time, I should say that it varies.

MR. SLADE: Mr. Chairman, it is no use the Minister fling our teeth by way of final answer that we asked for something that we now do not like because there is this marked difference between hon. Members on this side of the Council and those on the other side that we do sometimes recognize our mistakes. (Laughter.)

MRS. SHAW: Mr. Chairman, I should just like to raise a further item. It was the point that the hon. Member for Nairobi North made, but it was also the point that I objected to, about duplication of work in Government departments and I feel that I would like an assurance from the hon. Minister that as soon as the Organization and Methods Team get going, the other committees are dispensed with.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I thought I made it clear, Sir, that we were waiting for the report of the Organization and Methods Unit. If, indeed, the Organization and Methods Unit recommend that an Organization and Methods Division shall remain, or should be set up permanently, then, in my opinion, it will replace and should replace the other committees.

The question was put and carried.

MOTION

VOTE XII—ANNUITY TO HIS HIGHNESS THE SULTAN OF ZANZIBAR

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £16,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XII—Annuity to His Highness the Sultan of Zanzibar.

Question proposed.

Head A

LT.-COL. GHERSIE: Mr. Chairman, only on a point of information, is this in connection, Sir, or has it anything to do with the rest of the strip of the coastline?

THE CHIEF SECRETARY: It has, Sir, yes.

LT.-COL. GHERSIE: Well, Sir, arising out of that, I am not going to labour this, but I do believe that Government should give very serious consideration, one of these days, to putting this matter in order. When one considers the valuable property which has been built in Mombasa and these various places, this payment of rent rather leaves it in a delicate position. I will just leave it there.

THE CHIEF SECRETARY: Government is aware of the position.

Head A agreed to.

The question was put and carried.

MOTION**VOTE XV—CONTRIBUTION TO EMERGENCY FUND**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £240,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XV—Contribution to Emergency Fund.

Question proposed.

The question was put and carried.

MOTION**VOTE XVI—PENSIONS AND GRATUITIES**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £240,977 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XVI—Pensions and Gratuities.

Question proposed.

Heads A, B, C, D, E and Z agreed to.

The question was put and carried.

MOTION**VOTE XVII—INLAND REVENUE DEPARTMENT**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £86,669 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XVII—Inland Revenue Department.

Question proposed.

Heads A, B and C agreed to.

The question was put and carried.

MOTION**VOTE XVIII—COAST AGENCY AND PASSAGES**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £27,659 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XVIII—Coast Agency and Passages.

Question proposed.

Heads A, B, C and Z agreed to.

The question was put and carried.

MOTION**VOTE XIX—PRINTING AND STATIONERY**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £20,919 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XIX—Printing and Stationery.

Question proposed.

Heads A, B, C and Z agreed to.

The question was put and carried.

MOTION**VOTE XX—MINISTRY OF AGRICULTURE**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £26,223 be granted to the Governor to defray the charge which will come in course of payment for the year ending

[The Minister for Finance and Development]
30th June, 1956, for Vote XX—Ministry of African Affairs.

Question proposed.

Heads A and B agreed to.

The question was put and carried.

MOTION**VOTE XXI—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £16,220 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXI—Ministry of Agriculture, Animal Husbandry and Water Resources.

Question proposed.

Heads 1, 2, 3, 4, 5, 50 and 6 agreed to.

The question was put and carried.

MOTION**VOTE XXIII—MINISTRY OF INTERNAL SECURITY AND DEFENCE**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £43,168 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXIII—Ministry of Internal Security and Defence.

Question proposed.

Heads A, B, C, D and Z agreed to.

The question was put and carried.

MOTION**VOTE XXIII—1—MILITARY**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £1,278,205 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXIII—1—Military.

Question proposed.

Head A agreed to.

The question was put and carried.

MOTION**VOTE XXVII—LOCAL GOVERNMENT CONTRIBUTIONS**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £699,390 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXVII—Local Government Contributions.

Question proposed.

Heads 1, 2, 3, 4, 50 and Z agreed to.

The question was put and carried.

MOTION**VOTE XXIX—MINISTRY OF EDUCATION, LABOUR AND LANDS**

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £24,971 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXIX—Ministry of Education, Labour and Lands.

Question proposed.

Head A agreed to.

Head B

LT.-COL. GHERSIE: Mr. Chairman, just to break the monotony—[Laughter.]—I really want to point out Item 4—Contribution towards Accounting Costs, £7,500. It is just to emphasize a point I had raised a little while ago.

Head B agreed to.

The question was put and carried.

MOTION**VOTE XXXI—LANDS**

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move that a sum not exceeding £114,314 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXI—Lands.

Question proposed.

Heads A, B and C agreed to.

The question was put and carried.

Head A

LT.-COL. GHERSIE: Mr. Chairman, only on a point of information, is this in connexion, Sir, or has it anything to do with the rent of the strip of the coastline?

THE CHIEF SECRETARY: It has, Sir, yes.

LT.-COL. GHERSIE: Well, Sir, arising out of that, I am not going to labour this, but I do believe that Government should give very serious consideration, one of these days, to putting this matter in order. When one considers the valuable property which has been built in Mombasa and these various places, this payment of rent rather leaves it in a delicate position. I will just leave it there.

THE CHIEF SECRETARY: Government is aware of the position.

Head A agreed to.

The question was put and carried.

MOTION

VOTE XV—CONTRIBUTION TO EMERGENCY FUND

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £14,000,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XV—Contribution to Emergency Fund.

Question proposed.

The question was put and carried.

MOTION

VOTE XVI—PENSIONS AND GRATUITIES

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £846,937 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XVI—Pensions and Gratuities.

Question proposed.

Heads A, B, C, D, E and Z agreed to.

The question was put and carried.

MOTION

VOTE XVII—INLAND REVENUE DEPARTMENT

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £86,669 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XVII—Inland Revenue Department.

Question proposed.

Heads A, B and C agreed to.

The question was put and carried.

MOTION

VOTE XVIII—COAST AGENCY AND PASSAGES

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £347,659 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XVIII—Coast Agency and Passages.

Question proposed.

Heads A, B, C and Z agreed to.

The question was put and carried.

MOTION

VOTE XIX—PRINTING AND STATIONERY

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £262,919 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XIX—Printing and Stationery.

Question proposed.

Heads A, B, C and Z agreed to.

The question was put and carried.

MOTION

VOTE XX—MINISTRY OF AFRICAN AFFAIRS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £36,253 be granted to the Governor to defray the charge which will come in course of payment for the year ending

[The Minister for Finance and Development]:
30th June, 1956, for Vote XX—Ministry of African Affairs.

Question proposed.

Heads A and B agreed to.

The question was put and carried.

MOTION

VOTE XXI—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £316,220 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXI—Ministry of Agriculture, Animal Husbandry and Water Resources.

Question proposed.

Heads 1, 2, 3, 4, 5, 50 and 6 agreed to.

The question was put and carried.

MOTION

VOTE XXIII—MINISTRY OF INTERNAL SECURITY AND DEFENCE

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £43,168 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXIII—Ministry of Internal Security and Defence.

Question proposed.

Heads A, B, C, D and Z agreed to.

The question was put and carried.

MOTION

VOTE XXIII—1—MILITARY

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £1,278,205 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXIII—1—Military.

Question proposed.

Head A agreed to.

The question was put and carried.

MOTION

VOTE XXVII—LOCAL GOVERNMENT CONTRIBUTIONS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £699,390 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXVII—Local Government Contributions.

Question proposed.

Heads 1, 2, 3, 4, 50 and Z agreed to.

The question was put and carried.

MOTION

VOTE XXIX—MINISTRY OF EDUCATION, LABOUR AND LANDS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £24,971 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXIX—Ministry of Education, Labour and Lands.

Question proposed.

Head A agreed to.

Head B

LT.-COL. GHERSIE: Mr. Chairman, just to break the monotony (laughter.)—I really want to point out Item 4—Contribution towards Accounting Costs, £7,500. It is just to emphasize a point I had raised a little while ago.

Head B agreed to.

The question was put and carried.

MOTION

VOTE XXXI—LANDS

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move that a sum not exceeding £114,314 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXI—Lands.

Question proposed.

Heads A, B and C agreed to.

The question was put and carried.

MOTION

VOTE XXXII—SURVEYS

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move that a sum not exceeding £163,680 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXII—Surveys.

Question proposed.

Heads A, B and C agreed to.
The question was put and carried.

MOTION

VOTE XXXIII—MINISTRY OF FOREST DEVELOPMENT, GAME AND FISHERIES

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move that a sum not exceeding £77,590 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXIII—Ministry of Forest Development, Game and Fisheries.

Question proposed.

Heads A, B and C agreed to.
The question was put and carried.

MOTION

VOTE XXXV—MINISTRY OF WORKS

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move that a sum not exceeding £16,810 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Vote XXXV—Ministry of Works.

Question proposed.

Heads A, B and C agreed to.
The question was put and carried.

MOTION

DEVELOPMENT ESTIMATES FOR THE YEAR 1955/1956

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £7,854,509 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, for Development Estimates for the year 1955/56.

Question proposed.

Serial No. 1

MR. COOKE: Is this 'Scheduled Additional Provisions'?

THE CHAIRMAN: Yes.

Serial Nos. 1-49 agreed to.
Not included in the Development Plan—1—

MR. COOKE: Is this No. 7 of 1944-45?

THE CHAIRMAN: Yes.

Serial Nos. 1-23 agreed to.
The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to the Council its consideration and approval of the Resolutions on the Order Paper without amendment.

Question proposed.

The question was put and carried.
Council resumed:

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that the Committee of Supply has considered and approved the following Resolutions:—

THAT a sum not exceeding £38,157 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote I—The Governor.

THAT a sum not exceeding £214,253 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote II—Judicial.

THAT a sum not exceeding £58,991 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote III—Legislative Council.

THAT a sum not exceeding £34,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote IV—Audit.

THAT a sum not exceeding £14,715 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote V—Civil Service Commission.

[Mr. Stow]

THAT a sum not exceeding £124,751 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote VI—Chief Secretary.

THAT a sum not exceeding £63,525 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote VIII—Immigration.

THAT a sum not exceeding £75,291 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote IX—Legal Affairs.

THAT a sum not exceeding £4,847 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote X—Minister for Finance and Development.

THAT a sum not exceeding £146,349 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote X-1—Treasury.

THAT a sum not exceeding £1,398,619 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XI—Miscellaneous.

THAT a sum not exceeding £16,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XII—Annuity to His Highness the Sultan of Zanzibar.

THAT a sum not exceeding £14,000,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XV—Contribution to Emergency Fund.

THAT a sum not exceeding £846,937 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XVI—Pensions and Gratuities.

THAT a sum not exceeding £86,669 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th

June, 1956, Vote XVII—Inland Revenue Department.

THAT a sum not exceeding £347,659 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XVIII—Coast Agency and Passages.

THAT a sum not exceeding £262,919 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XIX—Printing and Stationery.

THAT a sum not exceeding £36,253 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XX—Ministry of African Affairs.

THAT a sum not exceeding £316,220 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXI—Ministry of Agriculture, Animal Husbandry and Water Resources.

THAT a sum not exceeding £43,168 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXIII—Ministry of Internal Security and Defence.

THAT a sum not exceeding £1,278,205 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXIII—1—Military.

THAT a sum not exceeding £699,390 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXVII—Local Government Contributions.

THAT a sum not exceeding £24,971 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXIX—Ministry of Education, Labour and Lands.

THAT a sum not exceeding £114,514 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXXI—Lands.

[Mr. Stow]

THAT a sum not exceeding £163,680 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXXII—Surveys.

THAT a sum not exceeding £77,590 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXXIII—Ministry of Forest Development, Game and Fisheries.

THAT a sum not exceeding £16,810 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXXV—Ministry of Works.

THAT a sum not exceeding £7,854,509 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Development Estimates for the year 1955-56.

Finally—

THAT a sum not exceeding £12,538 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Vote XXXVI—Ministry of Community Development. (Applause.)

THE DEPUTY SPEAKER: I understand that Part II of the Development Estimates has not been taken and, therefore, it will be necessary to go back into Committee and consider that.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

DEVELOPMENT ESTIMATES SECTION II SWYNNERTON PLAN

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £1,748,435 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, the Development Estimates, Section II, Swynnerton Plan.

Question proposed.

Heads A, B, C, D and E agreed to. The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration of the Financial Resolution with Section II—Development: Estimates, Swynnerton Plan, and has approved the same without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg further to report that the Committee of Supply has considered and approved the Resolution that a sum not exceeding £1,748,435 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1956, Section II.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council doth agree with the committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for committee read.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

SUPPLEMENTARY ESTIMATES OF EXPENDITURE NO. 7 OF 1954/1955

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:

BE IT RESOLVED that a sum not exceeding £1,466,930 be granted to the Governor on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 7 of 1954/1955, Part I.

Question proposed.

Serial Nos. 1 to 21 (a) agreed to.

Serial No. 22

MR. CROSSKILL: Mr. Chairman, may I ask whether income tax is payable on this? That is the salary of the Information Public Relations Officer in London?

THE MINISTER FOR FINANCE AND DEVELOPMENT: The answer is, Mr. Chairman, no, Sir. It is subject to Kenya income tax, Sir.

MR. COOKE: Mr. Chairman, this seems a very big rise to give to any one man. In fact, he is getting now as much as the distinguished gentlemen on the other side of the Council—the Ministers. He is getting £2,900 and £800 added. I am sorry for bringing these points up. I have great sympathy with you, Mr. Chairman, but it is because the other side of the Council have behaved in the vexatious way they have this evening. I would like to know why it is necessary to raise this gentleman's salary by £800—as I see it—and also to give additional travelling expenses of £125 a year, especially when my hon. friend, the Finance Minister, from time to time in this Council preaches economy and so on. I would like to know what the reason is of this one-third rise in salary to this Information Public Relations Officer. Has he been very much underpaid in the past and has he lost money while he was in London or is he going to do more work in the next year or two? I would be glad for a little bit fuller explanation before that item is passed.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I cannot agree with my hon. friend, that the vexatious behaviour has come from this side of the Council. I thought all the gross personal attacks and vexatious behaviour had come from one person on the front row from the other side. My hon. friend has asked, what is the reason for the Public Relations Officer in London having had an increase in his terms of service. The memorandum note, Sir, which I think is a fairly clear one, says, "It has been decided to offer the present holder of the post of Public Relations Officer in London improved terms of service with effect from 1st January, 1955. This post does not come within the scope of the Salaries Commission. Appropriate provision has been made, etc., etc." It says, "provision of £580 has also been made to cover the

cost of additional travelling expenses, £125 in order to provide the Public Relations Officer with an adequate subsistence allowance of £3 a day. I think, Sir, that any hon. Members who have had to travel on official business in England, visiting places like Manchester and Birmingham, will know that it is impossible for a man who, after all, is representing the country of Kenya, to exist on much less than £3 per day when he is on travel of that kind.

Item II is the additional office accommodation; £344. Although it was known that additional office accommodation would be required it could not be foreseen when this would become available, consequently no provision.

MR. COOKE: On a point of order, Mr. Chairman, the gentleman is wasting the time of the Council, not only called the question of the salary in question.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I do suggest, Sir, there is no point of order in this, Sir, this is a question of answering the hon. gentleman's question.

THE DEPUTY SPEAKER: I think it is quite in order. It all seems to be dealing with this particular item of Public Relations Officer and his allowances, etc.

THE MINISTER FOR FINANCE AND DEVELOPMENT: That is right, Sir. I was trying to point out that this was not all an increase which was going to the Public Relations Officer, but if the hon. gentleman had read the memorandum note, he would have seen that £344 is the result of additional office accommodation which has now become available, and £111 is for agency services being the cost of sundry expenses resulting from official visits to London, that is from people in this country. Now, Sir, in so far as the actual salary is concerned, this officer has, I think, in the opinion certainly of the Government, been a most efficient officer and has served this country extremely well. (Hear, hear.) I am answering this because my hon. friend, the Chief Secretary, was absent at the time on urgent business. I do not know if he would now prefer to take this. But, Sir, the point is, if you want good Public Relations Officers, you have got to be prepared to pay good money and you have got to have comparisons as to what they can earn in

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London. In the opinion, certainly of the Government, Sir, and I know in the opinion of my hon. friend, the Chief Secretary, there is no question about it that this officer has earned every penny that he is being paid in so far as his service to Kenya is concerned. (Hear, hear.)

THE CHIEF SECRETARY: I am very happy to confirm what has been said by my hon. friend. The salary of £1,500 was clearly quite inadequate; it has now been put up to £2,250.

MR. COOKE: I would again point out I did not call any attention whatever to the additional provision of £580, so my hon. gentleman has wasted about two minutes. What I queried was this putting up the gentleman's salary by one-third. I wish people in Kenya would get such a rise as that! Indeed, the post is so well paid, so important, I am surprised the Minister for Finance does not accept it!

THE MINISTER FOR FINANCE AND DEVELOPMENT: It may well be, Sir, that when the hon. Member for the Coast can carry in this Council on a free vote the Motions he so longs to carry, it may be that that will be a post that I shall find myself applying for. (Laughter.)

MR. COOKE: My hon. friend compensates for the fact that I cannot fish now in the trout rivers of Kenya on account of *Mau-Mau* by rising to every fly that I cast here. (Laughter.)

MR. USHER: Mr. Chairman, is there any other post in the Government which has increased in this manner without reference to the Legislative Council?

THE MINISTER FOR FINANCE AND DEVELOPMENT: With all due deference to my hon. friend, the Member for Mombasa, this is the reference to Legislative Council now.

MR. USHER: It has already been done. The contract is fixed, is it not?

THE CHIEF SECRETARY: It has, Sir, yes.

MR. USHER: I repeat my question, Sir. Are there any other officers of the Government whose salary has been increased without the reference to this Council? (Hear, hear.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Yes, Sir. I think I cannot call any particular one to mind, but there are cases from time to time where in contracts contracts are signed inside a total personal vote.

MR. USHER: Could the Minister state a single case?

MR. COOKE: Answer!

THE CHIEF SECRETARY: I think it is probable, Sir, that some of these gentlemen, referred to under the Department of Information, who have been upgraded from C-5-4 to C-4-3 have had their salaries increased.

MR. USHER: Under Lidbury?

THE CHIEF SECRETARY: No, a re-grading of posts.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I have in my Ministry an officer who was signed on contract before it came to this Council because, of course, there were other savings and the same thing applies here. I would like to say that the work of the officer concerned, as we all know Mr. Granville Roberts, the work he has done in London for Kenya for the last two or three years is, I think, as good as any officer could possibly do.

MR. COOKE: As the hon. Member for Mombasa said, we are dealing with principle not with persons. He may be, indeed, a very efficient person, but is he worth this very large sum of money which is the same sum paid to Ministers—he cannot be as clever as my hon. friend, the Chief Secretary! He could not possibly be such a genius as my hon. friend, the Finance Minister, and yet he is getting just the same salary. I mean that is quite absurd.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: May I suggest, Sir, that there are certain coalminers who are getting more than the hon. Member for the Coast. (Laughter.)

THE MINISTER FOR COMMERCE AND INDUSTRY: I understand that sanitary sweepers get a great deal in the City of London.

THE DEPUTY SPEAKER: I think this debate must be confined to the Public Relations Officer.

THE CHIEF SECRETARY: May I say, Sir, that this officer is a man of great experience and ability. (Interjection by Mr. COOKE: So are you.) We regard the salary he now demands as his market value. (Hear, hear.)

MR. USHER: It is strange that such a step should have been taken without consulting Council.

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of consulting Council, my hon. friend, the Member for Mombasa, would appreciate that this was a case where, indeed, had we waited for the contract to be placed before the Council we should probably not have retained the officer. That, I think, is the one point. On the other point, Sir, I would say that there are a number of cases as, for instance, contract inspectors, where terms are fixed and settled before reference to this Council because they have so to be treated and the Government has to take action.

MR. USHER: Well in that case is it not paid out of the Civil Contingencies Fund and referred to Council for debate in the ordinary manner?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Sir, the fact remains that we only pay from the Civil Contingencies Fund when there are actual cash payments involved and when we cannot avoid such payment.

MR. COOKE: Is this not, Sir, an instance of the dictatorship of the Finance Minister to which I drew attention earlier on this evening?

LT.-COL. GHERSIE: No, Mr. Chairman, I am afraid the Minister is rather putting this in the category of formality. If the Minister suggests that there are certain instances where contracts must be entered into and then brought before this Council, then it appears it is merely a formality that we must accept what has taken place. Which I suggest is not correct procedure.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am suggesting, Sir, that there are some times cases and as I think the hon. Member is well aware we endeavour to bring forward, as soon as we can, to the Council the circumstances of the case. This, Sir, I would point out, has nothing to do with the dictatorship

of the Minister for Finance; this is a post under the control of my hon. friend, the Chief Secretary, and he naturally has been consulted and agreed on these terms as being reasonable ones.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: May I suggest that the hon. Members look at the Memorandum under Serials Nos. 22 and 23, "It has been decided to offer the present holder, etc., etc."

LT.-COL. GHERSIE: Mr. Chairman, a moment ago the contract had already been entered into and it is not a question of being decided upon; one can only accept what the Minister has said in this connexion. (Hear, hear.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Well, Sir, there is this point I would like to point out, and that is should this Council refuse the supply of this money the contract would not be held to, in fact.

MR. COOKE: Is this the usual threat of my hon. friend the Minister for Finance? If it is, we are not going to tolerate it.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I really suggest, Sir, that it is time that my hon. friend, the Member for the Coast, listened to what was happening. That was no threat. That was an attempt to explain the position of my hon. friend, the Member for Nairobi-North. That is that if, indeed, the Committee did not vote the money, obviously the contract could not be held.

THE CHAIRMAN: I would like to intervene here by saying that although the time is late, I would like to insist that the debate in the Committee be kept along dignified lines. I would ask Members on both sides of the Council to see to it that the debate is conducted in that manner. (Hear, hear.)

THE ASIAN MINISTER WITHOUT PORTFOLIO: Mr. Chairman, that is the point which I wanted to refer to, that if the vote came under the Chief Secretary and still the hon. Member for the Coast does say that the Minister for Finance has acted in a dictatorial manner, is he not stating something which is not a fact, and is he not responsible, when he makes such a statement, that he should be sure of his facts?

MR. COOKE: I am stating what is my personal opinion. It may not be a fact, but it is my personal opinion, and I should state that in this Council, indeed, it is my duty.

THE CHIEF SECRETARY: The facts are, Sir, that this revised salary was assessed by myself and the Director of Establishments and was subsequently approved by the Treasury.

Serial No. 22 agreed to.

Serial Nos. 23 to 32 agreed to.

MR. USHER: Could we have time to consult our papers?

THE CHAIRMAN: We certainly will go slower if the hon. Members wish to go slower.

MR. USHER: Do, Sir.

THE CHAIRMAN: Would hon. Members like to hear from Serial 26 to be read again?

MR. USHER: Yes, please.

Serial Nos. 26 to 30 agreed to.

Serial No. 31

LT.-COL. GHERSIE: Mr. Chairman, I would like to read this: "The duties of Immigration Officers are now of such an arduous nature that it has been decided, as and when possible, to replace Assistant Immigration Officers (female) by male Immigration Officers". Two such posts have recently fallen vacant... and provision of £161 is required to meet the salaries of the male officers, who will now be appointed". Emphasis is on "who will now be appointed". If that is so, Sir, why is it necessary to allocate a sum of money for the 1954/55 Estimates if they were not then appointed?

THE CHIEF SECRETARY: We are still in 1954/55 and the money is required for the end of this year.

MR. COOKE: I thought the end of the financial year was June, 1955.

(Cries of "Order, order.")

Serial No. 31 agreed to.

Serial Nos. 32 to 41 agreed to.

Serial No. 42

LT.-COL. GHERSIE: Again a question of information, Mr. Chairman, we are continually voting additional sums of money to the Minister for Works for travelling. We had a Supplementary Esti-

mate quite recently increasing his travelling allowance. In the Estimates we have just passed there was a further increase in his travelling allowance. Now we are asked for a further Supplementary Estimate for 1954/55. Is all this travelling really necessary, Sir?

THE MINISTER FOR FINANCE AND DEVELOPMENT: In the absence of my hon. friend, the Minister for Works, I would feel inclined to say that he is indeed, trying to carry out his task properly by visiting, as much as he can, the people at work in the field. (Hear, hear.)

Serial No. 42 agreed to.

Serial No. 43

MR. COOKE: This is a very important matter, Sir, £260,000, over a quarter of a million actually, this Council has been asked to vote for a most serious mistake in the past in not having grain silos—the maize control losses of import and internal trading of 1952/1953, and 1953/1954. Time after time, the late Lord Francis Scott, when he was a Member of this Council, and I myself, and others urged that there should be silos in which the surplus maize should be stored. Here we have this cool request, after two years, that we should vote over a quarter of a million pounds to cover the losses on imported maize, which should never have occurred—I do not know why my hon. friend, the European Minister without Portfolio looks so fierce, or is he just smiling. (Interjection by THE EUROPEAN MINISTER WITHOUT PORTFOLIO—"I was just listening.") Why we should be called upon to pay this enormous sum of money and is there nobody's head we can cut off? The hon. Minister for Finance was in the Government at that time and he always talks about collective responsibility. Was he collectively responsible for this large sum of money having to be asked for to spend now, which could even to-day build a silo.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Sir, again I must ask that the memorandum note be read.

MR. COOKE: I have seen the memorandum note.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Sir I must ask that it

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be put on record in view of the remarks of the hon. Member.

The memorandum note says: "It has been accepted in the past that losses and profits on exports of cereals surplus to the requirements of East Africa are borne by or credited to the producer while losses and profits on imports in deficiency years are borne by or credited to the Government. The import losses in 1952/53 and 1953/54 amounted to £172,760. Also during the two years (albeit entirely during 1953/54 and mostly on account of the increased cost of rail freight and handling) a deficiency in internal handling charges was incurred amounting to £92,027 (the balance of £18,225 is made up of interest on these amounts). The shortfall was foreseen and would in normal circumstances have been provided for in the succeeding years' price structure. To do so, however, was considered inadvisable as it would have affected the price of *posho* and thus indirectly the general level of prices throughout the Colony".

As my hon. friend for the Coast has been one of the most determined protagonists of subsidies to try and keep down the price of *posho*, I should have thought he would have appreciated that particular motive. "This provision will partly offset by the transfer to Revenue of £105,697 0s. 9d. due to Kenya from the E.A. Cereals Pool, and £121,961 19s. 9d. due to Kenya from the E.A. Cereals Pool—Kenya Contribution Account. This latter balance represents what is left of money voted in earlier years to make good the Kenya share of Cereals Pool losses".

"Sir, I consider the explanation is ample, is justified and I certainly do accept, with my hon. friend, the Minister for Agriculture, collective responsibility for the action taken. (Hear, hear.)

MR. COOKE: As usual, he has not seen the point, or has pretended not to see the point.

The point is this, that if the Government had shown vision and built silos when it was suggested to them that they should build silos, they would have had a reserve of maize and there would have been no need to import maize from abroad. That is the point that I am

trying to make, and, as the hon. gentleman is always talking about collective responsibility, as any Member of the Government, I am very surprised that he did not see that something was done.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Sir, the fact is that my hon. friend is of course now asking me to do the very thing that he always says I should not do, and that is dictate policy. My hon. friend, the Minister for Agriculture, has refuted these arguments, not once, Sir, but a hundred times, and I do not propose, Sir, at this time of night to repeat the arguments which my hon. friend, the Minister for Agriculture, has put forward, the reasons we were not able to develop this more quickly than we have done. I believe that his reasons are sound and they carry, indeed, the collective responsibility of Government.

LT.-COL. GHERSIE: Mr. Chairman, in point of fact, I think the Minister would agree that we would ultimately be asked to pay something under £60,000 because we are being asked to vote £283,012 and there are these two items of £105,697 and 121,991, which we shall subsequently receive.

The only point I would raise on this, Sir, is I understood that the Cereals Pool ceased to exist, Sir, some year or two ago, and I was wondering when, in fact it would really be wound up?

MR. COOKE: I would like to point out that had not this £105,000 been used to pay part of this particular debit of £250,000, it could have been used for some other purpose, so that my original argument stands good.

THE MINISTER FOR FINANCE AND DEVELOPMENT: In all due respect, I think the hon. Member for the Coast, Sir, cannot have listened to it. It said: "This provision will be partly offset by the transfer to Revenue of £105,697 0/9d. due to Kenya from the E.A. Cereals Pool".

MR. COOKE: It might be used for some other purpose.

LT.-COL. GHERSIE: Before you go on, Sir, could we obtain a reply. The Cereals Pool has ceased to exist now for some two years I think. When will this be wound up and when can we have the final accounts in order that this amount can be adjusted? It is rather frightening

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when we see that we have got to vote £280,000-odd when in point of fact it should be less than £60,000.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am afraid, Sir, in the absence of my hon. friend, the Minister for Agriculture, I cannot answer that, but I will take the point up with him.

LT.-COL. GHERSIE: As long as the Minister does agree with me, Sir, in point of fact that is all we should allow for—something under £60,000—if these matters had been completed.

THE MINISTER FOR FINANCE AND DEVELOPMENT: That is what it appears to be, Sir, but until the final accounts are adjusted it is difficult to state.

Serial No. 45 agreed to.

Serial No. 46 agreed to.

Serial No. 47

MRS. SHAW: Mr. Chairman, would the hon. Minister tell us, as a result of this conditioning plant, possibly we will not have to import maize and then this loss on imports will not occur again?

THE MINISTER FOR FINANCE AND DEVELOPMENT: No, Sir; as the hon. and gracious lady must be, I think, well aware, the present trouble that the producer faces is loss on exports.

THE MINISTER FOR COMMERCE AND INDUSTRY: The price outside is less than the price inside.

MR. COOKE: We are perfectly aware that the present trouble is loss on export. But those of us who have been some time in this country know that the loss is sometimes on exports and sometimes on imports, and it may be quite reasonable that the wheel will turn round and the loss will be on imports next time. That is exactly our argument.

MRS. SHAW: And with all due respect, Mr. Chairman, I thought we had just been debating loss on imports. Import losses on 1952/53 and 1953/54 amounted to £172,000.

THE MINISTER FOR FINANCE AND DEVELOPMENT: But the Serial No. 47 with which we are dealing, says: "... the through-put for the conditioning plant was estimated to be 112,000 bags. Consequent upon a large increase in the exportable surplus of maize for 1954, the

plant treated . . ." and then it goes on to give the number of bags treated; "... and additional funds are now required to treat a further 260,000 bags at a cost of about 55 cents per bag. This should produce additional revenue of approximately £10,000." I thought the hon. and gracious lady was trying to point out that with this type of operation, we should not face loss on imports in the future.

MR. COOKE: Mr. Chairman, the point was this: We are at present exporting maize at a loss. I cannot understand how the hon. gentleman cannot see such a simple point. We are, at the present moment, exporting maize at a loss. Our point is that if there were silos in this country, as there should have been, that maize could now be put into silos and then, when there is a shortage of maize later on, as there inevitably will be, we would have in the silos the maize which we are now exporting at a loss. That is the point.

THE MINISTER FOR FINANCE AND DEVELOPMENT: My hon. friend, the Member for the Coast, must have, I think, been well aware that in the development plan there was a large sum, I think, voted for plant of this kind—over a quarter of a million pounds.

THE MINISTER FOR COMMERCE AND INDUSTRY: I think also my hon. friend is aware, as he once sat on a committee that I sat on, that even if the storage was there, it cannot be dead storage—it has to be storage that turns over from time to time—so, therefore, where you get a trend in one direction and it is extended over more than a short period, and a trend in the opposite direction, more than a short period, then you are faced with the situation that my hon. friend has said.

MR. COOKE: Mr. Chairman, Dr. Johnson once said, "I can give a man a reason, but I cannot give him understanding". (Laughter.)

Serial No. 47 agreed to.

Serial Nos. 48 to 50 agreed to.

Serial No. 51

LT.-COL. GHERSIE: Mr. Chairman, Sir, perhaps I am wrong, but when the Minister made his Budget Speech, he gave a certain indication what the

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retroactive effect of the Lidbury Report would mean to the Colony—from a financial point of view—and I think it was something in the nature of £1,000,000. Now, I do not know quite who assesses that amount, Sir; whether it is the Treasury, or the particular departments concerned, but does this mean in fact, Sir, that the commitment for the arrears in connexion with the Lidbury award—if we can call it an award—for the year 1954, was underestimated, and is this amount in excess? It runs right through these Estimates. Who is really responsible for compiling the amount of the arrears due on the Lidbury Report for the year 1954/55?

MR. MACKENZIE: The assessment, Sir, is the actual money required under each vote and to be paid by each department. In the debate on the Lidbury Report itself, the figure of £1,100,000, I think, was used. That is a gross figure as, at that stage, it quite obviously was impossible for departments to know individually—to deal with the thing individually by departments—and to know how much additional money would be needed in each case. In fact, what was done was to ensure that any saving the departments may have should be used in the first instance to meet the cost of the Lidbury arrears, and the additional money which this Council has been asked to vote, has only been to the extent to which it, the necessary money, could not be found from savings.

LT.-COL. GHERSIE: But is it the responsibility of the various departments? That is what I was asking; whether or not it is the responsibility of the departments or the Treasury?

Now, Sir, we have just been debating, or discussing, the Estimates; time after time we see these enormous contributions to the Treasury for services rendered. Well, surely, if these officers, this cadet corps in the Treasury, are undertaking the work on behalf of these departments, surely it is the responsibility of the Treasury to see that these figures are correct?

MR. MACKENZIE: The Treasury, Sir, see that these amounts are correct in so far as it can, but, in the first instance, it is the department which must produce the figures.

LT.-COL. GHERSIE: Sir, if these accountants were posted from the Treasury to these various departments, it is surely for that specific purpose which is elementary.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Surely, Sir, my hon. friend, the Member for Nairobi North, must have heard us say, not once, but many times this evening, that those people are responsible to the accounting officer for the department.

LT.-COL. GHERSIE: They should see that the figures are correct.

Serial No. 51 agreed to.

Serial Nos. 52 to 54 agreed to.

THE CHAIRMAN: I think it might be convenient to break off here.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report progress and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT.

MR. STOW: I have to report that the Committee of Supply is considering Supplementary Estimates of Expenditure No. 7 of 1954/55 and begs leave to sit again.

ADJOURNMENT.

THE DEPUTY SPEAKER: It is now thirty minutes past Nine o'clock. It is convenient to take the adjournment now.

Council will now stand adjourned until 2.30 p.m. to-morrow.

Council rose at thirty-one minutes past Nine o'clock.

Wednesday, 8th June, 1955

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

(Mr. Deputy Speaker in the Chair)

PRAYERS

PAPERS LAID.

The following Papers were laid on the Table:—

Estimates of Revenue and Expenditure of the East Africa High Commission for the Year 1955/56.

(BY THE CHIEF SECRETARY)

Schedule of Write-offs during the period 1st July, 1954, to 31st March, 1955.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

ORAL ANSWER TO QUESTION
QUESTION No. 100

Mr. G. A. TYSON asked the Minister for Finance and Development to state whether his attention has been drawn to advertisements in the local Press on 2nd May, 1955, regarding short-term investment facilities, and whether he proposes to take any steps to control these rates of interest in order to protect his plans for short-term finance within the Colony as visualized in the Tax Reserve Certificate Ordinance, 1955.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Yes, Sir, my attention has been drawn to the advertisements.

With regard to the second part of the question, the Government has the matter under consideration, and is aware of the danger to interest rates in the local market.

MR. TYSON: Mr. Deputy Speaker, Sir, arising out of that reply, I take it that the Minister will keep in mind not only the effects on the short-term programme of finance, but also the long-term programme as envisaged in his Development Plan.

THE MINISTER FOR FINANCE AND DEVELOPMENT: The answer is yes, Sir. The Government has got both matters well in mind.

CONGRATULATIONS TO MR. DEPUTY SPEAKER ON HIS APPOINTMENT TO THE POST OF COLONIAL SECRETARY, JAMAICA

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, on behalf of all Members of this Council, I have great pleasure in conveying to you our cordial felicitations on your appointment to the post of Colonial Secretary, Jamaica. (Hear, hear.) (Prolonged applause.) This Council, Sir, will sadly miss the urbanity and wisdom you have displayed, not only in your present capacity, but also on the floor of the Council, and I can assure you, Sir, that our warmest wishes will go with you in your new appointment. (Hear, hear.) (Applause.)

THE DEPUTY SPEAKER: I should like to thank the Chief Secretary very much for the words of congratulations which he has just offered, and I can assure you that it is a great honour to me, which I shall always remember, that these words have been said in this Council. Thank you very much. (Applause.)

STATEMENT

SURRENDER OFFER TO TERRORISTS.
TERMINATION OF

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, on 18th January Government announced the terms of the present surrender offer to the terrorists. It was made clear then that the offer would not remain open indefinitely. Council was subsequently informed that the duration of the offer would be defined when it became apparent that operational considerations required its withdrawal.

Since the offer was made 650 terrorists have surrendered. This figure includes 20 gang leaders. Of those who have surrendered many have given information of great value to Government and the Security Forces.

Throughout the period of the surrender offer, operations have continued as planned over a wide area and the terrorists have suffered 1,499 casualties apart altogether from surrenders.

The surrender talks revealed the existence of a split in the terrorist ranks among a great number of the rank and file and some of the leaders there was an expressed desire to come in and cease fighting. Apparently some of the more

[The European Minister without Portfolio]
desperate leaders rejected this course of action and imposed their will on the remainder. The War Council and the Government have therefore decided on a timed withdrawal of the offer. The offer will accordingly be terminated on 10th July. It will be effective until midnight on that day unless the military situation should at any time demand its earlier withdrawal. In the intervening period all operations against the gangs will be at full pressure.

The Forfeiture of Lands Ordinance, 1953, will be extended so as to empower the Governor to make orders depriving all persons named in the schedules to the orders of all their existing land and rights in land. Those terrorists who fail to take advantage of the present surrender offer and continue to resist the forces of law and order after 10th July will be made the subjects of such orders and will therefore forfeit all their existing land and rights in land, including their rights to share and occupy clan lands. (Applause.)

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, if I could ask the Minister a question to elucidate a point that arose in the course of his statement? I would like to ask the Minister if he would say whether it is the intention of Government that the forfeiture of land envisaged in the statement he has just made would apply to passive wing and other more active leaders outside the forest, or whether it is only intended to apply to Mau Mau in the forests?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, to clear up the point which the hon. Member has raised, it will apply to all leaders, all organizers of the movement and all participants in the movement wherever they may be. (Applause.)

GROUP CAPTAIN BRIGGS: Thank you.

COMMITTEE OF SUPPLY

Order for Committee read, Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 7 of 1954/55, PART I

(Governor's Consent Signified)

Debate resumed.

THE CHAIRMAN: Supplementary Estimates of Expenditure No. 7 of 1954/55, Part I—when the Committee adjourned yesterday we had reached Serial No. 55 on page 14.

Serial Nos. 55 to 57 agreed to.

Serial No. 58

MR. CROSSKILL: No. 58, Mr. Chairman. It seems a very large expenditure to obtain the information required with regard to retail prices. I would like to know, Sir, whether this information is not already available from commercial organizations—perhaps the Chamber of Commerce.

THE MINISTER FOR COMMERCE AND INDUSTRY: Needless to say, the Chambers of Commerce and retail organizations are co-operating in this work, but it is not altogether a simple matter to assess the level of retail prices from time to time. This is a comparative study and must bring into account quite a number of factors that would be impossible to obtain from any one source, but I would assure the hon. Member that the organizations which he has mentioned (and retail distributors and wholesale distributors are co-operating in the matter).

LT.-COL. GHERSIE: Mr. Chairman, Sir, I think I can be a little helpful in answering my hon. friend—(Applause.)—as a member of the Wages Advisory Board, the real intention is, of course, that the Statistical Department will have members of their staff visiting every part of Kenya in order that the price of the various commodities can be assessed from time to time in all parts of Kenya so that the Wages Advisory Board can make the adjustments on the minimum wage as soon as it is found necessary.

Serial No. 59 agreed to.

Serial Nos. 59 to 61 agreed to.

Serial No. 62

MR. USHER: Sixty-two, Sir, I gather from the memorandum that this amount

[Mr. Usher]

of money has already been spent, or will be spent before the end of this month. Might I inquire when the operations, with which it is connected, are likely to take place or what exactly is the position? Indeed, Sir, the whole of this expenditure rather surprises me, and perhaps some Member of the Government would be good enough to inform us in regard to the raids and the operations contemplated to put an end to them. Sir, it is within the knowledge of some of us here that the Gelubba were to have been disarmed 25 years ago. That was about the time when we had to send a deputation to Addis Ababa to extract compensation from the Ethiopian Government at the time. That was eventually achieved, though after a great deal of what might be called chaffering. In fact, the money, I think, was expended on water supplies for the most part.

Now, Sir, for a long, long time our own tribesmen have been in fact disarmed, and it has always been a matter which has been admitted by the Ethiopian Government—the necessity for disarming the Merille and Donyiro and so on on their side of the border. It is, therefore, quite astonishing to me that having suffered, apparently suffered, casualties and loss of various kinds, we, ourselves, should be contributing a comparatively large sum to operations which do not seem, at the moment, to have materialized. Could we not again try to extract the cost of these raids from the Ethiopian Government?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Mr. Chairman, Sir, if the hon. Member will refer to the note attached to serial No. 62, he will see that it has not been possible to proceed with the operation planned, and provision is now required to clear the advance account. The intention was, Sir, about a year ago, to provide a joint operation between the Ethiopian forces and our own forces to disarm the Gelubba. In fact there were difficulties in conducting such an operation, as the hon. Member will well appreciate, and we were able, through representations made by Her Britannic Majesty's Ambassador in Addis Ababa to arrange for the operation to be undertaken on the Ethiopian side by the Ethiopian army, which, at the moment, is, in fact, disarming the Hamar

Koke which the hon. Member will recollect is the tribe adjacent to the Gelubba on the east; the intention is then to move farther on and to disarm the Gelubba themselves. Now this particular sum of money is the cost to us of some items which were placed at appropriate points on the frontier to assist in the supply of the Ethiopian army. The items are, in fact, diesel oil and petrol to the value of £4,635, sugar and tea to the value of £908 and the charter of an aircraft for reconnaissance of the Omo delta.

These sums are recoverable and are being recovered to the extent that we can re-sell locally the petrol and the diesel oil, and the sugar and the tea. It is an item in an account where eventually there will be a credit.

MR. USHER: Is it reimbursed in full, Sir?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: No, the stuff which is there will be sold and reimbursed to the extent of the sale.

MR. COOKE: Does that mean, Mr. Chairman, that the operation has been called off for good and all? And is this sum more or less a write-off?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: The planned operation has been called off, and is now being conducted single-handed by the Ethiopian army, and, as I tried to explain, these are stores which were placed for the joint operation. They are now remotely on the frontier and will be sold locally to recoup as much as we can get back.

MR. COOKE: So, in effect, there will be quite a loss of revenue to this country through someone's error and not carrying on the operation—or planning an operation which they are not now carrying on.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: The expense of the operation by us would have been very considerably greater.

THE CHIEF SECRETARY: If I might say this just for the record, Sir, the delegation to Addis Ababa, to which the hon. Member for Mombasa referred, took place in 1927 and it was that delegation which produced money which paid for the water supplies. It rose from raids on

[The Chief Secretary]

the Daua River in the early twenties. There was no visit to Addis Ababa on account of the 1933 Banya meeting; compensation was paid over in kind in 1934.

Serial No. 62 agreed to.

Serial No. 63

MR. USHER: Sixty-three, Sir. This is part of the same thing. If I might comment, I was involved—in a secretarial manner I admit—in the subsequent visit by a delegation to Addis Ababa. I think the participants were Sir Vincent Glenday and Major Myles—the late Major Myles—and it was to that one that I was referring.

Now, we have this sum in compensation. I wish to ask the simple question that if the Ethiopian Government has not succeeded in all this time in disarming the Gelubba, are they not at fault in the matter, and is any attempt being made to recover the amount that we, apparently, have paid, or shall be paying, in the various ways shown in the memorandum, from that Government?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Yes, Sir, it is the intention to claim the recovery. The hon. Member might perhaps agree with me that we need not be perhaps too optimistic about success.

Serial No. 63 agreed to.

Serial Nos. 64 to 67 agreed to.

Serial No. 68

MRS. SHAW: Mr. Chairman, I should be glad if the hon. Minister could tell me if Government intends to adopt this principle with regard to other township roads before they are taken over by urban district councils?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman this is a very long story, and an entirely different story from any other area of the country and, of course, the hon. Member no doubt will recollect, although I have not been addressed as such for so long, that I am the Member for Kiambu.

The point is, I think, the hon. Member herself may recollect, that when the Tigon Estate was first developed, the

leases, or the titles, which were issued to the persons taking up the subdivisions did not include, or specifically did not include, any expenses in regard to roads. Now, this is not an urban district council; this is part of a rural district council of the County Council of Nairobi, and, although Government does not accept any legal obligation, after considerable negotiations with the County Council of Nairobi, the residents and the Government, it has been agreed that this money will be paid towards the expense of bringing the roads up to the standard where the County Council will take it over. It is not the whole. The residents themselves will be paying some and they will also be paying the recurrent expenses for upkeep on a number of their roads as well.

MR. GIKONYO: Mr. Chairman, there is a little confusion. Is it the Nairobi County Council or the Nairobi City Council? In this it shows the Nairobi City Council.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I regret, Sir, there is an error—a printing error—in the supplementary estimates; it should be the Nairobi County Council.

MR. GIKONYO: Mine shows the Nairobi City Council clearly.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Sir, if the hon. Member will look at item 68—not the Memorandum—he will see: Nairobi County Council.

Serial No. 68 agreed to.

Serial Nos. 69 to 80 agreed to.

Serial No. 81

MRS. SHAW: 81 to 104, Mr. Chairman. I see that £3,334 is to be spent on the cost of strengthening the Investigation Department of the Income Tax Department. That is quite a lot of money, and I should like to know from the hon. Minister, and have his assurance, that the measures will be such, will be severe enough, to really bring in some return for this amount of money.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I think there can be no doubt at all that the

[The Minister for Finance and Development] money that has been spent on the Investigation Branch of the Income Tax Department has brought a return out of all proportion already. (Hear, hear.)

MRS. SHAW: Might I say, Mr. Chairman, that the hon. Minister alluded in his Budget Speech, in rather indefinite terms, to measures. Are these the measures—that is what I really wanted to know?

THE MINISTER FOR FINANCE AND DEVELOPMENT: These, Sir, are some of the personnel who will be necessary to carry out those measures.

THE CHAIRMAN: Are there any other points to be raised on Serial Nos. 81 to 105?

Serial No. 81 agreed to.

Serial No. 82 to 105 agreed to.

THE CHAIRMAN: That concludes the considerations of Part I.

The question was put and carried.

MOTION

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 7 OF 1954/55

PART II

(Governor's Consent Signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:

BE IT RESOLVED that a sum not exceeding £9,900 be granted to the Governor on account for or towards defraying the charges of Supplementary Estimates of Expenditure No. 7 of 1954/55, Part II.

This part, Sir, covers the Civil Contingencies Fund.

Question proposed.

Serial No. 106

MR. SLADE: Mr. Chairman, this item refers to two occasions when it has been found necessary to issue funds for famine relief. I would be grateful for an assurance, Sir, that the people to whom that relief has been granted, have been required to make some kind of return by way of work as consideration for the relief that they have received.

THE CHIEF SECRETARY: No, Sir, I gladly give that assurance. I must point out that when famine strikes a district, the first people to suffer are the old men and the old women and, of course, they cannot be expected to work. They come into the hospitals and they are looked after first of all as a part of the ordinary out-patients department. If there is an acute famine, work is provided, and those who get relief work for it.

Serial No. 106 agreed to.

Serial Nos. 107 and 108 agreed to.

The question was put and carried.

MOTION

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 7 OF 1954/55

PART III

(Governor's Consent Signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:

BE IT RESOLVED that a sum not exceeding £4,519 be granted to the Governor on account for or towards defraying the charges of Supplementary Estimates of Expenditure No. 7 of 1954/55, Part III.

Question proposed.

Serial No. 109 to 115 agreed to.

The question was put and carried.

MOTION

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 8 OF 1954/55

(Governor's Consent Signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:

BE IT RESOLVED that a sum not exceeding £789 be granted to the Governor on account for or towards defraying the charges of Supplementary Estimates of Expenditure No. 8 of 1954/55, Part I.

Question proposed.

Serial Nos. 1 to 4 agreed to.

The question was put and carried.

MOTION

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 9 OF 1954/55

(Governor's Consent Signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:

BE IT RESOLVED that a sum not exceeding £1 be granted to the Governor on account for or towards defraying the charges of Supplementary Estimates of Expenditure No. 9 of 1954/55, Part I.

Question proposed.

MR. COOKE: I should like to congratulate Government on making this change and say how welcome it is to the Coast to have this liaison Minister, or whatever he is called there.

The question was put and carried.

MOTION

DEVELOPMENT SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 6 OF 1954/1955

(Governor's Consent Signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:

BE IT RESOLVED that a sum not exceeding £3,902 be granted to the Governor, on account, for or towards defraying the charge of Development Supplementary Estimates of Expenditure No. 6 of 1954/1955, Part I.

Question proposed.

Serial No. 1 agreed to.

Serial No. 2

MR. TYSON: Serial No. 2, Mr. Chairman—are these two cases the only ones outstanding in connexion with this acquisition?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I am afraid I did not quite catch what the Member said.

MR. TYSON: It says in Serial No. 2 in the memorandum that additional payments, in the case of owners of two plots are justified. What I want to know is whether there are any other cases where

additional compensation may have to be paid?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: This finalizes the payments required for this land.

MR. TYSON: Thank you.

Serial No. 2 agreed to.

The question was put and carried.

MOTION

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 1 OF 1955/56 (Governor's Consent Signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:

BE IT RESOLVED that a sum not exceeding £14,023 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 1 of 1955/56—Part I.

Question proposed.

Serial No. 1 to 4 agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration of the financial Resolutions on the Order Paper and its approval thereto without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I have to report that the Committee of Supply has considered Supplementary Estimates of Expenditure No. 7 of 1954-55, No. 8 of 1954-55, No. 9 of 1954-55, Development Supplementary Estimates of Expenditure No. 6 of 1954-55 and Supplementary Estimates of Expenditure No. 1 of 1955-56.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council do agree with the Committee in the said Resolutions.

Question proposed.

The question was put and carried.

BILLS

SECOND READING

Municipalities (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I beg to move that the Municipalities (Amendment) Bill be read a Second Time.

Sir, opportunity has been taken to make quite a number of amendments to the Municipalities Ordinance in this Bill and I think the Objects and Reasons describe the amendments quite clearly.

Firstly, we require to recognize the African Affairs Officer of a municipality as a senior officer, whose appointment will come under my authority, as with other senior officers, and whose salary will rank for a grant as do the salaries of other senior officers of the municipalities.

Secondly, Sir, in clause 4 of the Bill, the amendment is designed to allow the municipalities to set up joint committees with other local authorities. This is in line with the policy that I have put before this Council previously and all Local Authority Ordinances are being altered so that this may happen. It is, as hon. Members know, one of the matters on which I feel quite deeply and wish to encourage the setting up of joint committees and joint boards between local authorities of different types.

Then come, Sir, to the amendment with regard to parking, and that will provide that a municipality can set out parking spaces for vehicles either on the streets or in special parks, with the proviso, of course, that such parking places will not obstruct traffic. We have also included a provision that the municipality concerned may charge fees for such parking places, but those fees will be spent on the parking places. Now, we felt, and I feel, that it should not be allowed that the municipality should make a profit on the parking of vehicles in their area. Therefore, the fees that they charge will be put towards improving the parking spaces and the parking places and also the administration, which, of course, will be quite heavy. There will have to be inspectors, collectors and, possibly, meters—mach-

ines to collect the money. So the amendment, Sir, allows for that.

The last amendment is that licences issued by any local authority for motorless vehicles will apply and will be in order in every part of the Colony. Therefore, if a man licenses his bicycle in Nairobi, he will not need to have another licence if he bicycles to Nakuru. I think it is quite a logical amendment and certainly one that will be of convenience to the owners of motorless vehicles.

Sir, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

THE DEPUTY SPEAKER: No hon. Member rising to speak I will put the question.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

Distribution of German Enemy Property (Amendment) Bill

Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, Sir, I beg to move that the Distribution of German Enemy Property (Amendment) Bill be now read a Second Time.

This Bill, Sir, has two main merits: first, it is short, and second it contemplates a contribution to the Colony's funds which will, in effect, be something over a quarter of a million pounds sterling.

Clause 2 of the Bill is rather technical and is fully explained in the Objects and Reasons; it relates to the definition of debts which are permitted to rank for discharge against ex-enemy property. It is not likely to have very much impact in this Colony.

The third clause of the Bill provides, in effect, that instead of remitting to a common pool of moneys for reparation the surplus of the realization of ex-German enemy property in this country over legitimate claims against that property, we will be able to retain that surplus in the Colony and devote it to development and welfare projects. In

[The Minister for Legal Affairs] fact, it is included as a windfall estimate in the Development Programme. (Applause.)

Sir, I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Second Time and committed to a Committee of the whole Council to-morrow.

Tax Reserve Certificates Bill

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to move that the Tax Reserve Certificates Bill be now read a Second Time.

This Bill, Sir, follows the statement made in the Budget speech that before long we should be presenting the income tax payer with the chance of taking up tax reserve certificates and in this way helping him to have his money invested at a reasonable rate whilst he is waiting to pay tax, and at the same time providing us with much needed short-term money.

The Bill, Sir, empowers the Minister for Finance to issue tax reserve certificates and states that any such certificate shall be accepted at their face value in payment of any amount due to the Government in respect of any tax prescribed by the Minister. It provides also, Sir, that all moneys received from the purchase of any tax reserve certificates shall be paid to the credit of the Consolidated Fund, and any amounts required for the redemption of the tax reserve certificates shall be paid from the Consolidated Fund. It means, Sir, that no special vote or item will be required in the Estimates, except the item already included in the public debt estimates from which interest will be paid.

I believe, Sir, these tax reserve certificates will provide a very convenient short-term investment, particularly, Sir, for companies with large tax liabilities.

I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

MR. USHER: Just one question, Mr. Deputy Speaker, Sir—are the certificates negotiable, or are they personal? That is to say, may I acquire other people's certificates, or offer my certificates in payment, for instance, of a debt?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I think, Sir, that these must be personal to the holder.

MR. SLADE: One other point, Sir—while congratulating the Minister on this Bill, I understand that it is the intention that these tax certificates should, in certain circumstances, be redeemable. I see reference to redemption in clause 5, presumably, in a case where a prospective taxpayer over-invests in tax certificates and finds he does not need them. What I was going to ask, Sir, is how and in what circumstances these certificates will be redeemable, at what notice, and so on?

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Member to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I apologize, Sir, I quite forgot we were not in Committee.

Sir, in answering the hon. Member for Aberdare, the regulations are intended to permit the Secretary to the Treasury, in, for instance, the death of the registered holder of a certificate, or any other special circumstances, to authorize the repayment of the certificate. Regulations will, therefore, I think, allow sufficient elasticity for any genuine case to have the certificate redeemed.

The question was put and carried.

The Bill was accordingly read the Second Time and committed to a Committee of the whole Council to-morrow.

Accountant General (Transfer of Functions) Bill

Order for Second Reading read.

MR. MACKENZIE: Mr. Deputy Speaker, Sir, I beg to move that the Accountant General (Transfer of Functions) Bill be now read a Second Time.

[Mr. Mackenzie]

The purpose of this Bill is fully stated in the Memorandum of Objects and Reasons. With the decentralization of accounting to Ministries and large departments which has been taking place during the last two years and which has culminated in the passing of the Exchequer and Audit Ordinance, responsibility for the expenditure and accounts of each ministry or department has been placed upon the accounting officer for the ministry or department concerned. Similarly, responsibility for the collection of revenue has been transferred to receivers of revenue, who, in most cases, also happen to be accounting officers.

In these circumstances, there is no longer a place for the Accountant General, who was formerly theoretically responsible for controlling all the expenditure of every department and who was also responsible for the formal signature of all the accounts of the Colony.

There are nonetheless, Sir, a considerable number of functions conferred on the Accountant General by law. These functions include the receipt of the net proceeds of the sale of forfeited goods; the receipt of fees and moneys from Justices of the Peace and the disposal of counterfeit coins. They include various functions under the Bankruptcy Ordinance and the Public Trustee Rules; duties under the Pensions Regulations, Provident Fund Regulations, and the Forces Pensions and Gratuities Regulations. There are also duties under the Native Trusts Ordinance and the African Trust Funds Ordinance, the Post Office Savings Bank and the Land and Agricultural Bank Ordinances and further duties in connexion with various Ordinances affecting the agricultural industry, and a large number of duties under the Local Loans Ordinances. There are also a considerable number of other Ordinances which require the Accountant General to perform certain acts, either generally in connexion with the receipt of money, or the payment of money, or the submission of accounts.

It is probable that most of the miscellaneous duties relating to the collection of revenue will fairly rapidly be devolved on to the receivers of revenue, who are, in many cases, already performing the actual work. To that extent, any transfer

of powers from the Secretary to the Treasury, under section 3 of the Bill now before the Council, would merely give *de jure* recognition to an existing practice.

There are a number of other functions, particularly those arising out of pensions and widows' and orphans' legislation, which will probably be found more convenient to transfer to the Director of Establishments. Here, again, a good deal of the actual work is already being performed by the Establishments Division at the present time, so that the change will be one of formality to a very great extent.

There will, however, remain a hard nucleus of duties such as those conferred by the Loans legislation, or those properly belonging to the permanent head of the Treasury, such, for example, as those granted under the Departmental Offences Ordinance which will remain with the Treasury and which will, if this Bill becomes law, be exercised by the Secretary to the Treasury.

Sir, I beg to move. (Applause.)

THE MINISTER FOR FINANCE AND DEVELOPMENT continued.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

Egerton Agricultural College Bill
Order for Second Reading read.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I beg to move that the Egerton Agricultural College Bill be read a Second Time.

Sir, in speaking to this Bill, I would remind hon. Members that comparatively recently, in April last, there was a Motion before this Council, which was debated and approved, under which in order to provide the buildings and equipment and to endow the College generally, a fund of £100,000 was set up. Into that fund was allocated the balance of approximately £70,000 which was lying in the Stock-feed Account, and a grant of £30,000 from development moneys as provided in the Report of the Planning Committee.

Sir, during the course of that debate, I did explain that for some long time

[The Minister for Agriculture, Animal Husbandry and Water Resources] past now it had been our intention to turn the Egerton College into a self-governing body under a board of governors, in order to enable it to be administered in the same sort of way as similar institutions are administered in other parts of the world; and that I had been guilty in delaying that measure because I was anxious not to bring in a Bill creating this college as a self-governing institution until such time as I was satisfied that the board of governors would have provided for them a sufficient capital sum to enable them to carry out their responsibilities.

Well, Sir, due to the debate on the Motion I have just alluded to, that position has been reached as a result of the passing of that Motion by this Council and I, therefore, am following that up with the introduction of this Ordinance.

I do not think, Sir, that there is very much which needs comment, if anything, on this Bill. It is in common form, more or less, creating a dependent college into a self-governing institution. The Objects and Reasons are fairly lengthy and clear and I really do not think, Sir, that there is very much more that I need add.

At the very end of the Objects and Reasons, it does mention that the enactment of this Bill will result in the expenditure of public funds the exact amount of which cannot be determined. Well, Sir, we have, as I explained, I think, in the last debate, in mind—we have arranged—for provision of a subvention for the next three years. I do anticipate that possibly for some further time to come there will at any rate have to be some assistance given out of Government funds to this institution. I submit, Sir, that such expenditure would obviously—at least to my mind—be justified.

I beg to move, Sir. (Applause.)

MR. RODDAN seconded.

Question proposed.

MR. RODDAN: Mr. Deputy Speaker, Sir, I rise to support the Second Reading of this Bill and I would like to take the opportunity, on behalf of the dying Board of Management and of the College staff, of expressing thanks to the hon. Minister for his patient and wise

guidance during the protracted financial negotiations which have led to the presentation of this Bill (Hear, hear).

As the Minister has said, Sir, himself, he has throughout taken the attitude of no Bill and no governing body until he was reasonably satisfied that adequate finance was available. He has achieved his object, I think, Sir, that the setting up of the College as a self-governing institution will rank as one of the many notable achievements of the Minister during his term of office.

In conclusion, Sir, I would like to express the hope and the wish that in its new form the College will receive the full and warm-hearted support of the people of Kenya.

Sir, I beg to support. (Applause.)

LADY SHAW: Mr. Deputy Speaker, Sir, as past member of the dying body which was referred to by the hon. Director of Agriculture, I too must join my voice with his in congratulating the Minister and welcoming this Bill.

I beg to support. (Applause.)

THE DEPUTY SPEAKER: No other Member rising to speak, I will call on the hon. Minister to reply.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: There is really no reply, but I would like, as I have the opportunity, to make this clear, Sir, that my rather heavy sounding from what I said and have possibly from what the hon. Director of Agriculture has said, that we had terrible difficulties with my friend, the Minister for Finance. That, in fact, was not the case, Sir. (Applause.) He has been throughout extremely helpful, but finding ways and means to put to him was a little complicated. But he personally has helped in every possible way. (Applause.)

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

COMMITTEE OF WAYS AND MEANS

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

CUSTOMS DUTY

MR. COOKE: Mr. Chairman, I would like your guidance as to whether the petrol tax on page 22 comes within the purview of this customs duty, or whether it is merely the customs duty and taxation set out on page 20. On page 22 under other licence of duties and taxes, No. 10, whether you can take both together or whether you are going to separate them?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, the hon. Member for the Coast—I do not know if he has got the Customs Tariff Ordinance with him, but this particular Motion, the one I am about to move, will be the Customs Tariff (Amendment) Ordinance which has been circulated and the item which he is referring to, I think, appears on page 2. But I suggest that the Motion deals with the complete customs range—when it is put, Sir.

THE CHAIRMAN: Does that satisfy the hon. Member?

MR. COOKE: Yes, Sir.

THE CHAIRMAN: I will ask the hon. Minister to move the Motion in respect of customs duties.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that, subject to the provisions of an Ordinance, entitled the Customs Tariff (Amendment) Ordinance, 1955, published in the *Official Gazette* on the 27th April, 1955, and to be passed in the present Session, the rates of duty be amended in accordance with the provisions of the said Ordinance.

Sir, with your permission, as I have several Ways and Means Resolutions to deal with, I would like to deal with the general principle under this particular Resolution.

In the Budget statement, Sir, I pointed out that in the present level of taxation there would be a deficit on the year's working of just over £14,700,000, and that if the measures now put forward were accepted by the Council, then, after these items had been placed to general

revenue, there would be a deficit still of £13,388,000; that would have to be met by using the grant from Her Majesty's Government of £10,000,000 and that even after that there would still be a deficit on the Colony's account of £9,648,000.

I said at the time, Sir, that £14,000,000 is a very heavy deficit to have to face. Now, Sir, it will be, I think, obvious to hon. Members that Her Majesty's Government is, indeed, the largest single contributor to this Budget at the present moment, and that, indeed, the British taxpayer is at the present moment the largest taxpayer so far as the country is concerned. I think, Sir, it might be as well if at this stage I went back over a little of the past history in dealing with some of the negotiations which I have had to carry out on behalf of the Government with the people in the United Kingdom. In a statement Sir, on the 9th December, 1953, when I announced that Her Majesty's Government had agreed to give us £4,000,000 as a grant and £2,000,000 as an interest-free loan, I quoted from the statement made by the then Secretary of State, Mr. Lytton, in the House of Commons, in which he said, "The Government and the people of Kenya will, I feel sure, wish to take such steps to increase their revenue as they reasonably can without disrupting their economy or unduly deterring that inflow of capital which is so badly needed. But even when allowance has been made for that, they will not be able unaided to continue to bear the burden of the Emergency expenditure, and at the same time press ahead with essential social and economic development."

Now, Sir, in 1954, I had again to make a visit to England to negotiate on behalf of the Government for further assistance from Her Majesty's Government. At that time the Secretary of State announced that Her Majesty's Government would provide a further £4,000,000 and a further interest-free loan of £1,500,000 as a contribution towards the cost of the Emergency. The Secretary of State again used these words, "I have made it clear to the Kenya Government that they will be expected to take all practicable steps to increase their own revenue in order to meet their continuing commitments."

[The Minister for Finance and Development]

A little earlier this year, Sir, I had again occasion to visit the United Kingdom to negotiate with Her Majesty's Government the question of further assistance, financial assistance, to this country. On this occasion Her Majesty's Government agreed to provide a further grant of £10,000,000 and a further interest-free loan of £4,000,000 to Kenya in the United Kingdom financial year 1955/1956. But the Secretary of State for the Colonies, Mr. Alan Lennox-Boyd, stated in the House of Commons, "This assistance would be called upon only to the extent that it proves to be needed and the Kenya Government will be expected to continue to take every practical step to increase their own revenues in order to meet their commitments." And our own revenues means, Sir, the general revenue of the Colony.

Those steps, Sir, taken in consultation with Her Majesty's Government, represent just about one-tenth of the Budget deficit. Those are the measures which I am now putting forward. I think it can be agreed, Sir, that it is a great pity that we have to tax ourselves, but we are also extremely fortunate that the burden of taxation is not much higher than it is. For without this tremendous assistance from Her Majesty's Government, the burden would be, indeed, very heavy.

I make that statement, Sir, because that is the financial position of the Colony. I do not propose to go, Sir, through all the details of the various taxes which I put forward in my Budget speech and propose to move, as on the Order Paper, that, subject to the provisions of the Ordinance, the rates of duty be amended.

Question proposed.

MR. COOKE: Mr. Chairman, I beg to move that the £300,000 accruing to general revenue from the petrol tax be transferred to the funds of the Road Authority. I see my hon. friend shaking his head; he thinks that is irregular.

THE CHAIRMAN: I think that is irregular.

MR. COOKE: I have already consulted the Clerk on the subject and he seemed to think it was quite regular.

THE CHAIRMAN: There is a Motion before the Council and that Motion can be—

MR. COOKE: Amended.

THE CHAIRMAN: There is a Motion before the Committee that can be agreed to, or amended, or negatived.

MR. COOKE: Well, may I amend it to that extent that the £300,000 accruing to general revenue from the petrol tax should be transferred to the Road Authority Fund. There must be some way of dealing with this.

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, Mr. Chairman, I am sure my hon. friend will not be very willing, perhaps, to accept my assistance in this matter, but if he is endeavouring to effect what I think he is endeavouring to effect, I suggest the only way he can do it would be by, either putting in a Motion that the Government should consider that revenue raised from 100 (b) under "F" should go to Road Authority and not to general revenue; or, perhaps, move that this Council is of the opinion that this should be done.

The point is, Sir, that the sum of £300,000 never appears anywhere, except in the Estimates, and we cannot tell from this Bill whether it is £300,000, £350,000 or £250,000.

LADY SHAW: The sum raised.

MR. COOKE: The x amount, whatever it may be, accruing from the petrol tax should be transferred—it may be £300,000 or £200,000—to the Road Authority.

THE CHAIRMAN: I think the only amendment which could be accepted to this particular Motion which is now before the Committee would be an amendment, in writing, to the Motion which I have already proposed. Otherwise it seems that a separate Motion should be brought in, at some other time.

THE MINISTER FOR FINANCE AND DEVELOPMENT: The only suggestion I have to make, Sir—I hope it will not be taken that I am accepting the amendment, Sir—is that after the word "Ordinance" there should be added, "but any amount raised under item 'F' of the Schedule 100 (b) should be directed

[The Minister for Finance and Development] to the funds of the Road Authority"—"should, in the opinion of this Council, be directed to the Road Authority".

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Chairman, on a point of order, is the hon. Member in order in moving a resolution of this nature during the Committee of Ways and Means in which we now are? It seems to me, Mr. Chairman, that the hon. Member opposite can move a reduction in the amount as he so likes, giving his arguments. I think, Mr. Chairman, if we are going to get ourselves involved in the transfer of moneys from vote to vote, whether on the revenue or the expenditure side, we are getting into very dangerous waters, and I am not at all sure that the hon. Member is in order.

THE CHAIRMAN: Standing Rule 139 (b) says that Motions may be agreed to, or amended, or negatived. It seems to me that an amendment can be proposed.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Chairman, with all due respect, I do suggest that the agreement, of course, is simple, the rejection is simple, but the amendment must be in respect of a change in the figures. I do not believe it to be in respect of a change as between Heads.

THE CHAIRMAN: I am not quite sure what figures the hon. Member is referring to.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: I understand from the hon. Member for the Coast that he wished to transfer this sum to the revenue of the Road Authority. I do suggest, Mr. Chairman, that he is, in effect, moving moneys across within the taxation structure and I do not believe that that is in order. I believe that he must either move the rejection of this amount and having secured that and presented his arguments, then he is at liberty later to move a Resolution in the Council urging the Government to allot the money elsewhere. I do not believe that he can do it like this, Mr. Chairman, because if we allow this, I can see great difficulties ahead of us. In the Budget Debate, it will be impossible for the Heads to stand as they are, as hon. Members will be at

liberty then to move whole sums from one Head to another.

MR. COOKE: I see the strength of my hon. friend's argument and I do think it would be desirable to deal with the matter in another way if we could. If possible, perhaps, Sir, we could defer this item to later on and we might think of a better way of doing it. If necessary, I shall have to bring in a Motion in a day or two. I wanted to save time by doing it this way.

THE CHAIRMAN: I am not quite certain whether the hon. Member means he will bring this forward separately. There is a Motion before the Committee at the moment and this will have to be disposed of in one way or another.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Chairman, I would like to assure the hon. Member for the Coast that I am not trying to prevent him from putting his arguments forward, but I do see some dangers in what the Chairman suggested. I would suggest, Sir, that the hon. Member should proceed now by a simple straightforward Motion to the effect that the rate of tax be reduced by 25 cents to the gallon, or whatever it is. Then, on that, Sir, he advances his arguments. If he is successful and reduces the tax on a Motion on the voting he then is at liberty to move a Motion in the Council asking the Treasury to allocate the money in what way he wishes.

MR. COOKE: I think that would suit me, Sir, I know that the Motion will be lost in any case, but I wish to bring the point to the attention of the Council.

Well, Sir, I propose to put 25 cents tax per gallon; the whole tax is going to be 75 cents. The extra 25 cents, I propose that it should be reduced by 10 cents per gallon.

THE CHAIRMAN: I am not quite sure. Is this following on the Motion which is now before the Committee?

MR. COOKE: Yes, it follows on. Where there is a special tax on petrol, it should be reduced by 25 cents per gallon. Now, Sir, that would enable, perhaps, the Road Authority to collect their 25 cents and for it to be paid into the revenue of the Road Authority.

THE CHAIRMAN: I am not quite sure exactly what the amendment is.

MR. COOKE: Well the amendment is this.

THE CHAIRMAN: Before we proceed—

MR. COOKE: Shall I sit down?

LADY SHAW: Might I ask for a little help while this discussion is going on? Would the Minister tell me whether export taxes come into this?

THE MINISTER FOR FINANCE AND DEVELOPMENT: If I may, the export taxes do not enter into this, they come up in a separate Motion.

THE CHIEF SECRETARY: Sir, I suggest that we have the interruption of business now, in order to give the hon. Member time to work out his amendment.

THE CHAIRMAN: Is it agreed on both sides of the Council that we should adjourn for five or ten minutes, and take the break now?

LT.-COL. GHERSIE: Agreed.

THE CHAIRMAN: Committee will, therefore, suspend business until four-fifteen.

Council suspended business at fifty minutes past Three o'clock and resumed at fifteen minutes past Four o'clock.

MR. COOKE: Mr. Chairman, I think we have arranged a *modus operandi*, if I may use the words. I beg to move the following amendment, the following words be added to the Motion, "with proviso that in the opinion of this Council the import duty on Item 100 (b) should be reduced by 25 cents".

Sir, there are a number of people in this country—I would go so far as to say a great majority of the people in this country who would like to see more money given to the Road Authority for their maintenance and construction of roads. We feel that this 25 per cent extra tax on petrol could be more profitably used if it were paid into the Road Authority. Now, I have argued this matter almost *ad nauseam* with my hon. friend, the Minister for Finance, and, of course, I know that his view is this; that any money surplus to the expenditure in this country should go to the British Treasury for repayment of the debts that we owe to Great Britain. That is an argument which I thoroughly follow. But at the same time I think it would be better both to Great Britain and to us

that we should use this particular £300,000 for productive purposes and that would put us in the way, in a short time, I cannot say a very short time, to be in a much better position to pay our debts to Great Britain. That, I think, Sir, is a valid argument. By spending £300,000 on roads now, per annum extra, or by floating a loan which the £300,000 would pay off the interest and capital, we could construct tarmac roads which would save road-users almost vast sums of money. I have got here figures worked out by the local International Road Federation. Possibly, as we always say, figures can prove anything! By taking the American and New Zealand figures, that the difference between a good and a bad road for motorists is 20 cents a mile; that is, that you save 20 cents a mile by travelling on a tarmac road, rather than travelling on the earth roads that we have in this country. Every fact was taken into consideration, such as those caused by bumps and washouts and so on. But the Americans, as you know, Sir, have gone into road statistics very thoroughly and this is their definite conclusion and it is a conclusion of other countries as well. Well, assuming, I will not go into figures now, that is so, and having in front of me, as I have, the road mileage completed every year in this country and taking three-quarters of that which I have assumed is done on bad roads, the motorists would save no less a sum than £3,500,000—motorists of this country—by having tarmac roads instead of earth roads. Now, Sir, that is a very considerable sum of money. That £3,500,000 alone, if it was current revenue, would, of course, build all the tarmac roads that we needed, or, if we used even a portion of that as an interest to repay a loan, it would also be a great saving to this country.

I try time after time in this Council, and so has my hon. friend, the Member for Mount Kenya, in particular, made the point that what you lose on the swings you make up on the roundabouts. I do not seem to be sufficiently eloquent to get that one home. It seems to me so perfectly obvious that if you save money by buying fewer springs, petrol or fewer tyres, or less wear and tear on nerves or less time, there must be a very large money factor involved

[Mr. Cooke] submit, Sir, that that being the case, it is up to us to put as much of the proceeds of our own taxation or methods of raising money in different ways into general revenue, in order to reduce the calls we may be making on the United Kingdom at the present time. Desirable as it might be to give the Road Authority more money, quite frankly, Sir, I do not think we can afford to do so at the present time. I, myself, hold views which are not commonly held in that I think that possibly we rather exaggerate the bad state of our roads. We have, Sir, as a territory, been in existence not so very long and I can well remember, as can the hon. Member, that it was by no means uncommon in the wet weather coming down here to Nairobi to spend the night on the Escarpment, and that was not very long ago, it was taken as quite a common and normal occurrence. The only way to get out of Nairobi very often was by going across country and not trying to go by the roads at all in order to get on to the passable road beyond the Escarpment. I am not suggesting that was a happy state of affairs, but I do suggest, Sir, that we have gone a very long way since those days, about 25 years.

I also suggest, Sir, that we have got an immense mileage of roads, proportionate to the size of this country, larger I think in proportion to the size of this country regardless of the traffic and the population, larger, I think, than in most other countries. Certainly, I think, larger than in Southern Rhodesia or South Africa. I have travelled good distances on the roads in Southern Rhodesia and South Africa and they are not all that better than ours, in fact, in many cases they are just as bad and in some cases worse.

Now, Sir, I am not arguing that it is not advisable to spend more money on roads if we could. What I do suggest, Sir, is that we have already made such provision as this Government thinks it can make to the Road Authority, and I do most strenuously argue that this is not the time for any form of extravagance or any degree of luxury, put it whatever way you will, but we really must try and face the issue that if we do not try and pay as much as we can towards reducing the calls we make on the United Kingdom, we may find our-

sonal opinion—(Hear, hear.)—although there are facts to support it.

Secondly, I think the Council must bear in mind that road planning is a long-term affair and the position to-day is that many of the roads in the country are of such a standard; that they are no longer an economical proposition to maintain. The position is that once a road loses its murrum surface at more than an inch a year it is cheaper to tarmac it and maintain it on a tarmac standard. There are many miles of such roads in this country to-day, losing well over an inch of murrum and if planning is not made now for the future reconstruction of those roads, the country is going to pay a very heavy bill in the course of a few years.

I beg to support this amendment.

MR. SLADE: There is just one further point I want to make, in support of what has already been said. That is from the aspect of taxation. It does seem to me, Sir, that petrol is one of those necessities as opposed to luxuries which, if you are going to tax it, you should use the revenue derived from the tax in such a way as to satisfy the taxpayer. There certainly are many forms of revenue which properly go into general revenue. I know the Minister for Finance has a great dislike on principle of all hypothecated revenue, but it does seem to me, Sir, that a tax on petrol is one of those special cases, almost in the same category as the rating of land, where you should have hypothecation and where you are going to tax such an essential commodity, you should definitely make it clear that you are applying the proceeds of that tax to the benefit of the users of that commodity, in the way of building up the roads on which they wear out their cars. For the rest, I support what other Members have already said on this subject. (Hear, hear.) (Applause.)

Question proposed.

MR. LETCHER: Mr. Chairman, I should like to support this amendment. I do feel that it would be doing the country a service and the motorist.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Chairman, I would like to oppose this suggestion for several reasons. I admit, of course, that it is desirable, as far as is reasonable, to provide the Road Authority with as much money as we can afford to enable it to improve our roads for reasons that the hon. Member has given. But, Sir, I question whether this is a time to make such a greatly increased payment. We all know that we are having the greatest possible difficulty in making two ends meet and that we have, to no small extent, had to be dependent on the moneys provided to help us through this difficult time by the United Kingdom Government. I

[The Minister for Agriculture, Animal Husbandry and Water Resources] solves a "grant-aided territory". Therefore, we cannot argue on these matters under the circumstances in which we find ourselves to-day; as we might have argued two years ago or, I hope we may be able to argue two years hence.

Mrs. SHAW: Mr. Chairman, I would agree with the Minister that we could not, to-day, ask for any money for a reduction of taxation for any luxury, but I do not consider the upkeep of our roads a luxury. In fact, I think it is a very false economy to provide mileages of roads, and many new mileages of roads, and then not allow sufficient money for the maintenance of those roads. That is why I, too, would like to see this tax on petrol go as consumption tax instead of as duty, simply because I know in outlying areas—outlying parts of the Colony—the maintenance is nothing like sufficient even to keep the roads—a road of that width, in some cases the main trunk roads which are now very wide carriageways and I believe, it is estimated that the sum required to keep a carriageway like that, in condition, even to a minimum standard, is something like £280 a mile and the amount being allowed for is between £40 and £60 a mile and it just is not enough to keep it even up to a usable standard.

That is why I, again, make my plea for a higher maintenance grant and I do think that some other form of taxation could have been found that would not have crippled our Road Authority any further.

GROUP CAPTAIN BRIGGS: Mr. Chairman, Sir, I agree with a great deal of what the Minister who has just spoken said, but nevertheless I feel that I must support the amendment proposed by the hon. Member for the Coast, for two reasons. One, my belief that the cost of this Emergency of this country should be accepted by the United Kingdom as a full Imperial commitment as I believe that the responsibility for the outbreak of *Mau Mau*—the growth of *Mau Mau*—and the Emergency rests fairly and squarely on the British Government and I believe that the full cost of the Emergency should be borne by them. However, that is a per-

sonal opinion—(Hear, hear.)—although there are facts to support it.

Secondly, I think the Council must bear in mind that road planning is a long-term affair and the position to-day is that many of the roads in the country are of such a standard; that they are no longer an economical proposition to maintain. The position is that once a road loses its murrum surface at more than an inch a year it is cheaper to tarmac it and maintain it on a tarmac standard. There are many miles of such roads in this country to-day, losing well over an inch of murrum and if planning is not made now for the future reconstruction of those roads, the country is going to pay a very heavy bill in the course of a few years.

I beg to support this amendment.

MR. SLADE: There is just one further point I want to make, in support of what has already been said. That is from the aspect of taxation. It does seem to me, Sir, that petrol is one of those necessities as opposed to luxuries which, if you are going to tax it, you should use the revenue derived from the tax in such a way as to satisfy the taxpayer. There certainly are many forms of revenue which properly go into general revenue. I know the Minister for Finance has a great dislike on principle of all hypothecated revenue, but it does seem to me, Sir, that a tax on petrol is one of those special cases, almost in the same category as the rating of land, where you should have hypothecation and where you are going to tax such an essential commodity, you should definitely make it clear that you are applying the proceeds of that tax to the benefit of the users of that commodity, in the way of building up the roads on which they wear out their cars. For the rest, I support what other Members have already said on this subject. (Hear, hear.) (Applause.)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I regret, of course, that the Resolution cannot be accepted. I would point out to my hon. friends opposite that I have been able to maintain in this year's expenditure a special grant of £150,000 to the Road Authority. That is sometimes forgotten when we are discussing what the Road Authority gets. The Road Authority also comes second; I think I am right, in

[The Minister for Finance and Development]
the list of priorities in development planning.

Sir, my hon. friend, the Member for the Coast, said that it was my view that any extra taxation should go to relieve the British Treasury. I think the hon. Member mis-states the case completely. It is, and I thought, I had made it perfectly clear in the extracts that I have read out, it is the view of Her Majesty's Government in the United Kingdom, that any additional revenue derived in this Colony shall go to reduce the amount they are paying to assist us.

Now I am not going to argue with my friend, the Member for Mt. Kenya, on the ethics of the case, but I wonder, Sir, whether hon. Members realize what a grant-aided territory really means. It means, in fact, almost a representative of the British Treasury controlling expenditure in this country, that even the smallest amount of money could not be spent without the direct consent of the representative of the British Treasury. In other words it means the complete practical, the complete disappearance of the autonomy of this Council and this country, for a country that cannot pay its way, cannot control its destiny. Now that, Sir, is what a grant-aided territory means which was what my hon. friend, the Minister for Agriculture was trying to point out.

GROUP CAPTAIN BRIGGS: I thank the hon. Minister for giving way. But I did not refer to any question that the country would become a grant-aided Colony. I referred to it becoming an Imperial commitment from the operational point of view, so that the full cost of operations would be borne by the United Kingdom.

THE MINISTER FOR FINANCE AND DEVELOPMENT: There are a great deal of costs in this Emergency which could not be called direct operational costs. I hope the hon. Member for Mt. Kenya realizes that. That, indeed, is at the present moment being borne by the grant and loan from Her Majesty's Government.

My hon. friend, the Member for Aberdare, said that it is essential to "satisfy the taxpayer". Let us, again, face up to our situation, Sir. It is essential,

not only to satisfy the taxpayer in this country, but it is essential to satisfy the biggest taxpayer of them all, the United Kingdom Government. I have tried, during the time that I have been dealing with these negotiations, to put before Her Majesty's Government, year after year, a reasoned case as to why taxation in this country should not be forced beyond a certain level. They have accepted this year, for instance, an increase in taxation which is only equivalent to one-tenth of the amount that they are likely to assist us with. I discussed the tax which we are now talking about, which was placed before the Government and the Council of Ministers before I left for England, in order that I should be fully clear on the opinion of the Government when placing this before Her Majesty's Government. It was the unanimous decision of the Government that this tax, difficult though it might be, was better than certain other channels of taxation which were the alternative. What was important about the taxation at the present moment, is that we should be able to produce the money. Luxury goods, which are already taxed fairly heavily, were not acceptable in many cases because they were not likely to produce the money needed.

I think, Sir, as my hon. friend, the Minister for Agriculture, has said, it is essential when we are in this very difficult position to keep our feet on the ground and in actual fact to remember that there are many things as I have said in this Council, that are even essential that this country will have to go without. When we talk about development, Sir, let us remember that without the assistance and without the backing of Her Majesty's Government on the London market, and without the current assistance that Her Majesty's Government is providing us with to-day, a great number of our development schemes would have to disappear entirely.

I am afraid, Sir, in view of the cold hard facts of the situation, we cannot accept the amendment in front of us, although we recognize that roads are now alone with closer administration and many other things, our priorities as and when money becomes available and we can once again stand on our own feet. (Applause.)

MR. COOKE: Mr. Chairman, my hon. friend has, as usual, made rather sob stuff of this and one would think it was a funeral oration which he was delivering on poor old Kenya. After all, I have got in front of me, I am fully acquainted with what he said, what he did say was: "The Budget of this country is a deficit budget of £13,000,000; and if there is additional taxation to be drawn from the people of this country it will obviously be devoted to the reduction of the burden on the United Kingdom."

No, I am not going to give way to my hon. friend, because he never gives way to anybody else.

THE MINISTER FOR FINANCE AND DEVELOPMENT: On a point of order, did I not just now give way to the hon. Member for Mt. Kenya?

THE CHAIRMAN: The hon. Member should get his facts correct on this and if they are not correct, I think they should be withdrawn.

MR. COOKE: Well, Sir, naturally speaking, when I said "never", I naturally meant seldom gives way, because that is what we notice on this side of the Council (even my hon. friend has sufficient sense of humour to acknowledge that), and, naturally, I could not possibly sustain that he never gives way, but he very often does not give way and that, I think is rather discourteous.

Now, this £300,000 would make no difference whatsoever to the British Government; at least, I hope not. But I am trying to point out that according to statistics, after a few years, £3,500,000 would be saved; and money saved is money gained. And it would mean that by the expenditure of £300,000 per annum now we would, later on, if these figures are correct, save say £3,500,000 per annum. To say that we cannot afford that, the reply would be, we cannot afford not to afford it; and to describe it as a luxury, as my hon. friend, the Minister for Agriculture, did, seems to be a misuse of the English language. For I cannot see how it can be a luxury to save £3,500,000 by the expenditure of £300,000 per annum.

My hon. friend instanced the state of the roads. Of course, they have greatly improved, but I can remember the days also of push-bicycles and; even of the

penny farthing. Would the hon. gentleman like to go back to those days? No doubt, people in his time and in those days, argued exactly in the same way that we must continue to use the push-bicycle and that it was very ambitious that we should fly, or very ambitious that we should use a motor-car. There was a famous play at home where each generation condemned the aspirations of the next generation. *Mr. Miles Stones*: I think it is called, where one generation could not tolerate the sailing ship, another could not tolerate the paddle steamer and yet another could not tolerate the modern liner; but the fact of the matter is that we are advancing, we must advance. Therefore, I still ask Government to try to make some saving from the Budget, savings from the expenditure side, and put on perhaps the taxes that we have already suggested and with that £300,000 per annum branch at last into something that this country can be proud of—very good roads.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, may I ask the hon. Member for the Coast to quote exactly the words which he said I said about taxation?

MR. COOKE: He said the other day, I think it was last week, he said these words, "The Budget of this country is a deficit budget of £13,000,000", etc.—page 536 and 537 of HANSARD—and if there was additional taxation to be drawn from the people of this country, it will obviously be devoted to the reduction of the burden on the United Kingdom". Those are the words he used.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Well, Sir, I suggest that that, with all due respect, is no different to the statement which was made—which I read out—by the Secretary of State for the Colonies in the House of Commons. "This assistance can only be called upon to the extent that it proves to be needed and the Kenya Government will be expected to continue to take every practical step to increase their own revenues in order to meet their commitments." Now, Sir, I must point to this point, that their own revenues in this case, means the general revenue of the country and does not mean a specific and outside body.

MR. COOKE: I do not think that is really worth discussing.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am glad to hear that the hon. Member is, at last, going to be silent.

THE CHAIRMAN: No other hon. Member rising to speak to the amendment? I will put the amendment.

The question was put and negatived.

THE CHAIRMAN: The original Motion is open to further debate.

The question was put and carried.

MOTION

EXCISE DUTY

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that, subject to the provision of an Ordinance, entitled the Excise Duty (Amendment) Ordinance, 1955, published in the *Official Gazette* on 27th April, 1955, be passed in the present session. The rates of duties be amended in accordance with the provisions of the said Ordinance.

Sir, these rates of duty, I also dealt with in the Budget statement and I propose not to take up the time of the Council by repeating the arguments.

Question proposed.

The question was put and carried.

MOTION

STAMP DUTY

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that subject to the provision of an Ordinance entitled the Stamp (Amendment) Ordinance, 1955, published in the *Official Gazette* on 27th April, 1955, be passed in the present session, the rates of duty be amended in accordance with the provisions of the said Ordinance.

Question proposed.

LT.-COL. GHERSIE: Mr. Chairman, purely as a matter of interest, has the Minister been able to assess to any extent what the new tax will produce on cheque books? I think that was the one increase. Has he any idea what he expects that will provide?

MR. MACKENZIE: Yes, Sir. It is expected that the new stamps on cheques—

the additional stamp duty on cheques—will bring in something of the order of between £20,000 and £30,000 a year.

THE CHAIRMAN: If no other hon. Member rises to speak, I will put the question.

The question was put and carried.

MOTION

EXPORT DUTY

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:—

BE IT RESOLVED that this Council approves the Export Duty Ordinance, 1951, being continued in force until 30th June, 1956.

This, Sir, is again, a continuance of the proposals made in the Budget Speech and debated during the Financial Estimates, the main policy debate.

There is one point arising out of this, Sir, and that is that sisal is included in this Ordinance but it is proposed to recommend to the Governor that a declaration shall be made in accordance with the Ordinance exempting sisal from the provisions of the Ordinance.

Sir, I beg to move.

Question proposed.

The question was put and carried.

MOTION

SPECIAL TAX

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the rate of tax imposed by the Special Tax (Temporary Provisions) Ordinance, 1953, be increased from Sh. 22 to Sh. 25.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report back to the Council its consideration of the Ways and Means Resolutions on the Order Paper and its approval of the same without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair.]

REPORT

MR. STOW: I beg to report that the Motions on the Order Paper have been considered by the Committee of Ways and Means and adopted without amendment.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Council do agree with the Committee in the said Resolutions.

Question proposed.

The question was put and carried.

ADJOURNMENT

THE DEPUTY SPEAKER: That concludes the business on the Order Paper. Council will now adjourn until 2.30 p.m. to-morrow, Thursday.

Council rose at fifty-two minutes past Four o'clock.

Thursday, 9th June, 1955

Council met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

MOTION

SUSPENSION OF STANDING ORDERS—RESCINDING

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that the motion passed on Friday, 27th May, 1955, postponing the time for interruption of business on certain days, be rescinded so far as it relates to Thursday, 9th June, and that the time for the interruption of business on that day be 6.15 p.m. as laid down in Standing Order No. 10. (Applause.)

LT.-COL. GHERSIE seconded.

Question proposed.

The question was put and carried.

COMMUNICATION FROM THE CHAIR

DR. E. A. TRIM—CONGRATULATIONS ON O.B.E.

THE DEPUTY SPEAKER: Before proceeding with the business of the day I would like, on behalf of the Council and on my own behalf, to congratulate Dr. E. A. Trim on the honour which has been conferred on him by Her Majesty the Queen in appointing him an Officer of the Most Excellent Order of the British Empire. Although Dr. Trim is only temporarily a member of the Council he is well known to us all for his long service to the Colony both in the field of medicine and of sport and for his unflinching courtesy and assistance at all times to those who have had dealings with him. I am sure all Members of the Council will agree that this honour is richly deserved. (Applause.)

MOTION

B.B.C. BROADCASTS ON CONDITIONS IN KENYA

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, I beg to move the following Motion:

That this Council deplores the inaccurate statements made by two B.B.C. commentators speaking in a

[Group Captain Briggs]

feature entitled "Journey in Kenya" who had been granted every facility to tour the affected areas.

Council therefore requests Government to represent to Her Majesty's Government in the United Kingdom the undesirability of the B.B.C. being used for broadcasting biased and inaccurate accounts of contemporary conditions in Kenya.

Mr. Deputy Speaker, Sir, I think the purposes of this Motion must be quite clear. I do not propose to speak on it at great length. The facts are that the first of a series of broadcasts about the Commonwealth was broadcast on the Home Service fairly recently under the title of "Journey in Kenya". The commentators were Edward and Marjorie Ward, which, I understand, disguised the identity of Lord and Lady Bangor.

Now, I first heard of their activities through constituents of mine who were extremely indignant at the opinions—the extremist opinions—expressed privately to them and at parties which were called for their benefit in the course of their tour. After they had broadcast, I received a number of equally indignant letters from constituents of mine who were, at that time, on holiday in the United Kingdom and who had heard the broadcast. After the broadcast itself, I received a copy of *East Africa and Rhodesia* for 5th May which devoted its leading article to the question of this broadcast. Now, before giving notice of this Motion I endeavoured to obtain a copy of the script but I was unsuccessful in doing so, and I accordingly wrote to the Editor of *East Africa and Rhodesia* and asked him if he could obtain one for me. He replied that he was unable to get one as the British Broadcasting Corporation were not prepared to part with it. At the same time, he assured me that he had personally examined the script and that the comments he had made in the course of the leading article were entirely supported by the script.

Now, *East Africa and Rhodesia* is a paper which is widely respected and, generally speaking, factually accurate, and I have no hesitation in quoting from that article because it is, as I say, based on the script, and I think myself it has a special value because it represents the

views of an outside observer and therefore might possibly give perhaps a better interpretation of what was said in the course of that broadcast than the interpretation I might, myself, place on the comments which are included in the script which, I may say, I have now seen and read. Having done so, I am more than ever convinced that what is said in *East Africa and Rhodesia* is, in fact, an extremely moderate statement of opinion.

Now, this is the article. I am afraid it is a fairly long one, but I believe it is such a good one, that I would ask you to bear with me if I read the whole of it. This is how it reads—it is headed "Matters of Moment".

"It is to be hoped that the documentary feature programmes about the Commonwealth which are to be broadcast at monthly intervals will be much more objective than the first of the series, which was entitled 'Journey in Kenya'. Instead of illustrating that journey reasonably comprehensively, however, Mr. and Mrs. Edward Ward gave only snapshots—and without any indication that they were offering merely snapshots; and snapshots seemingly selected to support preconceptions and misconceptions rather than to show Kenya in general. Yet the programme gave, and appeared designed to give, the impression of photographic exactitude."

I might perhaps here interpolate that the commentators arrived on the farm of a friend of mine and they were very much struck with the appearance of the tribe who were wearing tribal costume, and when my friend protested that they were not representatives of the Kikuyu tribe, in fact they were not members of the Kikuyu tribe, the comment was made "Well, of course, that may be so, but they do look so picturesque".

Now, to continue, "Against that misrepresentation East Africans have every right to protest; and some, we know, have already written to Broadcasting House in terms of high indignation. There was justification for such complaints, for the B.B.C. had offered the feature as a serious attempt to give millions of listeners a better understanding of the true state of Kenya to-day. The announcer said that the programme,

[Group Captain Briggs]

all based on journeys in Africa, would be a joint Commonwealth project in which B.B.C. feature writers were co-operating with Canadian, Australian, South African and Rhodesian colleagues "to present a first-hand picture of the African continent in the throes of rapid change and development".

I would here add that I hope my friends in the Rhodesias will be on their guard if, these two commentators should extend their tour to their territories.

Now the article goes on, "The intention, then, was to provide a considered, and presumably a considerate judgment. What listeners heard was more biased than balanced, more emotional than accurate.

"The recording opened with a hut-to-hut search by police in a Kikuyu village in the middle of the night. There was much waiting, a burst of Sten-gun fire, and then a few desultory shots. Such things happen to-day, of course, but they are not fairly representative of Kenya as a whole. Indeed, so uncharacteristic are they even of the Kikuyu country that a well-known Kenyan now on leave who has commanded many operations of this kind—in the past—two years told us that he 'switched off' at that point because on such occasions he had never heard a woman walk; there had always been dead silence. No reasonable person would complain at prominence being given to *Mau Mau*, but it should surely not have monopolized almost the whole programme—which should certainly not have included a half-apology for that diabolical and bloodthirsty conspiracy from Mr. Ward, who declared that a prisoner would never have become a *Mau Mau* leader 'without these bitter and frustrating grievances'. Mrs. Ward, when reminded of the horrors of the *Mau Mau* ceremonies and of the slaying of defenceless human being and animals with bush-knives, retorted: 'Look at the horrors of Belsen and Buchenwald and the napalm bombing'. A little later she told a group of settlers that none of them really knew the African. 'The administrative officers, yes, because they work with them'. Mr. Ward added that settlers lacked the desire to meet the African 'as a person'. Are the B.B.C. representatives

at liberty to make such silly snap judgments about their hosts and relay them to an equally ignorant world".

I do not think I really need add any comments to that of the Editor at this point.

It continues—"At an earlier stage, when the visitors had been asked not merely to criticize but to try to explain the settler point of view, Mrs. Ward replied that 'somebody has to worry about the African point of view, because they have no real way of speaking for themselves'. She was evidently unaware that they have been speaking for themselves ever since British rule was established—to missionaries, to district officers, to farmers, to doctors, to those who are helping them improve their agriculture and animal husbandry, in location and district councils, in church gatherings, in the Legislative Council, and in their newspapers (to mention only a few of the channels). Mr. Ward followed his wife's mis-statement with the assertion that the settlers had gone to Kenya 'to get away from the social revolution in England'. That grossly misleading generalization may have lodged in millions of minds, though the proportion of settlers who went to East Africa to escape the social revolution in England must be very, very small. These quotations show the bias of the programme.

"It also contained downright errors of fact. It made the absurd statement, for instance, that 'schools are not numerous in East Africa'. There are thousands of schools. It wrongly described the Kikuyu as the 'largest of the East African tribes'. It tore from its context and thereby distorted a passage from a book written many years ago by Mrs. Elpheth Huxley and Miss Margery Perham. It quoted as the policy of Her Majesty's Government the statement that 'the interests of the African Natives must be paramount, and if and when those interests and the interests of the immigrant races should conflict, the former should prevail', but failed to add that ill-considered pronouncement had been fundamentally amended more than twenty years ago on the recommendation of a Joint Select Committee of Parliament which contained representatives of all parties in both Houses. Enough has been written to indicate the impetuosity, partisanship,

[Group Captain Briggs]

incomprehension and ignorance of Mr. and Mrs. Ward; but an even higher share of blame must rest upon the B.B.C. for its recklessness in disseminating so unfair a report about Kenya. It should have been obvious that the script was challengeable in a number of places. Why were knowledgeable people not asked to advise the B.B.C. before such misrepresentations about a sorely stricken Colony were broadcast?

I would add, why indeed were they not?

Now, Sir, I do not believe that anyone in this country would object, or does object, to criticism that is objective and unbiased and well informed, but, in this case, I am entirely satisfied that it was unbalanced, biased and anything but objective, and, in fact, it committed a great many errors of fact.

Now, I trust it will be possible, not only for Government, to use their best endeavours to prevent any recurrence of this sort, but I hope also that they may be able to prevail on the B.B.C. to give facilities for undoing some of the very grave damage that this broadcast has done to this Colony.

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

MR. USHER:—Mr. Deputy Speaker, in seconding this Motion I have very little to add to what has been said by my hon. friend. We are accused in this country, I think, of super-sensitiveness to criticism in England and elsewhere, and, perhaps, in some ways, that is true. Nevertheless, we have to consider in this case the immense range and scope of the British Broadcasting Corporation. Its appeal is not to tens of thousands—but to many millions—and, therefore, the effect of ill-considered broadcasts of this nature is very much magnified. This broadcast, of course, is not the worst of the misrepresentations which we have suffered in this country by any means.

It would be interesting if we knew how these broadcasts were operated by the British Broadcasting Corporation; upon what advice do they act when they are presented with a script? Lord Bangor is a man who has travelled quite extensively, though I think little in East Africa. He worked for the Corporation, I think, in

North Africa and also is well acquainted with the Far East, but his knowledge of East Africa was, to say the least of it, fugitive and, therefore, one would have supposed that the script would have been referred to those who have knowledge of the country.

Now, Sir, I have had the advantage, through the courtesy of my hon. friend, the Chief Secretary, of seeing the script and I have also heard what I could of a recording of this, and, as I said before, it is not nearly as harmful a broadcast as some other published matter in regard to Kenya. Nevertheless, it is not always the matter which appears in the written script, but the manner in which it is put over—(Hear, hear.)—which counts. I can say, Sir, without doubt that it left an extremely bad impression on the minds of at least two people that I know who heard that broadcast.

Sir, one would suppose that if you have what is more or less a symposium, all points of view should be represented. If they are not represented, one would suppose that in common fairness, a different point of view might have opportunity later for expression, and that, I think, is the point that we chiefly wish to make in this debate.

I may say, Sir, that the British Broadcasting Corporation received a correspondent of mine with great courtesy and discussed the matter with him frankly, and allowed him opportunity to meet Mr. and Mrs. Ward and to discuss the points with them. So that it is really rather to the future that we look, and we would ask that this Motion be accepted and that in some manner or other the British Broadcasting Corporation should be made aware of our feelings in the matter and that in the future, they will open their forum more widely and consult their authorities more closely.

Sir, I beg to second.

Question proposed.

MR. TYSON: Mr. Deputy Speaker, are we not losing our sense of perspective over this business? I have only had the opportunity of reading the script which has been supplied to me, but I really cannot see any justification for all this fuss about what, in my opinion, can be regarded as "fair comment". The hon. Member for Mombasa, talks about the

[Mr. Tyson] matter, or the situation as being very much magnified, but surely you do get these extreme views in certain cases. Those of us who have listened on Sunday evenings to the series of broadcasts "Calling East Africa" will, from time to time, have heard views, extreme on one side, and extreme on the other, and it does seem to me that this Motion is attaching to this particular broadcast, an importance which, in my view, is quite unjustified. I would have thought the simplest thing would have been to have disregarded it and treated it as what is called in the ordinary way, "fair comment".

THE CHIEF SECRETARY: Sir, the Government accepts the first part of this Motion, but, for reasons which I shall explain later, cannot accept the second part without some small amendment.

I am reluctant, once again, to play the rather worn out gambit of the amendment—especially in view of the criticisms we have had from the other side recently—but, in this case, I really have no alternative.

In agreeing to criticisms of an organization of such unshakable integrity as the British Broadcasting Corporation, it would be improper for me not to say on precisely what grounds Government thinks this broadcast was worthy of some kind of small censure. Let me say right away that we do not resent criticism. (Hear, hear.) This country has much to be proud of but there is still much to condemn, and we have an unfortunate habit of condemning ourselves out of our own mouths without being aware of it. When we receive criticism, if it is justified, we must learn from it, and, if it is unjustified, we must refute it. But what we really cannot accept is the smug, self-satisfied, schoolmarmish approach in which all our problems were dismissed as matters of the greatest triviality—and we were rather treated as a collection of school children—which only needed the guidance of an adult mind.

Let me explain how these broadcasts—I think they are called feature broadcasts—are organized. There is a comper, or commentator, who sets the general line and who, by interviewing local worthies, decides the approach to the problem and the way in which the problem should be

developed. He is helped in his task by the support of factual information; this is delivered by rather an authoritative kind of fellow in the background who, from time to time, recites lists of Derby winners, or gives us figures for guano imports for the last 20 years, or perhaps declaims one of the more harrowing passages from *King Lear*. Of course it depends on the kind of broadcast. (Laughter.) Sometimes he just says "Square 5".

Now, Sir, we should have welcomed an adult treatment of this broadcast. Had there been chosen for the interviews men of urbanity and good sense such as the hon. Member for Mombasa, or well-informed, resolute old birds like the hon. Member for Nairobi West, or even ruthless and relentless liberals like the hon. Member for the Coast—(Laughter)—we should have had a solid exchange of views, there would have been a number of hard knocks exchanged and we should have all benefited. What, in fact, happened? We had some studio folk masquerading as farmers and farmers' wives and into their mouths was put the most childish and cretinous remarks—remarks which were, of course, brilliantly refuted by those who were doing the interviewing.

It is not difficult to set up imaginary figures, whether they are farmers, or Indian traders or even engine-drivers and then to make them appear ridiculous. And to make capital out of a contemptuous dismissal of the views expressed by these cardboard dummies, does not require very much skill in dialectic. I suppose all of us, at one time or another, have had imaginary conversations in which, with distinguished ease, we have demolished the arguments of the self-important, but very few of us have had the pleasure of translating this kind of day-dream into a broadcast.

I maintain that the setting up of one's own ninepins and then knocking them down again, is really a technique which is not worthy of the skill and experience and knowledge of the two commentators who organized this broadcast.

Now, Sir, I must say that we are most indebted to the British Broadcasting Corporation for the help we have received from them, and for their general fairness, accuracy and objectivity. (Hear,

[The Chief Secretary] heard.) Indeed, the Corporation is a by-word for balanced and factual reporting, and I sincerely hope that nothing I have said can be construed as a wish that there should be any restriction on the views or movements or activities of visiting journalists and I include the British Broadcasting Corporation's representatives. (Hear, hear.) Our policy is, and will continue to be, that all visiting journalists should have every possible opportunity of going where they wish and receiving the best advice and the best kind of guidance. I think we have succeeded in ensuring that this is done. Indeed, Mr. and Mrs. Ward had every facility open to them.

On the general question of Press reporting as mentioned by the hon. Member for Mombasa, there have, it is true, been one or two sensational and inaccurate reports. But most of what has been written about our troubles here has been pretty well balanced and objective. We have been justified in our confidence that reasonable and sensible men will not send home biased reports. If, through inadvertence or bad luck or sheer ill-judgment, we are misrepresented, the reply is not, of course, to man the barricades and close our frontiers, it is to see that the journalist has even more opportunity and that he can be entirely satisfied that he sees everything that he wishes to see. (Hear, hear.)

Now, Sir, I turn to the second part of the Motion and to my explanation as to why the Government cannot accept the wording in its present form. The Motion requires that the Government should represent to Her Majesty's Government the undesirability of the British Broadcasting Corporation being used for broadcasting biased and inaccurate accounts of contemporary conditions in Kenya. Although we agree that certain aspects of this particular broadcast do merit criticism, I think this is a very far cry from the implication contained in the Motion that the British Broadcasting Corporation is being used for the broadcasting of biased and inaccurate accounts. There is an imputation here which I feel quite certain, Sir, is unintentional, that there is some malevolent and sinister design. Of course, it is quite unthinkable: I am sure it was never intended.

Further, Sir, the constitutional position of the British Broadcasting Corporation is such that I very much doubt whether Her Majesty's Government could properly make a representation of this sort. The British Broadcasting Corporation is an independent organization, created by Royal Charter; it is neither a department of the Government, nor a commercial concern. The constitutional position of the Corporation places the choice of material and the presentation of day-to-day programmes quite outside the competence of any department, outside the interference of any department of the Government. The only link with the Government is the Board of Directors—the Board of Governors, rather—who are appointed by the Government. These are all men and women of great eminence and, of course, of the most unimpeachable integrity and of the highest sense of responsibility. It is they who appoint the staff of the Corporation and it is the staff who are responsible for the programmes.

For this reason, Sir, I shall propose a small amendment to the second part of the Motion. I beg to move, Sir, the following amendment:—"That all words after the word 'Government' in the first line of the second paragraph of the Motion be deleted and that they be replaced by the following—'to take such further steps as it properly can to bring the matter to the attention of the British Broadcasting Corporation.'"

In explanation, Sir, of the word "further"—I should like to inform hon. Members that as soon as this broadcast had been given, we realized the reaction it would cause, and the Public Relations Officer immediately took such steps as he properly could on the spot to bring the attention to the British Broadcasting Corporation.

Sir, I beg to move. (Applause.)

Question proposed.

THE DEPUTY SPEAKER: In view of the terms of the amendment, I propose to allow the debate to range over both the amendment and the original Motion. I trust hon. Members can confine themselves to one speech only.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, I am only going to speak very briefly on the amendment if I may.

[Group Captain Briggs]

and merely to say that the amendment does not alter the intention of the Motion and I am entirely happy to accept it so far as I am concerned.

At the same time I would like to congratulate the hon. Chief Secretary for his excellent speech on the matter. (Hear, hear.) (Applause.)

MR. SLADE: Mr. Deputy Speaker, in view of the speech by the hon. Chief Secretary, which expressed very clearly, and much better than I could, what we all feel in this matter, I have very little to add in support of this Motion or by way of comment on the amendment that he proposes. I would, however, say, with regard to his amendment, Sir, that while accepting it, I do so rather because of our appreciation of the position of Government in this matter, but because we withdraw our contention that this particular broadcast was a biased and inaccurate account. There can be bias and inaccuracy, not only in bald statement, but by implication. If not in the former, certainly in the latter, there was, Sir, in this case.

I should, at the same time, deal with what the hon. Nominated Member claimed to be fair comment. Now, Sir, fair comment is a legal term, or it is best known in the legal world, and it has certain well-known limitations. The first essential of fair comment, as known to the law, is that it should be based on true statements of fact. It should be just comment, without any mis-statement of fact. Here, Sir, I put it, without fear of contradiction, that anyone who has studied this broadcast cannot possibly contend that it was, from first to last, a true statement of fact.

Sir, there is a second element of fair comment—a very essential element—and that is that it should be free from malice. Again, Sir, anyone who has heard this broadcast, and anyone who is acquainted with the sayings and doings of these two commentators during their sojourn in this country, is bound to be satisfied that there was malice in this broadcast. Our protest, Sir, is that, wittingly, or unwittingly—and we are quite prepared to believe unwittingly—the British Broadcasting Corporation has been used as a purveyor of malice against a very small community fighting a very difficult battle in this country.

I beg to support, Sir, (Applause.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will put the amendment. The question first is that the words proposed to be omitted be omitted.

The question was put and negatived.

THE DEPUTY SPEAKER: The question now is that the words of the amendment be inserted instead thereof.

The question was put and carried.

THE DEPUTY SPEAKER: The debate will now be resumed on the Motion as amended.

No hon. Member rising to speak, I will call on the Mover to reply if he so wishes.

GROUP CAPTAIN BRIGGS: Mr. Deputy Speaker, Sir, the object of the Motion has been achieved and, therefore, Sir, I will not waste the time of the Council by making any further reply. (Applause.)

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

Resolved accordingly:—

THAT this Council deplores the inaccurate statements made by two B.C.C. commentators speaking in a feature entitled "Journey in Kenya" who had been granted every facility to tour the affected areas.

Council therefore requests Government to take such further steps as it properly can to bring the matter to the attention of the B.B.C.

MOTION

KENYA (NATIVE AREAS) ORDER IN COUNCIL—RESIDUUM OF CLAUSE (6)

LT.-COL. GROGAN: (Applause).—Mr. Deputy Speaker, Sir, I beg leave to move the Motion standing in my name. With your permission, Sir, I will not read it as it is somewhat lengthy, and as it is on the Order Paper, and therefore available for all Members, I will move on to the substantive matter.

Now, I have been delegated by the common consent of all the European Elected Members to move this Motion on their behalf. Of course, I must except from that the three constitutional hermaphrodites who are constrained at the crack of the Government whip to

[Mr. J. S. Patel]

the hon. Minister for African Affairs has made very clear, this would create a very undesirable impression in the minds of the loyalists and for that reason, and that reason alone, Sir, I oppose this Motion.

Mr. KIKUYO: Mr. Deputy Speaker, Sir, I rise to oppose this Motion very strongly indeed. After doing so, I want first of all to congratulate the Minister for African Affairs on the very convincing speech he has given; I think he does that because his association, particularly with the Kikuyu, has enabled him to appreciate and know the feeling, the very deep feeling, the Kikuyu people have on land. Although his association with Africans and Kikuyu, as a whole, is not as much as that of the Member for Nairobi West, it seems to me that he has a better grasp of the problem than my hon. friend, the Member for Nairobi West. Everybody knows that much of our trouble and bitterness in this country arises out of land matters and no doubt although people have claimed misunderstanding, as far as this Motion is concerned, I can assure the Members here that there will be still more misunderstanding in the minds of Africans as far as the Motion is concerned, and the only way they will interpret it is this, that all of the Kikuyu land will revert to the Crown and thereafter the Kikuyu have no claim to land. I am sure that is the interpretation the Kikuyu people will have. Then, arising out of that, you can see the dangers that can arise out of this Motion when other tribes feel that they are not secure as regards their land. There can be no doubt. My friend, the Member for Mount Kenya, said that he had information that other tribes are favourable—they are happy about this Motion. I would like him to tell me who are, and what is the source of his information, where he got that information from. I do suggest that that cannot be true.

I would like the Mover to tell me why this Order, Kenya Native Land Order in Council, was made in 1939? Why was it found necessary to make this Order and not to let the whole thing go as it was before 1939? My own feeling is that it was on account of suspicion of the Africans. They felt that they were not safe with regard to their lands and then

the Government tried to instil confidence into the Africans and made this law, so that the Africans could feel that the land that they occupy, and they are still occupying to-day, is their land and it was there for their exclusive use. Now, if you revert the Kikuyu land into the position which it was in 1939, naturally you are going to revive that suspicion which I think the Government of that time wanted to kill and that, I suggest, is a very dangerous thing and particularly at this time of our troubles. When you revert the land into Crown land, there is nothing to prevent the Crown giving the use of that land to Mr. Patel or Mr. Smith or anybody. That will be the feeling of the African people in this country and it is a very bad feeling to instil into the Africans at this moment. I am very glad that the Government saw their way to reject this Motion, because, by doing so, they have the confidence of the Africans that they mean what they say, that the land the Africans are occupying to-day is there for their exclusive right and nobody can touch it.

As the Government did wisely reject this Motion, I do not want to go into some of the arguments that have been advanced by the hon. Members on this side of the Council; for instance, some say that the Kikuyu never owned land, well; that, of course, is a matter of opinion; they did own land. Some will suggest that, had the Europeans not come to this country, the Kikuyu people would have been crushed by the Maasi. Well, that is again, a matter of opinion, who knows. I do not think I should waste the time of this hon. Council to go into argument because I could also put forward contrary arguments. I feel that this is one of the very dangerous Motions that has been tabled in this Council. When we deal with Africans and land, I think a little bit of thought is necessary because this question of land has to be settled in this country so that everybody knows that the land he occupies and has now, is his, and not only his, but his children's. If you start bringing a Motion of this nature in, I assure this hon. Council that such Motions are not doing anything good in this country but to increase bitterness, suspicion and the rest of it.

Mr. Deputy Speaker, I beg to oppose

Mr. CROSSKILL: Mr. Deputy Speaker, never in my memory have I seen Council more at cross-purposes and never have we debated a Motion with such misunderstanding of the objects of the Motion before Council. (Hear, hear.) I do hope that Government will accept the recommendation that my hon. colleague, the Member for Nairobi West, made, that a select committee be appointed to study the problem; to study existing powers held by Government for the acquisition of Kikuyu land and possible extensions to it, because I believe and maintain that the existing powers are not adequate for the purpose for which it is necessary to have those powers.

Now, Sir, ever since the very beginning of this Emergency, we, on this side of the Council, have constantly made recommendations to the Government with regard to the acquisition of land, because we felt that that was the most effective sanction which could possibly be applied to the rebelling tribe. We did not ask for sadistic measures; we did not ask for brutality; what we wanted was effect, and we emphasised, in our private recommendations, and across the Floor of this Council, Sir, that we felt that the land question was the key, the solution, to the whole problem of suppression of this rebellion. My hon. friend the African Representative Member, Mr. Tameno, has backed up my thesis. He has said that we do not realize the deep rooted feeling that the African people have for land. It is the very recognition of that feeling, Sir, that makes us adopt this land question as the key and solution of the problem,—(Hear, hear.)—because it is going to have more effect than any other penalty than we can think of and any other that we have tried so far up to the present time.

Now, Sir, it has been turned down up to the present time on arguments which show complete lack of understanding of the object that we have in view in bringing this Motion before Council. To start with, it is not a measure to acquire the land; it is an enabling measure to enable Government, if they consider it necessary, to do so, because we believe that the powers they have at the present time are inadequate for that purpose. We have powers, but I believe they are inadequate for the following three reasons.

Firstly, I believe that Government cannot transfer land to other people. It may be desirable, I believe, to acquire land from those who are rebelling and give it, not for communal use as I believe the present powers require, but to other loyalists who may have inadequate land and who should be compensated for their loyalty and the contribution they have made towards the solution of the rebellion. That is the first point.

I believe also, Sir, that the present plan to confiscate land from those who remain in the forests after the 10th July, will not debar those persons from sharing in clan land. I believe it would be quite impossible to see, administratively, that that sanction is carried out effectively. I believe that a person who is reputedly debarred from sharing in that clan land would return and would share it; therefore, I believe that the present system will be ineffective in that respect.

The third reason, Sir, is that I believe the present powers which Government have are inadequate for the reorganization of land tenure throughout the reserves, which is of such vital importance at the present time.

I therefore say, Sir, that although it is late, it is not too late to create such powers for Government to exercise. I believe we are not yet through the wood and I believe that even when we think we are through the wood, there will always be the possibility of a recrudescence. Unless we have a really effective "Sword of Damocles" hanging over the head, permanently, of the Kikuyu tribe, we shall always be in fear of such recrudescence.

Now, Sir, I was recently home in England. I was talking to a body in the House of Commons who are inquiring from me as to whether it was necessary to impose the death penalty in so many instances on account of offences against the State. I said that we must have effective deterrents and, though we had been seeking others, so far we had found none, but that I believed there was one within our grasp and that was the use of forfeiture of land. I think, manfully, they agreed, that that was much more humane and would be much more effective and they backed up the use of such a sanction by this Government.

I beg to support the Motion. (Applause.)

THE DEPUTY SPEAKER: The time is nearly a quarter past Four, Council will suspend business for fifteen minutes.

Council suspended business at fourteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

MRS. SHAW: Mr. Deputy Speaker, I should like to add my own congratulations to those of other hon. Members to the hon. Mover for a speech of such very high calibre. It is a type of speech that we have come to expect from a statesman of his wisdom and experience, but we do not always get and to-day I am delighted to say that we have had the privilege to hear him return to his old form.

One did not expect the hon. African Members, who are members of the Kikuyu tribe, to agree with the terms of this Motion, but I was very disappointed by the misunderstanding of the terms of the Motion by the hon. African Members on the other side.

As my hon. friend for Mau said, "Every hon. African Member who has spoken on this side, underlined how deep is the African's feeling on the land question". Government also has recognized this in the sanctions which they have just announced which they intend to impose on any terrorist who does not surrender by 10th July, but what of the passive wing? For, I believe, Sir, that it is not the terrorists in the forests who are prolonging this Emergency, but the passive wing amongst the Kikuyu in the Kikuyu Land Unit. The terrorists could not sustain this rebellion for long were their supplies of men, money and materials cut off. Therefore, Sir, I support this Motion for, were it implemented, it could be used as a weapon, and a very telling weapon, against those members of the Kikuyu tribe who are aiding and abetting the terrorists daily.

I feel that no loyal Kikuyu need fear this Motion, for, were land returned to the Crown under the terms that the hon. Mover has suggested, there is no doubt that those Kikuyu of proved loyalty, would have their land returned to them, and, indeed, it could be returned, as the hon. Member for Mount Kenya has suggested, on even better terms, possibly on a freehold basis. But it is only in this way, as far as I can see, that

we can wield a very powerful weapon against the passive wing, and I do not see how otherwise we can bring home to the many Kikuyu who are still supporting the *Mau Mau* rebellion with aid of men, money and materials to the gang leaders in the forests, I do not see how otherwise we can bring home to them that disloyalty does not pay, and, therefore, Mr. Deputy Speaker, I support the Motion very strongly. (Applause.)

MR. USHER: Mr. Deputy Speaker, Sir, I think it is time that there came a breath of realism into this debate. We are dealing now with a Motion regarding lands held by Bantu people. I have had some concern with their land affairs during the course of my administrative career, and although there are certain matters which may be dubious in regard to their land law, and which are quite dark to us, there is one fact that is quite basic and every Kikuyu, every Bantu, will tell you the same story. The land belongs to God, and the man who is allotted it and develops it beneficially has an almost indefeasible title. He is protected against mortgage in a way we are not, as I say, it is almost impossible to dislodge him.

Now, let us turn, Sir, to our own law. I am speaking with great diffidence over this and, as hon. Members will note before the lawyers get into the debate I think some hon. African Members seem to imagine that an Englishman holds his land in a rather different way from that in which he really does hold it. Those of us who own freehold land in the United Kingdom, can say that, in fact, it is Crown land—that is what it is. Our very titles are held in fee from the Crown; so that there is no limitation as to possession of the land suggested in this Motion which they need fear in the very least. Of course it is always possible for the Crown to step in and acquire land—we know that—and that is now perhaps unhappily not only universal, but frequent.

Subject to that, I do not see what they have to fear and I cannot understand the excitement and emotion that has been brought into the debate by certain hon. Members. They say in effect—and I am afraid I must say that they seem to have the backing of my hon. friend, the Chief Native Commissioner—we do not understand this thing; our intellects are not

[Mr. Usher] capable of grasping it; we are afraid; we are suspicious; and this, Sir, from people who wish extended franchise upon modern terms and a greater share in the administration.

My hon. friend has said in effect that the Administration is not what it was, but is incapable of explaining these matters.

Sir, I would appeal to hon. Members who have taken this highly emotional line to reconsider their position, and I would also put in the strongest possible plea for a thorough examination of the matter. It may be, Sir, that the Government cannot, at the moment, accept this Motion—in fact, we have been told so—but the hon. Mover pleaded not only with eloquence but with very great reason, and he did emphasize the fact that what we are asking for is something of long-term effect, and we must indeed address our minds very seriously to this matter, and must consider whether we should not adopt a system whereby we can reward with freehold those who are entitled to it and have not set themselves against the State. They would be in a much stronger position, Sir, in my belief than they are to-day. We are faced now with something in the nature of a land inquiry in the Kikuyu lands. There will be grave disputes, possibly very prolonged disputes over *githaka* ownership. We are proceeding to try and give them title.

Now, Sir, if the whole of those lands were included in Crown lands, we could start afresh, we could establish the rights that can be established by evidence there now and put the owners of land in a position much happier than that which they now occupy.

Sir, I support the Motion. (Applause.)

MR. TAMENO: Sir, I did not want to interrupt the hon. Member, but he tells us that we have been emotional and quoted the position of land ownership in Britain. Is it not a fact, Sir, that the historical background of the ownership in England is very different from that of Kenya?

DR. HASSAN: Mr. Deputy Speaker, Sir, the Mover of this Motion gave a very brilliant speech, and he is a brilliant speaker. I do not think he has ever made a speech which was not a brilliant one.

(Hear, hear.) He is a grand old man of Kenya, and every time in the Council there have been suggestions by him which, according to his experience, if the Government were to follow, would end our problems and our troubles. Most of the speakers have said that his speech has been misunderstood. Well, I fail to see how they misunderstood it. It was very clear. Up until 1939 it was Crown land and Africans were tilling that land, but every year they were finding pieces of land they considered within their reserves being converted into farms, and they said that the time may come that we shall lose our reserve land and we want its protection. The Lands Trust Ordinance gave protection to them, that the reserve land will be reserved for them alone, and no transfer of this land to any community unless for communal purposes and Government purposes.

The State of Emergency, that we are facing to-day has brought about problems for which we had no experience at all. We are trying to deal with those problems and I find Emergency laws are doing the work which we need to deal with the lawless element. It is now laid down that anyone who is engaged in lawlessness or even helps and assists those people, that whoever they are found guilty, their land will be confiscated. Well, if we carry on this procedure and this principle, that will serve our purpose. To make any changes in the law of 1939 will convey an impression to those law-abiding citizens of those reserves, among whom there are thousands and thousands who are fighting to-day, they will feel that their rights have been taken away by the Government. We have been trying to insist upon creating land tenure for the Africans in those reserves, and to-day, if we convey to them by passing this sort of Motion, that not only are they not going to get land tenure, but the land is going to the Crown, and that they will have no rights, what will they think?

There is no doubt that judging from some Members who were speaking that other communities and other tribes should not be frightened of this Motion. But what will they feel after they hear about the change in the Lands Trust Ordinance which was not applicable to Kikuyu, Embu and Meru alone, but was applicable to all the reserves, that

[Dr. Hassan]

the Government has made revolutionary changes in it and reverted to what it was in 1939. This does not create confidence in the minds of the Africans. I do not think the Government can be blamed as to why confiscation of land was not one of the measures when the Emergency started because, in this Council, no one knew that we were going to face this Emergency for years together. We thought it was going to end very soon, but, had such a measure been adopted in the beginning, that the land of those guilty of lawlessness be confiscated, it might have had some effect in stopping the prolonging of this Emergency.

I feel, Sir, that a Motion of this type raises the question of the land in Kenya. I do not think we can undo a lot of things which will do justice, regarding land in Kenya to-day. In my friend, the Member for Nairobi West likes to have a clean sheet about the laws of this country, it would be far better for him to suggest that all laws before 1914 should be done away with, and we should have a clean sheet in Kenya. If the land of the trees is to be taken away to-day, no member has said on this side or the Council as to what is to be done with that land. Give it back to the loyalists and make them landlords. Well, this has been contrary to the objects of the Government of this country. We want that land to be developed by the people living there, for the good of the country; not land to be kept like a bag of potatoes, to be transferred from one to the other.

Sir, we have come almost to nearing the end of the Emergency now, and, unless it be due to the attempts of Government who are responsible for that, it is no good trying to suggest new ways and methods which will bring some revolutionary changes in the measures of the Emergency, and then place the credit—that I suggested so and so and that is how the Emergency is ended.

I am afraid, Sir, that I must oppose the Motion.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, on this side of Council we hold the hon. Member for Nairobi West in the greatest honour and esteem, and nothing he says is negligible—indeed,

to-day it was very far from negligible; it was the most impressive speech we have heard in this Council for a long, long time. (Hear, hear.) It is, therefore, with great reluctance that I have to repeat that Government cannot accept this Motion. The reason is that to introduce a measure of this sort would have an effect on the Emergency now which could not fail to be adverse. The reasons for Government taking this line have been very adequately explained to you by my hon. friend, the Member for African Affairs. We cannot strike blindly at everybody. It is essential that we should support the loyal Kikuyu and that we should strike at the bad.

Now, the Motion has two aspects; it presents what I think the lawyers call a certain dichotomy of thought. The first aspect is a punitive one and there is no doubt, from what has been said in this debate, that it is intended that the proposal should be used as punitive measures and come as a shock to the Kikuyu. Well, Sir, as my hon. friend has said, we cannot regard the entire tribe as suitable recipients of this big stroke. We should be paying straight into the hands of the propaganda of the *Mau Mau*, who have said, again and again, that this Emergency has been forced upon them and, indeed, that it was invented by the European in order to provide an excuse for taking their lands from them.

I am perfectly well aware that this Motion does not propose that land should be taken from them but I am also quite convinced that that is the interpretation which would be given to it not only by the *Mau Mau* but by the passive wing and by the majority of the people in the reserves. The question of explanation I will come to later.

Now, for a long time I have taken an interest in this question of reverting the Kikuyu land to Crown land, and a year ago I made a fairly careful study of the problem applied to a small area. It is clearly much more desirable that one should examine it on the ground over a small area than attempt to apply it to the entire land unit; and I considered what would be the effect of taking, say, 10 square miles of country which was known to be badly infested by the passive wing and turning it into Crown

[The Chief Secretary]

land, and, roughly, what it boiled down to was this. That in order to preserve the rights of the loyalists—and the loyalists are many and extremely brave fellows—they would have to have been given some form of title to the land they held immediately. That would, of course, have entailed proper triangulation of the land and proper survey. You cannot adjudicate land and give title without some kind of survey.

MR. COOKE: Presumptive title.

THE CHIEF SECRETARY: We had not got the staff to carry out the survey of even the small number of plots in this area and we should have been quite wrong in taking men from active duty in the Emergency and putting them on to this task and—

LT.-COL. GROGAN: Would the hon. Minister explain to us—surely all these tribal holdings are, in fact, demarcated? That does not need one of these fantastic surveys. There were large areas of Kenya handed out which are still unsurveyed.

THE CHIEF SECRETARY: Well, Sir, the legal experts and the land experts are all agreed that some kind of survey is a primary requisite of any kind of title. What would have happened to those whose land was to become Crown land? They wake up in the same houses: they plough the same furrow; they herd their beasts in the same place—and, as far as one can see, they would be under no disability whatsoever—and as far as shock is concerned, the effect would have been quite useless. As it was inapplicable in that small area, how much more so in the whole land unit.

The second point, Sir, the second aspect of the problem, is the use of the Crown Lands Ordinance as opposed to the Native Lands Trust Ordinance in the development of the African areas; I refer to the adjudication of land, the demarcation of consolidated holdings, the planning of farms by the Agricultural Department and so on. Now, it may well be that we can find an improvement on the Native Lands Trust Ordinance. Indeed, we shall have to if the thing is to be done as quickly and as neatly as we need to do it, and it may be well that we shall find after the Emergency when the bitterness which now exists has been dis-

ipated, that we shall need something akin to the Crown Lands Ordinance. But if we were to use that Ordinance, we should need to start at the bottom. We should study local opinion. We should foresee violent reaction and we should explain from the bottom.

Now, the hon. Member has rather laughed at Administration when they say that they cannot explain this matter. You cannot explain an explosion from the top any more than you can explain an atomic bomb when it has fallen. You must start your explanation from the bottom and work up to the top; were we to set this off now, in this way, in order to achieve this very desirable object, we should be akin to a man who is playing with a bomb without knowing whether it contains moliballs or plutonium.

Sir, I am afraid that the Government cannot agree to appoint a select committee to study this problem; but the whole question of improvement of land tenure and its adaptation to individual holdings is now under examination and will, of course, be examined more closely and in relation to what comes out in the Royal Commission Report. We should, indeed, be very wrong with only one hour to go, to attempt to foresee what will be in that report, or to appoint a select committee to study problems which will be dealt with in the report. But I can assure the hon. Member for Nairobi West that what we do go into this problem we will give his views all the consideration that they merit having come from him.

MR. COOKE: Mr. Deputy Speaker, I did not want to interrupt the hon. Member, but I would remind him, as I also raised this question, that Lord Holey in his African Survey has advocated presumptive titles which do not need a survey—presumptive titles.

THE CHIEF SECRETARY: I know.

MR. COOKE: That is something!

THE MINISTER FOR LEGAL AFFAIRS:

Mr. Deputy Speaker, Sir, eloquence itself is perhaps admirable in some regards, but I have come to expect eloquence from the hon. Member from Nairobi West and I do not propose to congratulate him especially on his eloquence on this occasion. Eloquence, however, reported as it was in this speech to-day by such transparent sincerity and a sense of

[The Minister for Legal Affairs] conviction, must necessarily be most telling, and so it has been; and I should like to assure him, as my friends and colleagues on this side of Council have already done so, that it is in no spirit of disrespect or lack of understanding that the Government has felt bound to take its stand on this Motion.

Now, Sir, the hon. Member for Mombasa suggested that a breath of realism should be injected into this debate—that there has been too much emotion. Now, Sir, land is an object of emotion—not only among the African people but among, certainly, the British people. (Hear, hear.) I speak particularly feelingly. I own no land, I never have owned any land, and my clan land in Wales was sold up at the end of the last century and I have even no clan land. But I can well understand the pride of possession and the ambition to possess which I entertain very strongly, of all peoples in this country, both British and African. I do not think therefore, Sir, that it is possible to exclude emotion from an issue which affects land and I think that one has got to accept that when one regards a proposal of this nature affecting the whole tribal land of a particular tribe, one has got to accept that the reaction of that tribe is bound to be emotional.

MR. COOKE: Not if you encourage it.

THE MINISTER FOR LEGAL AFFAIRS: One does not necessarily have to encourage it but one has got to accept the realism that that is what the tribe's reaction will be, and that that, moreover, is the reaction which will flow from the other tribes.

Now, Sir, I have no intention or desire to defend the basis of the Native Areas Order in Council or the Native Lands Trust Ordinance. I think it would perhaps be a euphemism to describe it as an oddity. In the sense of jurisprudence I would agree with my hon. friend that it is a concept which can seldom, if ever, before in history have been encountered, but it is a concept which is now founded in the law of this country. It has great disadvantages. Again, I would accept that I would also accept that were it possible for the native lands to revert to the status of Crown lands and for all titles in the native land areas enjoyed

by the Africans to be Crown titles, Crown freeholds, Crown leaseholds, it would be a very much easier prospect both for the inhabitants and landholders of those areas and for the Government which has got to try and introduce some rationalization into the system of land tenure in those areas. (Hear, hear.)

But one is up against limitations; one is up against the fact that we are trying and we have got to try to marry, in some way or other, a system of occupational tenure which has come down from primitive tribal customs, with concepts of land tenure which have evolved in other countries over many centuries. That is a very formidable problem. Our concept of land tenure is founded on individual land tenure, for the most part—individual units.

LT.-COL. GROGAN: Feudal system.

THE MINISTER FOR LEGAL AFFAIRS: I am not going back to the feudal system. I am talking about the system of tenure which has evolved from the feudal system. There are, therefore, very great difficulties. There are other difficulties both of practice and of theory. There are the identification of land, of registration of titles, of maintaining some form of record of the various mutations of titles. There are the difficulties involved in the questions of succession, of transfer of property—in fact, of a great many concepts of modern law which will, in due course, have to be applied to Africans and to systems of African land tenure, but gradually, and, possibly, to a limited extent at first.

As the Council has heard there has been and is continuing a very extensive inquiry into the means and methods whereby some rational system of titles in the land—individual titles—in the Native Land Units, can be evolved but it is a most complex problem, as my hon. friend from Nairobi West will, I am sure, concede. It is not merely a question of issuing, as my friend suggested, presumptive titles. Ultimately one has got to relate the title to the land on the ground.

MR. COOKE: Ultimately, yes. Not at first.

THE MINISTER FOR LEGAL AFFAIRS: Ultimately. But one cannot merely introduce presumptive titles over a very wide

[The Minister for Legal Affairs] area of land without introducing a system whereby there is going to be some identification of land within a reasonable period. Otherwise one is going to create sheer chaos and confusion and that is an area and in a community where land is such an explosive and emotional issue.

MR. USHER: What about the adjudicated titles at the Coast?

THE MINISTER FOR LEGAL AFFAIRS: I take it that my hon. friend from Mombasa is not recommending that we should reproduce the situation in regard to the adjudicated claims at the Coast, but that is very much the sort of thing that would happen if we merely tried at one broad sweep to create merely an outline or a framework of land tenure over a large area, without attempting at the same time to fill in the structure and make an edifice of this system and not merely a frame.

As my hon. colleague, the Chief Secretary, has said, this inquiry—and I do ask the Council to appreciate that it does involve a very wide field of inquiry—does throw up a succession of extremely difficult problems, and it may very well be that not merely one inquiring body, working party or committee will be required, but several, to examine and co-ordinate all the various aspects and problems that arise in this particular consideration.

Now, Sir, I would just like to make one or two comments—I appreciate that the sweep of the mind of the Member for Nairobi West is on broad lines—but in his Motion, in the recitals, he refers to the procedure of reallocation, I think he said, under the Native Lands Trust Ordinance being cumbersome; "reallocation of land claims of thousands of detainees is impracticable if not impossible under the cumbersome procedure prescribed by the Native Lands Trust Ordinance". Well, of course, the Native Lands Trust Ordinance, for better or for worse, does not make any provision for the reallocation of land claims at all. The reallocation of land claims in the native lands is of course, at present, by native law and custom.

LT.-COL. GROGAN: Does that not prove my point?

THE MINISTER FOR LEGAL AFFAIRS: It may prove anything or it may prove

nothing. The point is that the procedure under the Native Lands Trust Ordinance which are recited in the Motion as being too cumbersome, are non-existent, in fact.

LT.-COL. GROGAN: If the hon. Member will look at the particular Motion he will see that the term used was impossible. Now we apparently agree.

THE MINISTER FOR LEGAL AFFAIRS: I am afraid that there has been a lot of misunderstanding in this debate, and the hon. Member has misunderstood me. He has referred in his Motion to reallocation of land claims being impracticable if not impossible under the cumbersome procedure prescribed by the Native Lands Trust Ordinance. It is a small point, and I do not wish to make too much of it, but there is no provision for such procedure. It is a process of native law and custom. Whether it is impracticable or impossible under native law and custom is a matter on which I am not competent to pronounce.

Of course there is in relation to native land and Crown Lands Ordinance and the category of Crown land, the consideration that, just as my hon. friend from Mombasa has said, titles outside the native lands are held, as he says, in fee from the Crown. So of course, in origin, are the native lands, and perhaps my hon. friend—my hon. African friends—will remember this, I think that the African tribes never do well to remember this, that the status of the native lands at the moment is that, they, by an act of the Crown, were vested in the Native Lands Trust Board, for the benefit of the African inhabitants of the various native land units. So that in the sense that titles derive from the Crown, such title as there is in the native lands at the moment is also derived from the Crown. I think it is well that that concept, although perhaps it is somewhat theoretical—should be realized and that we can evolve a satisfactory system of individual titles for Africans in the native lands, there will, in fact, even in the present vesting of the total area in the Native Lands Trust Board should remain, there will be little practical difference between those titles and titles under the Crown Lands Ordinance.

Now, there are, as the Council has already heard, proposals for extension of

[The Minister for Legal Affairs]

the present powers of forfeiture of land under the Forfeiture of Lands Ordinance, 1953, which will very shortly be placed before the Council. In conformity with the principles of Government policy as they have already been explained, those proposals will extend the field of potential forfeiture to a very much wider limit than is the position at present. They will extend those powers, but not on the wholesale and indiscriminate basis which is contemplated by this Motion. They will retain selectivity and discrimination in the application of those powers only to those who are opposing the forces of law and order, and loyalists, and the whole loyalist movement which the Government has built up with great pains over the last two years and more, will not be affected, and therefore the objections which arise and have been expressed to this Motion will not apply to those particular proposals.

The proposals involve all those who lead, organize or participate in armed or violent resistance against the forces of law and order.

LT.-COL. GROGAN: Does that involve the Doomsday Book of individuals?

THE MINISTER FOR LEGAL AFFAIRS: Not a Doomsday Book, but it involves orders certainly—records of that variety—but of a very convenient form.

The point that I want to make is that these proposals do involve a very considerable extension of the present field of forfeiture but on the basis of discriminate selectivity and application against those who are our enemies and not those who are on our side.

Mr. Deputy Speaker, I do not think there is any other point which I need to refer to and I therefore beg to oppose the Motion.

MR. SLADE: Mr. Deputy Speaker, Sir, I waited to hear what my hon. and learned friend might have to say, in case there were any legal ingenuities for me to combat; but I did not find that in his speech there was any particularly ingenious legal argument. In fact I understood him to agree with the hon. Member in all the legal contentions of this Motion, and to base his opposition on the same general political grounds as other Ministers. I was in some doubt, Sir, hearing the first speech or two from

the Government Benches, as to whether even they understood the purport of this Motion. I am not quite so doubtful now having heard my hon. and learned friend, but in view of speeches which have been made by other Members of this Council, I do feel justified, Sir, in outlining as logically as I can, and as briefly as I can, just precisely where this Motion starts from, and where it is trying to arrive.

Sir, the present position of land tenure in this country must be clearly understood before the purport of this Motion can be understood. The present position is this. By the Annexation Order to which the first recital of the Motion refers this became a Crown Colony, and by virtue of that it became Crown land—the whole of Kenya—and from then on, and indeed previous to that, titles were issued as from the Crown, just as they always were in England; whether freehold or leasehold. They were held from the Crown; and the native lands were protected by being declared to be reserves, which could not be given out for the use of anyone but for the use of the tribes concerned. That was done by the Crown Lands Ordinance. But they were Crown land, just like any other title held by any European, or by any Indian, or by any Arab on the coast.

Then we had this piece of legislation which the hon. Attorney General himself describes as an oddity, and which did quite an unprecedented thing. That was to vest the whole of these native reserves in the Native Lands Trust Board, away from the Crown; and I do think my hon. and learned friend had his tongue in his cheek when he was suggesting that that still preserved the concept of the native reserve being held from the Crown. It was not a grant from the Crown. It was a divesting by statute from the Crown.

Well, then, before leaving the present position, I would answer the hon. Attorney General on one point he made when he said that this may be an oddity, indeed it is an oddity, but there it is, it is a concept founded in our existing law and, therefore, we have got to put up with it. What I would remind the hon. Minister, what the hon. Member pointed out, is that in the same breath as doing this very peculiar thing of vesting the

[Mr. Slade]

land away from the Crown in the Native Lands Trust Board, the legislation of the day did have the sense to make that reservation, that one very important reservation of section 69 of the Native Lands Trust Ordinance, which provided that in the case of treason or rebellion, whole tribes could forfeit the land which was otherwise going to be dedicated to their benefit.

But, Sir, that being the position, what is the effect of this Motion? The effect of this Motion is simply that as regards the Kikuyu Native Land Unit, we revert to the position before the Native Lands Trust Ordinance, and that position is that the Kikuyu Native Land Unit is on precisely the same footing as land held by anyone other than an African. We, European landowners, hold from the Crown. All land, whether it is freehold or leasehold, is held from the Crown. We do not feel particularly insecure because of that. We may feel a little insecure sometimes for other reasons; but the mere fact you hold title from the Crown does not mean, as one hon. African Member suggested, that you have not got any land at all.

And that is the point I want to make first, Sir, that this is to remove an anomaly so far as the Kikuyu Native Land Unit is concerned, not to create one. And the Motion in itself, the measure proposed by the Motion, does not involve the disturbance of a single individual. Indeed, it may facilitate disturbance of individuals by executive action of the Government; but in itself, as I notice the hon. Chief Secretary quite clearly recognized, if this became law to-morrow, that particular clause of the Order in Council would be repealed but everyone would remain on his land just as he is to-day. Nor does the Motion propose or even contemplate for a moment any disturbance of the reserve as such, any alteration in the boundaries of the Kikuyu Land Unit, the land set aside exclusively for the use of the Kikuyu tribe.

Now, Sir, I heard the hon. Member from the East Area suggest that the reason for this legislation, which created the Native Lands Trust Board, was the anxiety among Africans arising from the constant whittling away of their

reserves. I do not believe that is so. I do not think that there is any evidence in the history of this Colony, right back for 50 years or more, of the reserves created by the Crown Lands Ordinance being whittled away. And there is no possible reason for any one to fear that if the Native Lands Trust Board disappeared and the land reverted to the Crown, there would be any greater danger to the boundaries of the native land units than there is now. (Heard.)

DR. HASSAN: Will you give way, Sir? I am sorry the Member for Abercrombie did not understand fully what I said. The Africans, right up to as far back as 30 years ago, were in areas which to their knowledge and to their mind appeared to them that it was a reserve, but they found out it was Crown land and they were compensated by farmers and were removed from those places. It is to my knowledge incorrect, Sir.

MR. SLADE: I understand the land never was native reserve at all. That is the land you are referring to. Yes, well it makes my point rather, doesn't it? (Laughter.)

Now, Sir, as for the reasons for this Motion, I will try to describe the intention. First of all from the point of view of penalty, it has been attacked mainly from that aspect; that it is a penal measure which would be a stigma. My Mover made clear it was not. I think it might be suggested by the recital of the Motion that some penalty was contemplated. But when you heard the hon. Mover, it was perfectly clear that what he meant from that aspect was not a material penalty at all, but a moral stigma. That he did mean; and that I do mean too; and that I do say it once, though not the most important justification of this Motion. It is very true, as other Members have pointed out, that the Africans—as the hon. Attorney General said—like most people, care deeply for their land. That is why we take this all so seriously. But Africans, Sir, have always recognized communal ownership, communal responsibility and, at times, communal penalties. Now, in the light of that, there would be moral justification for actual forfeiture of all, or part of the Kikuyu Native Land Unit;

[Mr. Slade]

in the light of a clearly established rebellion. There would have been legal justification for it under section 69, which refers specifically to forfeiture in cases of proved offences of treason or rebellion, forfeiture of all the land of the tribe, and retrospective forfeiture at that.

I might refer back, Sir, to what the then hon. Member for Legal Affairs said in support of the Forfeiture of Land Ordinance on the Second Reading. It is very brief. He referred back, in justification of that Ordinance, to section 69 of the Native Lands Trust Ordinance. He said: "The principle of forfeiture of land by the executives is, of course, clearly embodied in section 69, and not only that, but the principle of retrospective punishment can be found there, too. Because section 69 says in addition to any other punishment lawfully inflicted in respect of the offence so committed, the Government may order that any land in the native land unit held by any tribe, group, family or individual shall be forfeited and revert to His Majesty". But, Sir, that is not what this Motion proposes. That, I say, was morally justifiable, legally justifiable.

A fortiori, what the hon. Mover proposes, which was a mere revision of the basic Crown title, is fully justified; and it is, indeed, if applied only to the Kikuyu Native Land Unit, a stigma on the Kikuyu tribe, a brand of having been engaged in a rebellion against the Crown.

I question, Sir, what other hon. Members have said as to the attitude of loyalists in this matter. Hon. Members, with far greater experience of Africans and of administration in this Colony than I, have alleged that they would take this very hard. But, Sir, I have spoken during this Emergency to African loyalists, and very independent African loyalists, and they have given me the impression that they expect their whole tribe to be branded as defaulters, and themselves, as members of that tribe, to carry that mark, too. It was only a week ago I heard Kikuyu speakers, at a meeting of a loyalist society, say where their tribe had got to by way of disgrace, and how every one of them had got

to accept that disgrace, including these men who spoke at that meeting, and they were loyalist leaders. I think, Sir, I may be wrong, but I think that loyalist Africans might not resent such an action, but might on the contrary honour Government for showing a firm hand. (Hear, hear.)

MR. GIKONYO: Question.

MR. SLADE: You may question it—I question your views. But, Sir, a further purpose, and more important than the imposition of a stigma, is to facilitate certain essential dealings with the Kikuyu Land Unit. They fall into two classes. One is the forfeiture, the forfeiture to punish individual malefactors, and the other is the essential reclamation and reorganization of the reserve.

As regards forfeiture, Sir, I have been told not to moan about the past, not to refer back to little mistakes on the part of Government during the last two or three years, but I am afraid I must just remind Council that we urged forfeiture of land more than two years ago; that the existing Ordinance was eventually brought before this Council as a Bill in December, 1953; that Royal assent was withheld even after that was passed by this Council until, I think I am right in saying, March, 1954; and that since March, 1954, when we at last received Royal assent to this Ordinance and were able to put it into force, we were told, in answer to a question in this Council only a few weeks ago, there have been 25 forfeitures. And now Government has recognized that it was not really quite adequate, that legislation which has taken so long to put through at all; and they are proposing something which I seem to remember some of us having suggested many weary months ago. What I want to point out is that probably again, very late in the day, they are going to recognize the merits of this Motion; but it would be such a good thing if they would be a little quicker on the uptake for a change. (Hear, hear.) And, if this land did revert to the Crown, and if the legal position was that every Kikuyu in the Kikuyu Land Unit was a tenant at will of the Crown until titles have been sorted out, then how easy this question of forfeiture would be. Then, indeed, it would be purely executive action by the Government, as the hon. Member for Legal

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Affairs advocated himself as a proper principle when introducing the existing Ordinance 18 months ago.

But on the other side, Mr. Deputy Speaker, the reallocation of the native land unit. That perhaps is the most important of all and I would remind hon. Members of the recital in the Motion which shows so clearly that that is one of the principal purposes of this Motion. Sir, it is the recital at the bottom of the first page of the Order Paper: "Whereas it is the declared policy of Government to reorganize the whole Kikuyu Land Unit by 'villagization', consolidation of holdings, negotiable title, enforcement of proper land use, establishment of police strong-points, etc.". And that is the most important purpose of all, Sir. I believe Government recognizes, and has recognized through its Ministers to-day, the vital importance of sorting out the Kikuyu Reserve into economic holdings, to pull together again the fragmentation of that reserve and to establish then by degrees every landholder with a firm title in an economic unit.

So when hon. African Members say that the effect of this Motion would be to deprive tribesmen of all title, they obviously have not read this recital which refers expressly to negotiable title. Something which, in the past, tribesmen have very doubtfully had at all. And in that, Sir, while recognizing how slowly this must move, this question of reallocation and reorganization, I do believe that Government recognizes that it must start now; and that it must go ahead as smoothly and easily as possible, without any legal complications that can be avoided. (Hear, hear.) And how it is to start at all, with the law as it stands, I do not know. As the hon. Minister for Legal Affairs pointed out, there is no provision whatsoever for it in the Native Lands Trust Ordinance.

And I do submit, Sir, that it has not got to go quite so slowly as some Ministers suggested. That is to say, in their suggestion that it is dependent on survey. I know that our law in this country, apart from native land units, has made titles dependent on the finest possible survey, but it is not necessary. Many English titles, even to-day, are

related purely to landmarks, with no existing survey whatsoever. I can remember, Sir, as an articled clerk in the City of London, dealing with titles, very old titles, going back hundreds of years, where the only description of the land were a few archaic words beginning "all that piece or parcel"; and a very moderate sketch plan attached, and my job, when it came to the right moment, was to make an even more moderate copy of that sketch plan and attach it to a new title deed. And, there was no question of a survey at all, Sir. So, I think, Sir, that as we have managed in England so many hundreds of years, even though admittedly they are now trying to move the gradual establishment of surveys of all titles, we could make a start in the Kikuyu Native Land Unit without survey.

And, of course, another advantage, Sir, of the Crown holding this title would be the freedom with which then loyalists could be properly rewarded by a clear grant of negotiable title to well defined new pieces of land.

Now, Sir, the hon. Minister for African Affairs says indeed he recognizes the Native Lands Trust Ordinance will need amendment, but I would put it to him, Sir, that it will need a awful lot of amendment ever to make this proposal workable, unless you amend it at the root and take the land back into the hands of the Crown.

Now, Sir, I have very little more to say except to comment on what has been said, and what seems to be the real main argument on both sides of this Council against this Motion. That is that because of the emotional aspects of land tenure other tribes are likely to get frightened, and are likely to misunderstand the intentions of Government in this matter.

Well, Mr. Deputy Speaker, I would suggest that it is not always a bad thing if other tribes are frightened by seeing the malefactors punished. But that is not the intention of this Motion; and it is not a question here of punishing malefactors; it would be a warning indeed to other tribes if they do not want the stigma carried; that it would place upon this tribe, but that it would place upon them to be there is no need for them to be frightened of suffering any misfortune, at any rate if they behave themselves.

[Mr. Slade] or even if they do not behave themselves, the way Government has gone so far. What they would see in a very short time is the whole of the Native Land Unit of the Kikuyu being rationalized to their advantage, and particularly to the advantage of the loyalists among them. (Hear, hear.)

And for the rest, Sir, we are told that however much this Motion means well, and might even do well, it will be misunderstood. Sir, there are limits to the extent to which legislation can be withheld, and Government action withheld, for fear of misunderstanding. There are a great many people in this world, and I am afraid quite a number in this Council, who do not want to understand, and there comes a point when they have to be ignored. And likewise always when you are ruling primitive people you have to try to make them understand, but if, in spite of their failure to understand, you think what you propose to do is right, you have to do it all the same.

I beg to support. (Applause.)

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, I oppose this Motion for two reasons. First, it involves communal punishment. I do not like the idea of punishing whole tribes. Sometimes such punishment may be necessary for administrative reasons, but the suggestion that has been made has not come either from the people responsible for the administration of the Colony, or even from the loyalists, for whose benefit it is stated this Motion has been introduced. And in any case, Sir, what is it going to achieve? Will this Motion, if it is accepted, put an end to the Emergency? Will it indeed be an adequate punishment at all? Will it be any punishment to those people who are responsible for lawlessness in the Colony?

The second objection to this Motion, Sir, is that it unnecessarily confuses reform with punishment. If we are to reform Kikuyu land tenure, let us do it as a measure of reform. Why give everybody the impression that this reform is being introduced as a form of punishment?

AN HON. MEMBER: You have got the wrong end of the stick again.

THE CHIEF SECRETARY: That is all right, carry on.

MR. CHANAN SINGH: The few speakers that I have heard this afternoon, Sir—I was not here all the time—gave me the impression that these are the objects that the supporters of the Motion want to achieve. They want individual titles introduced. Individual titles are a very good thing indeed and they are very badly needed, but this Motion, if it leads to individual titles, will certainly give the Kikuyu people the impression that individual titles are being introduced as a measure of punishment, as a matter of communal punishment. That is why the Kikuyu tribe is sought to be singled out from other tribes.

I oppose the Motion.

MR. HARRIS: Mr. Deputy Speaker, Sir, I firstly apologize to the Council that I was unable to be here for the first part of the debate. I therefore do not intend to say very much because I feel I should probably be repeating arguments that have already been used. But, Sir, I was here in time to hear the hon. Member for Central Area, who complained that this Motion envisages communal punishment, and within a hundred words of that, says that is it any punishment at all? I was also here, Sir, for the last part of the speech of the hon. Member for Aberdare, who made it quite clear that whilst there was no element of punishment whatsoever in these proposals, there were powers to inflict a moral punishment upon a tribe, who during the last few years have shown that they do not deserve to be treated as the decent tribes of Kenya are treated to-day. I, Sir, have always opposed the principle of the wholesale confiscation of land, but I do support this Motion, because it seems to me that the Emergency has led Government to the stage where it is necessary for the administration of the Kikuyu land unit to do so much administratively, and I believe sometimes illegally, that a complete review of the whole question of the holding and the tenure of Kikuyu land should be reviewed. I believe, Sir, that the hon. Member suggested that a Committee of this Council should consider the whole question of the implications of this Motion and it is from that aspect particularly that I wish to support the Motion.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Mover to reply.

LT.-COL. GROGAN: Mr. Deputy Speaker, I have very little to say. Unfortunately, I cannot always hear very well everything that everybody says. (Interjection by an hon. Member of "Lucky man.") I will confine myself to the remarks made by the two main administrative officers, namely, the Chief Secretary and the Minister for Native Affairs.

Now, I rather suspected, in listening very attentively, and I did hear what they said, that as a result of the multiplicity of their tasks, they have never found sufficient time to read the Motion. If they have found sufficient time to read the Motion, they would appear to have suffered from the same disability as the *East African Standard* of not knowing what the implications of the English language are. But if I gathered anything from what they said, it was this; I do not want to be unfair; it was this—that their contention is that this lamentable state of affairs can only be handled by the so-called loyalists and not by the Administration. Also, as I understood it, the hon. Minister for Native Affairs, believes that he, assisted by his other officers, is quite incapable collectively of making the Africans understand anything. Well, I submit, Mr. Deputy Speaker, that that is not administration—that is abdication.

Turning now to what my hon. and learned friend, the Attorney General said, it was quite obvious to me that he was extremely unhappy; in fact he was so unhappy in his attempts to confuse the issue, that he even forgot his basic law, when he referred to English tenure having originated in the individual tenure, as I understood him to say, and entirely overlooked or forgot the long, long period of the feudal stage.

I have only got to say, Mr. Deputy Speaker, that I am very sorry that the Government has not found some *via media* in meeting this suggestion, because, if I understand correctly, on the lines they are proposing to follow, as has been suggested to us to-day, we are going to get deeper and deeper into the bog of the incomprehensible and the unenforceable. (Applause.)

The question was put and negatived.

BILLS

FIRST READING

Customs Tariff (Amendment) Bill—(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Excise Tariff (Amendment) Bill—(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Stamp (Amendment) Bill—(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

ADJOURNMENT

THE DEPUTY SPEAKER: That concludes the business on the Order Paper. Council will now stand adjourned until 9.30 a.m. to-morrow morning.

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

Friday, 10th June, 1955

Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Sessional Paper No. 75 of 1955. Bulk Supply of Electricity from Uganda.

(By THE MINISTER FOR COMMERCE AND INDUSTRY)

COMMITTEE OF WAYS AND MEANS

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

MOTION

WRITE-OFF OF ADVANCES TO MAIZE, ETC., GROWERS

(Governor's consent signified)

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, on to-day's Order Paper under Item No. 8, hon. Members will see there is a Maize Subsidy Repayment (Repeal) Bill, and before we can properly take that Bill, which is only a two-clause Bill, it was necessary to pass this Motion. I therefore suggest, Sir, that it would probably be wiser to take the debate, if any, on the Motion and treat the Bill as a formality. I think probably that would be the easiest way of dealing with it.

I therefore, Sir, move that—

WHEREAS, in pursuance of resolutions of the Legislative Council agreed to on 30th August, 1930, and 17th July, 1931, advances amounting in all to £111,459-19-95 and to £4,629-18-35 have been made to maize growers and to wheat and barley growers respectively;

AND WHEREAS provision was made by the Maize Subsidy Repayment Ordinance, 1931, for the repayment of the said advances to maize growers, but no repayment of the said advances

to maize growers had been effected when the operation of the said Ordinance was suspended for so long as the Increased Production of Crops Ordinance, 1942, remained in force;

AND WHEREAS no provision has been made for the repayment of the said advances to wheat and barley growers;

AND WHEREAS the Increased Production of Crops Ordinance, 1942, will be repealed on the coming into operation of the Agriculture Ordinance, 1955;

AND WHEREAS it is not expedient now to demand repayment of the said advances;

BE IT THEREFORE RESOLVED THAT this Council approve that the said amounts of £111,459-19-95 and of £4,629-18-35 be written off.

Sir, this has a long background history and I have endeavoured to bring this matter before Legislative Council on various occasions, but, for various reasons at the time it was not considered opportune to do so. In fact, I will, Sir, shortly read out a minute that I personally prepared in 1938 for the purpose of bringing this matter before this Council then.

Sir, on 30th August, 1930—it can be read in HANSARD—this Council authorized the appropriation from surplus balances of a sum not exceeding £35,000 to enable a refund of the whole or part of the railway's rates and port charges on exports of maize, wheat and barley from the 1929 and 1930 crops, the refunds to be on the following basis. Maize Sh. 1 per bag of 200 lb. net provided that the total return to the grower f.o.r. Kenya stations including the net selling price plus refund not to exceed Sh. 8 per bag. Wheat Sh. 2 per bag of 200 lb. net, total return not to exceed Sh. 13 per bag. Barley Sh. 3 per bag of 180 lb. net, total return not to exceed Sh. 6 per bag to the producer. The railway administration at that time was to meet half the cost involved. The resolution also provided that the Colony's share of the expenditure might at a future date be recoverable from industry in such manner as Council might later decide.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Sir, as regards Maize, further relief by way of a loan free of interest was later decided upon, and this Legislative Council, by resolution on 17th January, 1931, passed that a sum not exceeding £108,000 should be earmarked from surplus balances to provide for such relief contribution by means of a loan free of interest on maize exported from the 1930/31 crop. The principal conditions were at the time, contributions not to exceed Sh. 2/09 per bag of 200 lb. net, and the total return to the grower was not to be more than Sh. 6 per bag net. The contributions were to be repayable to Government by way of a cess on export as soon as the price of maize for export exceeded Sh. 7/25 f.o.r. Kenya mainline stations; based on the ruling price of Sh. 31/77 per quarter on the London market. The repayment was to be, at the rate of 50 per cent of the amount by which the ruling price exceeded Sh. 7/25.

Thirdly, that the sum of approximately £27,000 already advanced on the resolution of 28th August, 1930, which is the one I have just read out connected with railway freight, was to be similarly recovered. The amounts advanced in these two resolutions are the ones that I have read out and they are the subject of our discussion to-day.

The basis of repayment in respect of the maize subsidies was carefully investigated in conjunction with the Kenya Farmers' Association, and it was assessed at the time and one of the London prices reached Sh. 31/72 per quarter and the return to growers would be Sh. 7/25 per bag. When it reached Sh. 31/77 per quarter, the return to growers would be Sh. 7/27 per bag, in other words one cent above the crucial monetary repayment. And so on for every five-cent increase in London price, an increase of two cents for return per bag and one cent on the amount of the cess.

Now, Sir, until the war years came, the ruling price in London did not reach a figure of Sh. 31/72 per quarter, with the result that no cess was imposed and no repayment made to Government by the end of 1938.

This is a very old story, Sir, and the last payments were, I think, made in 1931.

I would conclude, Sir, by saying that the arrangements for repayment provided in the Ordinance are, as I think hon. Members will agree, entirely unrelated to the circumstances which exist to-day. Of course they were framed incidentally at a period when each individual grower's parcel of maize that went on export was exported as his own property. The maize did not even lose its identity on the export market at the time these arrangements were made. Now, of course, the accepted policy is that all maize—both European and African—should be available in the first instance to East African territories, and only after this requirement is met is the surplus exported overseas, and it would therefore be unjust to obtain repayment under the Ordinance from suppliers of exported maize only under those circumstances.

Also, of course, it can be argued, and I would argue it most strongly, that it would now be inequitable, after all this period of time, and a war intervening, and the difficulties we had during all that long period, to try and get repayment of advances from existing maize growers after a lapse of about 26 years; a large proportion of those who may have received these comparatively very small advances, are no longer engaged in the industry and, in fact, a good many of them, I am sorry to say, are now underground. Therefore, Sir, I do suggest, as I would have suggested years earlier, that this amount should be written off.

Sir, I beg to move.

Question proposed.

MR. COOKE: Mr. Chairman, I can see that a great many of these old pioneers have suffered a lot—and many of them have passed away and a few may not be in a position to pay to-day—but does the hon. Minister say that maize farmers to-day, however rich—and some of them are—who owe this money—should not pay? It does seem to me not quite right that if a man has made a very large sum of money out of maize, that he should not repay his debts.

LT.-COL. GUEST: Mr. Chairman, Sir, a number of us can remember the 1930s and the depression which was associated with it, and I, for one, Sir, would like to pay a tribute to those people who clung to it, and I, for one, Sir, would carry on, despite all that adversity, and even if there are a few existing in Kenya

[Lt.-Col. Gherrie]

to-day; I would say, again, I pay a tribute to them.

I support this Motion, Sir; in fact, I almost feel like standing in silence to their memory. (Applause.)

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Chairman, in reply to the hon. Member for the Coast, I imagine there are, in fact, some maize growers of those days that still exist. The difficulty is to know how to really identify them on this very old-fashioned method, and how to identify their maize when it goes out.

I would say this, Sir, about the agricultural community generally—it has struck me very much actually, that after we have written off, for various reasons, as irrecoverable sums on one or two occasions during the last few years, or as we thought irrecoverable, in respect of some of the various forms of assistance recently, when things have been a good that we have given to farmers, quite deal better, many of them which had been written off and for which we now had no claim, have been voluntarily repaid, so taking them as a whole I would pay a tribute to the Kenya farming community, they are extremely conscious of their indebtedness to Government in these various directions. But, Sir, this is such a very old story that I really think it is almost impracticable to try and find out what people do owe and to try and get it back from them, and the individual sums are so very, very small. The whole amount is only £111,000, which was spread over the whole of the then industry.

Mr. COOKE: Mr. Chairman, I am very indebted to the hon. gentleman. I did not raise this in a vexatious way, but I have evoked from the hon. gentleman what I wanted to get, this is the sort of thing that it very often criticized at Home when it is seen. Now we have been assured by the hon. Minister for Finance as to the financial position, so we must save any amount of money we can, as my hon. friend, the Minister, said yesterday when I raised the question about roads. I would say this, Sir, paying slightly the same tribute as my hon. friend towards the coffee people. They have suffered also for many years, and just as badly as the maize people, and if

you are going to make reductions all round in forgiving people their debts, it is going to lead us into a difficult position. However, I entirely accept what my hon. friend, the Minister for Agriculture, now says.

Lt.-Col. GHERSIE: There is only one point, Sir, I would like to make arising out of what the last speaker has said, and the "Hear, hear" from the other side of Council; it should be remembered, Sir, that these maize producers, who were producing maize at the market price of something in the nature of Sh. 3 or Sh. 4 per bag—when I say producing, that was the sale price effected—but the coffee farmer and the sisal farmer—these various planters—actually benefit by that reduced price.

Mr. COOKE: The maize farmers got their land at a very cheap price; I am not saying anything about it—and, of course, they have their labour very much cheaper. But one could carry on this argument for ever.

The question was put and carried.

MOTION

SUGAR CONSUMPTION TAX ORDINANCE— CONTINUANCE IN FORCE

(Governor's Consent Signified)

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I beg to move:—

But it resolved that the Sugar Consumption Tax Ordinance (Chapter 271 of the Laws of Kenya) shall remain in force until the 30th day of June, 1956.

Mr. Chairman, Sir, the Sugar Consumption Tax Ordinance imposed a tax at the rate of one cent per lb. on every 1 lb. of sugar consumed in this Colony, and the proceeds of this tax are credited to the general revenue of the Colony; but in order to encourage the production of sugar in Kenya, where consumption exceeds local production very considerably, a subsidy has been paid to Kenya manufacturers at the rate of two cents per lb.—that is Sh. 44/80 per ton. This subsidy is more than covered by the proceeds of the Consumption Tax. Hon. Members may be aware we have several sugar-growing companies, notably on the coast and round Lake

[The Minister for Agriculture, Animal Husbandry and Water Resources] Victoria, and we have, by means of this encouragement, and by bringing from India an agricultural officer who has helped especially round the lake in experimenting with different types of cane and different methods of planting and so on, increased our production very, very materially indeed.

The Ordinance which was originally enacted for a period of two years, has been renewed from time to time with the approval of the legislature, and it now expires on 30th June next—the end of this month.

Well, Sir, I consider, and my Ministry considers, that the encouragement given by the subsidy should continue, and, therefore, we recommend that the Ordinance should remain in force for a further period of one year, and, in this, Sir, I am supported by my hon. friends the Minister for Finance and the Minister for Commerce and Industry.

Therefore, Sir, I beg to move this Resolution that the Sugar Consumption Tax shall remain in force until 30th June, 1956.

Question proposed.

Mr. TYSON: Mr. Chairman, I support this Motion, but I would like to know whether it would not be desirable to extend the period further than one year.

It does seem to me that you leave the sugar manufacturers in rather an awkward position, I mean operating more or less on a hand-to-mouth basis, and I would have thought that if any extension was going to be made it would have been better in everybody's interests to extend it for two or three years, if not more.

Mr. CROSSKILL: Mr. Chairman, I support the suggestion made by the last speaker. I think there has been quite a lot of misunderstanding—even dislocation—over the question of orders going to London for sugar for East Africa, and it seems that the situation is by no means clear. I would like to ask the Minister if he would tell us what are the objects of this tax and the consequential subsidies and whether we are gradually approaching a stage where we should be self-sufficient. Are we thereby improving the situation?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, on the question of the period of tax, I would like to say, Sir, that I think it is desirable that these measures which are, after all, tax revenue measures at least should come before the Council once a year. Indeed, I think as hon. Members are well aware, I gradually have tried, during the time I have occupied this position, to bring all our tax measures into the point where the Council will have the opportunity in Committee of discussing them at least once a year. It is my hope that eventually we shall move to a Finance Bill where it will not be, as at present, that the Council is excluded from discussing such things as rates of income tax unless an alteration is put forward. Now, Sir, a departure from the principle that tax measures should come before the Committee of the Council once a year—a principle we have already established in many of these cases—would, in my opinion, be a retrograde step. That, of course, does not prevent the Government and my hon. friend, the Minister for Agriculture, if he wishes, to say that it will be the policy of Government to continue this over a period, but the policy will, of course, be subject to the criticism and decision of the Legislative Council annually which, I do believe, is the better way to deal with facts and revenue measures.

Mr. CROSSKILL: Mr. Chairman, I quite see the point of the Minister for Finance, and that must come before Council each year, but could not Government, though, state that it is their policy to continue this subsidy until such time as the country is self-sufficient, subject to an agreement of Council on the financial aspect each year?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I think this is a matter of argument which my hon. friend, the Minister for Agriculture, will speak on, but my hon. friend, the Nominated Member, Mr. Tyson, did suggest that in this Resolution, it should be extended beyond the period of the financial year as it were. That, I think, would defeat the object at which we are aiming to bring all tax measures open to annual review.

Mr. TYSON: Mr. Chairman, I quite agree on the point made by the Minister

[Mr. Tyson] for Finance, but looking at it from the point of view of the sugar manufacturers, it does seem to me that they do not know from year to year whether this subsidy is going to go on, and if the aim of this measure is to increase the production of sugar to make ourselves self-supporting, it seems to me that we must give them something more than a year's extension. The alternative will be that we shall get ourselves in the position where we are not producing sufficient and have to resort to the importation of sugar which, I think, will be a retrograde step.

What I do suggest, Sir, is that the two aspects have got to be balanced, but I do still suggest, Sir, that we should give something more than a year-to-year's extension—something more definite—for the manufacturers to work on.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Chairman, in addition to the reason given by the hon. Minister for Finance, there are other reasons that I think make it wise to do this yearly.

As regards the Kenya producers of sugar—the growers—they know that it is my intention, as long as I am in the position I am in at the moment, and I am sure would be my successor's intention, to give the Kenya producers, for the time being, some slight advantage over the Uganda producers in the matter of price, for the reason that we are very much behindhand as regards Uganda, and our production per acre of cane is so far rather less. It is our object in all three territories, and we have many interterritorial discussions on the subject of sugar, to try and make East Africa self-sufficient in sugar, and there is no reason, to my mind, why that should not happen. But, Sir, I said just now that there were other reasons which rendered it wiser for this measure to be a yearly one. The price of sugar is fixed each year, and the price which we pay to our producers for sugar is dependent on the Uganda price, Uganda being the biggest producer, and is fixed on a rather complicated formula.

Now, Sir, this is not quite as simple as it sounds because for instance Uganda, this year, on the plea that they were going

to be very short of sugar, gave a very, very much higher price to the Uganda producers, and I might add: that the inexplicable shortage of sugar disappeared as soon as the price had been granted—not an uncommon feature of Kenya price fixation. But with this sort of rather complicated price fixations, and the consequential complications possibly arising over importation and so on, I think it is wiser to have this arrangement a yearly one. It does not alter the principle, as I have already said, that we will try and help Kenya producers proportionately to Uganda producers.

The hon. Member for Mau mentioned the importation of sugar; actually, we do import a certain amount of sugar. Perhaps the hon. Member is aware that there are two prices of sugar on the world market. There is a Commonwealth price and there is a free market—free sugar price—and such importations as we have made, have, in fact, been obtained at remarkably low prices. I am afraid probably lower than we shall be able to maintain but most of it has been free-market sugar.

Well, Sir, in view of the complications of all this, and the complications which arise every year, and the possibility that the whole system might be changed and, as I have said, bearing in mind that the principle remains, I do suggest, Sir, it is wiser to make this an annual arrangement, quite apart from the reasons given by the Minister for Finance.

MR. COOKE: Mr. Chairman, the hon. gentleman mentioned that no sooner had the high price for sugar been bargained for than sugar reappeared from under the counter, as it were, from Uganda. But surely there must be some way of dealing with these people because it sounds to me a very dishonest transaction. I am very well aware, Sir, of Uganda, but I thought the Kenya Government was in close touch with Uganda, perhaps they are not. I should have thought there were some means of getting in touch with Uganda Government to see that that sort of thing does not happen again; certainly it does not give a very good reputation to the sugar producers in Uganda, if they can, as it were, extract money from all races in this country, far more money, per head, at any rate, than they need have paid

[Mr. Cooke] for their sugar. Can he make any representations to the Uganda Government about it?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Sir, the Uganda Government is fully aware of the situation and for all I know they may be justified in what they did. The fact remains that I think they are paying a very high price for sugar this year and I think that is now the opinion of the Uganda Government. They are the people who deal with the situations which arise in their own country and they are, I must say, most co-operative in these matters as far as we are concerned.

MR. CROSSKILL: Mr. Chairman, as regards what the Minister has just said about the possibility of a change of policy, world prices are cheaper than internal ones, therefore, I cannot see that we are succeeding in creating stability and confidence and encouraging production in this country. I, therefore, think that the measure is rather fruitless.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I think the hon. Member misunderstood me. What I said was that there are two prices for sugar overseas and that we have been buying rather fortunately on the whole, but I did not say that you could buy from overseas cheaper than you could produce locally.

MR. TYSON: Mr. Chairman, I think we must come back to this, Sir, that the Uganda Government are looking after their sugar producers, we are not looking after them in Kenya.

MR. COOKE: What is the object of this?

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration of the Resolutions on the Order Paper and adoption thereof without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that the two Motions on the Order Paper have been considered by the Committee of Ways and Means and have been adopted without amendment.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

BILLS

SECOND READING

The Accountants (Designations) (Amendment) Bill

Order for Second Reading read

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, Sir, I beg to move that the Accountants (Designations) (Amendment) Bill, 1955, be read a Second Time.

The Bill is a formal Bill which has been necessitated by the fact that three of the professional bodies mentioned in the Schedule of the original Ordinance, namely, the Society of Accountants in Edinburgh, the Institute of Accountants and Actuaries in Glasgow, and the Society of Accountants in Aberdeen, have amalgamated into a professional body, known as the Institute of Chartered Accountants of Scotland. I hope they are very happy in their amalgamation. Under the provisions of the original Ordinance, it was necessary, when any change of designation took place, that the Schedule should be amended by an amending Bill in the Legislative Council. Hence this Bill. The opportunity has, however, been taken in presenting this Bill to Council to give power to the Minister concerned to make amendments arising out of changes in designation without introducing an amending Bill of this complicated nature.

I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY seconded.

Question proposed.

LT.-COL. GRIMMOND: Mr. Deputy Speaker, Sir, I am sure we all appreciate the need for the amendment to the

[Lt.-Col. Gherrie] Schedule in view of the changed designations of these three Scottish bodies of chartered accountants. But, Sir, I am going to query, and intend to challenge, the Minister on the suggested inclusions as to the desirability or otherwise of the new section to clause 2. In his speech he said, the only reason for the inclusion was that a designation could be changed. Now, Sir, if we read the actual clause itself and the Objects and Reasons, "The Minister may, by order published in the Gazette, from time to time add to, vary or amend the Schedule to this Ordinance". Now that, Sir, is very different to a change of designation and I submit, Sir, that the object of this Bill is to protect the profession and the public, and the people in my opinion, who are the most competent judges of what bodies should be admitted and accepted, are the present Members of the existing and recognized societies and institutions practising in this Colony. I am perfectly certain that the Minister would never admit, for instance, a person with a designation of a turf accountant, but on the other hand, there are bodies and societies in various parts of the world who, for the payment of a fee, will issue a diploma of sorts and allow the person to use certain letters or a designation or the letters behind his name. Now, Sir, unless the Minister can give an undertaking that no further names or bodies will be added to this Schedule unless they have been approved by the Association of East African Accountants in this Colony, then I shall have to oppose the suggested provision.

I think it might be appropriate, at this moment, Sir, to ask the Minister when it is intended to introduce legislation, whereby the audit of public companies will be restricted to persons who have an accountancy qualification? This again, Sir, is in order to protect the public.

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

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, I will deal with the second point raised by my hon. friend first. I think he will recollect that the point he raised in connexion with the audit of public companies is a matter that is being considered by the Board of Commerce and Industry at the

present time, by a sub-committee of which I believe he is a member. The reason why the matter is somewhat slow in coming to fruition is that it has been necessary to consult the professional bodies my hon. friend referred to in dealing with his first point. It has also been necessary to consult various interests such as the Chambers of Commerce and so on.

With regard to the first point. Of course, it would not be the Government's intention to recognize bodies that had an unsuitable professional reputation in connexion with the public audit of accounts. It would be the Government's intention that the association to which he referred, should be invariably consulted and that their advice would have a deciding influence on the Government's policy in regard to the recognition of other such bodies. I can give the pledge that my hon. friend asked for, with, however, this proviso, the standing of professional bodies varies over the years. The hon. Member will recollect himself that at one time the various accountants' bodies—I am speaking of the United Kingdom—that are now generally recognized by the profession, had not all got the professional standing that they have to-day, but what I can assure my hon. friend is that there will be full consultation, the advice of the profession will be a deciding factor and the hon. gentleman, or his colleagues, will always be at liberty to question me or my successor in a matter of this kind. I do not think the hon. Member need have any doubts on the point. The Government's mind is moving along the lines that he indicated that his own is doing.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council to-morrow.

THE TRANSPORT LICENSING (AMENDMENT) BILL

Order for Second Reading read.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, I beg to move that a Bill entitled an Ordinance to amend the Transport Licensing Ordinance be now read a Second Time.

Now, Sir, it is my intention, in moving the Second Reading, to confine myself

[The Minister for Commerce and Industry]

to three or four of the principal issues involved in the Bill. My hon. friend, the Parliamentary Secretary, will deal with the important details of the Bill in speaking to his Motion.

Sir, there are three, as I see it, three important points in connexion with the Bill. The first is an extension and reorganization of the tribunal itself, calling for a wider and more representative body to deal with applications that affect the economic rights of all sections of the population. There is a further point of importance. We have felt it necessary to tighten the regulations by making it possible to suspend licences where the conditions of the licence are not carried out. I do not think I need enlarge on that point as I believe that it is self-evident if we are to have proper control of a highly competitive and growing industry.

The third point was to bring under regulation station wagons which have, in fact, been plying for public hire along designated routes carrying a number of passengers up to six and, I believe, on occasion, up to seven. It is felt that these station wagons are, in fact, vehicles plying for public hire along scheduled routes within the spirit of the old Ordinance. There are a number of other important points of a legal nature which my hon. friend will deal with. At a later stage in the debate I will answer any points, to the best of my ability, that hon. Members may wish to raise.

Mr. Deputy Speaker, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, Sir, I beg to second.

This is a fairly large amending Bill and I hope that the detailed explanations that I propose to give of some of the more important of the 23 clauses comprised in the Bill, will be of assistance to hon. Members.

Sir, it has been considered necessary to revise some of the definitions which appear in section 2 of the principal Ordinance. The object is to make these definitions more precise and definite and also, as stated in the Memorandum of Objects and Reasons, to assimilate them

to the definitions of the same terms used in the Traffic Ordinance. As hon. Members are aware, Sir, the Traffic Ordinance was passed in 1953 and it is a later measure than the Transport Licensing Ordinance and it is considered desirable to assimilate the definition so as to relate more clearly and definitely these definitions in the two Ordinances. I will say, Sir, a good example of this is the definition of the expression "public service vehicles" which hon. Members will find in clause 2 of the Bill, which is now proposed to be given the same meaning as in the Traffic Ordinance. Similarly, the definition of the expression "road authority" is related to the Road Authority established under section 3 of the Road Authority Ordinance, 1950, which is also a later measure than the Transport Licensing Ordinance.

The definition of the term "authorized vehicle" has been expanded to include licensed ships. The original restricted definition, that is without including definition of "licensed ships", appeared in sub-section (5) of section 3 of the principal Ordinance. It is considered that section 2 is a proper place for it and it has been transferred accordingly. Later in the Bill, Sir, sub-section (5) of section 5 is (repealed by clause 5, sub-clause (f) of the Bill).

The existing definition of the term "fares" is not considered to be a satisfactory definition and in the course of review as stated in the Bill, it has been expanded to deal with ships also.

Now, Sir, I would mention that at present the membership of the board is limited to five members, and as hon. Minister for Commerce and Industry has pointed out, it is proposed to increase that membership and sub-clause (a) of clause 3 increases the membership from five to seven and it will also allow the chairman the existing power to co-opt two members at each sitting. The increase in the number of members will make local representation easier and the board, it is hoped, will be able to have a more flexible time-table.

Sub-clause (b) of clause 3 deals with the appointment of substitute members when an original member is absent from the Colony. At present a substitute member can be appointed if at

[The Parliamentary Secretary to the Minister for Commerce and Industry] original member is out of the Colony for six weeks. This, Sir, is considered to be too short a period and the proposed amendment increases the period to six months. I would submit, Sir, that the proposed amendment will not, in any way, affect the efficient working of the board particularly bearing in mind, as I have just pointed out, that the membership of the board will be increased from five to seven members.

Sub-clause (c) of this clause, that is clause 3, seeks to delete the present sub-section (12) of section 3 and to give the board power to regulate the manner of conducting its business. So far, Sir, the business of the board had to be conducted as may be prescribed by regulations. In fact, Sir, I regret to say no regulations have ever been prescribed under the principal Ordinance in this respect and the amendment simply makes the present proviso to section (12) the rule which empowers the board to make rules to regulate its business and the manner of working its own affairs.

To go on to sub-clause (d) of clause 3, Sir, this seeks to vest the control in the Legislative Council in respect of remuneration payable to members of the board and to other officers. At present this is determinable by the Governor-in-Council of Ministers. The introduction of full Parliamentary control will no doubt be welcomed by hon. Members. A notice of amendment to sub-clause (d) has already been circulated, Sir, and I understand the proposed amendment is in the form in which the department of my hon. friend, the Minister for Legal Affairs, considers most appropriate that such amendments should be. That amendment, of course, will be moved at the Committee stage.

Now, Sir, I consider sub-clause (e) of clause 3 is an important one and although it is self-explanatory. I would say it gives the very important power of full delegation to the board. It is a reproduction in a fuller and more precise sense of the existing sub-section 15 which it repeals. Under sub-section 15, Sir, many officers, for example district commissioners, have undertaken many jobs of work on behalf of the board, such as prosecutions, issue of short-term licences, etc. Now the proviso, Sir, to

sub-section 15, which it is intended to repeal, requires that any act done by any individual on behalf of the board should have the prior approval of the chairman. I am confident, Sir, hon. Members will agree that in practice it is not only difficult but also often impossible to make every act subject to the prior approval of the chairman as required under the proviso. There are occasions, Sir, when it is not necessary to obtain approval, for example, the conduct of prosecutions. The proposed change will make the procedure more practical and more flexible also by allowing the board to delegate its powers subject of course, to such safeguards as the board thinks best.

The next clause in the Bill, Sir, is clause 4 and it seeks to amend some of the provisions of section 4 of the principal Ordinance. It is a clause, Sir, which introduces an important change. As the Memorandum of Objects and Reasons puts the matter very lucidly, with your permission, Sir, I should like to read a portion of the reference to this clause in the Memorandum of Objects and Reasons. It says: "Section 4 (1) (b) of the Ordinance, exempts vehicles designed to carry six or fewer passengers for payment from the necessity of being licensed under the Ordinance. A passenger vehicle of this type may consequently follow a regular route according to a time-table conveying fare-paying passengers and escape all control. Station wagons and miniature buses have started to run on the most popular bus routes and are undercutting the normal bus services to the detriment of the public interest. Clause 4 (a) and (b) of the Bill amend the existing provisions so as to provide that a vehicle which is designed or adapted to convey more than four persons and its driver will require a licence".

Now, Sir, that explains, in my opinion, the necessity for the amendments which hon. Members will find in clause 4 (a) and (b).

I would mention, Sir, that the intention is not to stop such miniature buses and smaller vehicles and station wagons from plying for hire on the main designated bus routes if they choose to do so. But it is considered desirable that they should be subject to the provisions of this Ordinance and if they carry more than four

[The Parliamentary Secretary to the Minister for Commerce and Industry] passengers they should be compelled to obtain a licence from the Board. Therefore, Sir, the intention is to bring such vehicles within the present licensing system. Of course, when applying for licences they will be required to show to the satisfaction of the Board that their work is in the public interest to enable them to obtain a licence to carry on with their operations.

In so far as sub-clause (b) is concerned, I should like to make the further point that there are several vehicles which were never designed to carry passengers in such numbers but have been altered, or adapted, to do so. Such vehicles must also be controlled, Sir.

Now, Sir, under sub-clause (c) of clause 4, it is proposed to delete all reference to loan arrangements which are not only difficult to follow but also immaterial, Sir, as far as the Board is concerned. In any event it is felt that they should be no concern of the Board. The proposed amendment under sub-clause (d) is of a consequential nature which has become necessary, Sir, on the passing of the Traffic Ordinance.

Sub-clause (e) seeks to delete sub-section (5) of section 4 and paragraphs (a), (c) and (f) in sub-section (6) of the principal Ordinance. I feel, Sir, that this is rather an involved amendment, and I would suggest to hon. Members that they might read sub-clauses (e) and (f) together for, if I may say so, an easier understanding of these involved amendments.

The deletion of sub-section 5 becomes necessary as a result of the enactment of sub-clause (f), Sir. The three paragraphs proposed to be deleted from sub-section (5) will be covered by notice of exemption made under the proposed new sub-section (7) which sub-clause 4 (f) of the Bill seeks to enact. This new sub-section, Sir, replaces the present sub-section (f) of sub-section (6) of section 4. It is felt, Sir, the wording of this sub-section (f) is open to question and the new sub-section 7 will place the power of exemption beyond all doubt.

I would mention, Sir, sub-section (7) which is deleted by sub-clause (f) is re-

enacted more fully as section 24A by clause 16 of the Bill which has been widened to meet present-day conditions.

Now, Sir, the existing Ordinance provides for the types of licences which can be issued and section 5 defines classes of licences which can be issued, but it appears, Sir, that except for a reference in an indirect way which we find in section 14 of the Ordinance, there is no definition of the expression "inland water transport licence", and what it would entitle the holder thereof to do. It is, Sir, proposed, under sub-clause (a) of clause 5 of the Bill, to fill in this gap in the principal Ordinance by providing here the definition of "inland water transport licence". The proviso to this sub-clause makes it possible for Tanganyika and Uganda to be consulted where it is necessary to do so. Of course, as hon. Members are aware, such a provision already exists in the Ordinance and it is merely shifted forward to clause 5 to a more appropriate place, Sir.

Now, Sir, sub-clause (b) will delete from sub-section (6) paragraphs (b) and (d) thereof which are unnecessary in the light of the revised definition of "owner" under clause 2, to which I have already referred.

Sub-clause (c) hardly needs any comment and sub-clause (d) is in pursuance of the amendment to clause 4 (c) which I have already tried to explain to hon. Members.

Sub-clause (e) of clause 5 effects the necessary amendment in consequence of the foregoing amendments in clause 3 and the words that it proposes to delete are considered to be redundant.

Now, Sir, I come to deal with sub-clause (f) of clause 5 which seeks to delete sub-sections (5) and (7) of section 5 of the principal Ordinance.

Sub-section (5) is already covered by the definition of the expression "authorized vehicle" in clause 2. As far as sub-section (7) is concerned, it is proposed to deal with the provisions of this sub-section under regulations.

I come to clause 6 of the Bill, Sir. I think hon. Members will agree that the words proposed to be deleted from section 6 of the principal Ordinance by

[The Parliamentary Secretary to the Minister for Commerce and Industry] sub-clause (a) of this clause, are entirely unnecessary as the period for which a temporary licence may be issued is fixed by the section itself as not to exceed three months.

Sub-clause (b) seeks to introduce a new sub-section which will give to the chairman power in urgent cases to issue short-term licences. It is considered, Sir, that the present section 6 (2) (c) is not sufficiently explicit and hon. Members will note that certain requirements will have to be satisfied, such as that the use of the vehicle is urgent and that the public interest will not suffer, before a short-term licence can be issued.

Clause 7 of the Bill, Sir, seeks to repeal section 8 of the principal Ordinance which does not, however, disappear completely. It reappears as section 39 and it is re-enacted by clause 23 of the Bill where it most naturally falls. It is merely a case of shifting it to its proper place in the Ordinance. But the new section 8 which clause 7 proposes to enact will direct the board to interpret the public interest which is required to be done even now under the provisions of section 11 (2) of the principal Ordinance: section 11 (2) which will be repealed by clause 9. The direction to the Board as to the factors which should guide them in the exercise of their discretion whether to grant or refuse a licence, it is felt, must be kept in the Ordinance and it is also felt, Sir, that this is the proper place where it can be appropriately retained.

Under clause 8, Sir, the provisions of section 9 of the principal Ordinance are dealt with. The Board has the power to grant exclusive licences. Under sub-section (2) of section 9, in cases where the board decides to grant a licence, it has to publish a notice in the *Official Gazette* and in the local newspaper, and it is not until after the expiry of six months after the publication of the notice that an exclusive licence can be granted. It is felt, Sir, that the period of six months is too long and it is proposed to reduce it to one month, which is considered adequate to enable objectors to lodge their objections, should they wish to do so. Clause 8 of the Bill is drafted accordingly to achieve this object.

Clause 9 of the Bill, Sir, repeals Part III of the Ordinance which lays down the procedure to be followed on application for licences. Nearly the whole of this Part is procedural and will be dealt with more fittingly in regulations which are now being prepared, and it is also intended to remake all the regulations under the existing Ordinance, which it is proposed should take effect on the coming into force of this Bill.

Although this clause repeals Part III of the Ordinance, Sir, I would point out that section 15 of the Ordinance will not disappear and it will be re-enacted in a more appropriate place by clause 23 as section 35 in the "General" portion of the Ordinance, which is at the end. There are also other exceptions and, as I pointed out when dealing with clause 7, section 11 (2) will be re-enacted as section 8, which now also includes the principle embodied in section 13 (1) of the principal Ordinance. These two sub-sections have been rolled into one very conveniently and precisely. Another exception, Sir, is section 14 (2), which is, to some extent, embodied in section 5 by clause 5 (a) and also covered by the new section 8 proposed to be introduced by clause 7 of the Bill with which I have already dealt.

Clause 11 of the Bill, Sir, deals with three amendments. Sub-clause (a) refers to rules which may be made by the Board as to the keeping of records. No such regulations have been made under the existing Ordinance, and it is proposed, as provided in section 29 which will be amended by clause 19 of the Bill, to leave any rules to be made by the Board itself.

It should suffice, Sir, to say, in regard to sub-clause (b) which deletes paragraphs (d), (e), (g) and (f) of section 16 (2) of the Ordinance, that sub-paragraph (d) is now a matter for the relevant Wages Council, and sub-paragraphs (e) and (g) are covered by the Traffic Ordinance and sub-paragraph (f) is now considered unnecessary by the Board. Sub-clause (c) merely provides for a grammatical amendment.

As hon. Members are aware, Sir, a notice of amendment has also been circulated in connexion with this clause and the proposed amendment to this clause deletes the reference to section 13

[The Parliamentary Secretary to the Minister for Commerce and Industry] in section 16 (3), as section 13 has already been repealed by clause 9 of the Bill.

Clause 12, Sir, repeals the existing section 17 of the Ordinance and a new section 17 is substituted. The existing 17 applies only to goods vehicles' licences, but the new section will apply to all licences. It is reworded in a more concise and precise form. The procedure for granting a variation will be laid down in regulations.

I will now deal, Sir, with clause 13 which seeks to introduce an important amendment in this Bill. Experience, Sir, has shown that people, on being granted licences, for example, certain bus services, have failed to employ them at all to provide the bus service. It is not unknown that on occasion applications have been made for the grant of new licences and the holders of such what I would call dormant licences use them to object to the grant of such new licences, and the Board has had to assume that such licences have been in full operation on the roads in respect of which they were issued, while, in fact, that has not been the case. As the law stands, the Board has no power, Sir, to suspend or revoke such licences and it is, Sir, therefore, proposed to give the Board this power now. It will be a discretionary power and it will allow the Board to revoke a licence if the vehicles authorized are not used for the space of three months and clause 13 (a) makes the appropriate amendment.

Clause 13 (b) is, Sir, self-explanatory and I hope hon. Members will agree with the principle which is involved that, on a person being convicted of an offence under the Road Protection Ordinance, he may lose his licence or have it suspended on the recommendation of the magistrate who recorded the conviction. In connexion with this clause also, Sir, I would draw the attention of hon. Members to the amendment which has been circulated in relation to this clause which seeks to delete the reference to certain sub-paragraphs of the sub-section (6) of section 5 of the Ordinance, because hon. Members have noticed the reference to these is deleted by certain previous amendments.

Four sections, Sir, are proposed to be repealed by section 14 of the principal Ordinance. These are sections 19, 20, 21 and 22.

Section 19 (1) prescribes offences, and it is suitably dealt with by clause 16 which enacts the new section 24 (a) and which provides for penalties and offences.

Section 19 (2) is re-enacted as a separate section 38 by clause 23 of the Bill.

Section 20 deals with the procedure for objections and it will be included in the new regulations, except for sub-section (5) of this section which is considered to be of an important nature and, therefore, Sir, it is proposed to re-enact it in the "General" part of the Ordinance as section 35 by clause 23.

Section 21 deals with objections to applications for grant of Inland Water Transport Licences and it can be more suitably dealt with in regulations as in the case of section 20, Sir.

Section 22, whose provisions are related to certain circumstances prevailing in 1938, has been defunct for a long time now and there is no need to retain it.

Clause 15, Sir, provides for an amendment related to appeals and it requires that a memorandum of appeal shall be accompanied by a deposit of Sh. 200 which may be forfeited or which may be awarded as costs. It could be forfeited, Sir, if the Appeals Tribunal were of the opinion that the appeal was of a frivolous nature. It is hoped, Sir, that the requirement to deposit this sum of money will decrease the number of frivolous appeals as well as objections.

I am confident, Sir, that hon. Members will support the principle laid down in sub-clause (b) of clause 15 which is that members of the Tribunal will be required to declare interest in transport undertakings before they can be appointed, just as in the case of Members of the Board.

I have, Sir, already made some reference to clause 16 which seeks to enact a straightforward new section 24A which is a reproduction in a more appropriate place of the existing section 19 (1), whose provisions have been expanded so as to render liable both the owner and

[The Parliamentary Secretary to the Minister for Commerce and Industry] the driver of any authorized vehicle, or any vehicle or ship; which should have been authorized, for contravention of the conditions of any licence, etc.

Under clause 17, Sir, sub-clauses (a) and (c) raise the maximum penalties to bring them into line with those laid down in the Traffic Ordinance and which have been already approved by this Council.

Sub-clause (b) makes an amendment to allow for action to be taken against persons acting not only against contravention of the regulations, but also the rules made by the Board. The power to make rules is given to the Board in the Bill under clause 19, Sir.

Clauses 18 and 19 are related to the forms to be used and the rule-making power of the Board and it is considered that in order to maintain flexibility and because of the nature of these minor matters, the rules need not be made by the Governor in Council of Ministers. Clause 19 (a) amends sub-section (1) of section 29 to give power to the Board to make rules and all other amendments, Sir, are of consequential nature.

Clause 20, Sir, substitutes a new section for the existing section 31. The new section makes all offences cognizable to the police and this will bring the provisions in line with section 114 (3) of the Traffic Ordinance. As hon. Members are aware, under the existing law, such offences are not cognizable to all members of the police force, but to police officers of, or above, the rank of assistant inspectors as stated in the existing section 31.

Clause 21, Sir, needs no comment and clause 22 reduces the period of 12 months to six months, under section 32 of the principal Ordinance, which is the period laid down after the expiry of which an application for the grant of a licence may be renewed which has been refused once. At present, such applications which have been refused once may not be made until after the expiry of 12 months, except with the permission of the chairman, or unless the chairman exercises his discretion in favour of the applicant. It is considered, Sir, that six months would be a reasonable period, bearing in mind the provisions of section 18 under clause 13 of the Bill, and bearing

in mind also, Sir, that conditions on certain routes can change very rapidly.

The final clause in the Bill, Sir, that is clause 23, adds seven new sections to the Ordinance. In dealing with the previous clauses, I have already made reference to these sections and, furthermore, I consider, Sir, these sections are fully explained in the Memorandum of Objects and Reasons and I do not consider it necessary to add to them.

I know, Sir, that I have kept the Council a long time and perhaps this is a dry subject, but I have done so in an effort to explain the provisions of the Bill in detail. I hope I have succeeded in my effort. I would say, Sir, the Bill is an attempt to make the existing Ordinance compact, neat, tidy and an up-to-date law. I would also like to say, Sir, that the transport industry is an expanding and developing industry, which, in its own context, and in relation to other projects, is, in my opinion, of great importance to the economy of the Colony. It is, therefore, important that the law which deals with it should be as up-to-date and as precise and workable as we can make it. This Bill, Sir, tries to achieve these objects.

I go to second. (Applause.)

Question proposed.

MR. SLADE: Mr. Deputy Speaker, I only want to draw the attention of hon. Members to the interest that the local authorities have in this matter. Local authorities have considerable responsibilities with regard to the making and maintaining of roads, and therefore are concerned with the licensing of vehicles that are using those roads. For that reason, I should be grateful for an assurance from the Minister that, wherever possible, the interest of local authorities in these matters will be recognized by representation on the Licensing Board and, on suitable occasions, by including them, or rather including their officers, among the people to whom powers can be delegated under the proposed new sub-section (1) (a) of section 3 of the Bill.

I beg to support, Sir.

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, there is only one provision of this Bill on which I wish to comment. I refer to clause 4, sub-clause (a) which

[Mr. Chanan Singh]

makes it necessary for cars, carrying more than four passengers, to get a Transport-Licensing Board licence. Well, Sir, the Memorandum of Objects and Reasons refers to "public interest". I believe there is no public interest involved here. There is only one company that is running luxury buses but the number of persons who would be adversely affected by this provision runs to several dozen I am told. I shall raise this particular question at the Committee stage. Here I only want to say that I do not agree with this provision, because I feel no public interest is involved, Sir. It is only private interest.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Member to reply.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, first of all I should like to congratulate my hon. friend, the Parliamentary Secretary, for the very painstaking way he explained this complicated legislation to the Council. At times it may appear that perhaps Members may be bored, but, as my hon. friend said, the transport industry is growing rapidly and the legislation was out of date and this is an attempt to bring it up to date.

Before replying to the points raised by the two hon. Members, Sir, I would like to pay a tribute to the chairman and the members of the Transport Licensing Board and the Appeals Tribunal. (Hear, hear.) They give a great deal of their time, they give a great deal of their energy, their reward is very modest and they are subject to a great deal of criticism. I think to those who are willing to serve on such bodies, particularly such bodies as this, do deserve recognition for their public spirit on an occasion like this.

Now, Sir, if I may refer to the point raised by my hon. friend, the Member for Aberdare. First of all I would draw his attention to the fact that there is provision for the tribunal to co-opt up to two members with local knowledge. That provision has an obvious relevance to the interest of local government bodies in the licensing procedure and will be taken full advantage of. I think that meets my hon. friend.

On the question of delegation, that, too, will not escape the attention of the board and its chairman, and I feel, Sir, that satisfactory arrangements can be made there.

On the point raised by the hon. Member for the Central Area, on clause 5, I can only say that in the opinion of the Government public interest is involved and that is the only reason why the clause is included. I find it almost an imputation of motive to suggest that the Government could introduce a clause for the benefit of private interest rather than public interest. I know my hon. friend did not wish to impute such a motive, but I must refute his argument. He mentioned that he will raise it in Committee and if he will explain in more detail, I shall perhaps be able to reply in more detail. But I must make it quite clear that Government's view is that public interest is involved.

I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

THE DEPUTY SPEAKER: I think it will be convenient to take the break now.

Council suspended business at Eleven o'clock and resumed at Eleven minutes past Eleven o'clock.

Branding of Stock (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, I beg to move that the Branding of Stock (Amendment) Bill be now read a Second Time.

This, Sir, is a very simple little Bill which, as will be seen by the Objects and Reasons, is merely to enable district councils to make by-laws providing for the compulsory branding of stock in order to assist in the prevention and protection of theft and trespass by stock and, above all, in order to promote the control of grazing and stock improvement. It also, Sir, incidentally provides that stock must be branded where directed in order not to spoil hides.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

As you Members are aware, there is a very marked indication that many African district councils are taking a great interest in this themselves and this is merely to enable them to deal with and make their own rules.

I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

Maize Subsidy Repayment (Repeal) Bill
Order for Second Reading read.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY, AND WATER RESOURCES: Mr. Deputy Speaker, as I indicated this morning in the debate on the Motion which concerned this matter, this Bill has to be brought in, in order to repeal the Maize Subsidy Repayment Ordinance, 1931. Sir, I think the whole of this subject was fully debated this morning and I feel, Sir, that the introduction of this Bill is now merely a formality; it merely legalizes the Motion that we passed this morning.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

Medical Practitioners and Dentists (Amendment) Bill

Order for Second Reading read.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I beg to move that the Medical Practitioners and Dentists (Amendment) Bill be now read a Second Time.

This Bill, Sir, seeks to clarify certain matters in the present Ordinance. The first part is a matter of the type of

degrees and diplomas, etc., and how a man shall be able to practise with them in Kenya. The Makerere Medical School's diplomas have not been interfered with—they are exactly the same as they were in the original Ordinance.

The other really important point in this Bill, is the matter of discipline and that is shown in clause 5. Here there is provision to tighten up the discipline of the Board over medical practitioners if they follow the wrong paths, and it is also tied up to the extent that a medical practitioner can be taken off the register and, having been taken off, he can then go back on to it when the Board considers that he has improved his practices.

Again, the other point, which is one of fairly important principle, is that the Board itself will make rules—and not the Minister—but, of course, those rules will have to be approved by the Minister, and it is thought that with a board of this standing that is a better practice than previously where it was all entirely in the hands of the Minister.

If any hon. Member wishes to ask questions on more detail, Sir, I am sure the hon. Acting Director of Medical Services will be able to put the medical point of view.

Sir, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

LT.-COL. GHERSIS: Mr. Deputy Speaker, Sir, the Minister in introducing this Bill made a reference to the question of discipline which has now been tightened up, particularly under clause 5. I think discipline from another angle, Sir, arises under sub-clause (8): "Any person who fails when summoned by the Board to attend as a witness or to produce any books or documents which he is required to produce shall be guilty of an offence against this Ordinance and shall be liable to a fine of two hundred shillings or to imprisonment for one month".

Now, Sir, it is not two hundred shillings, or imprisonment or both. There is the option of a fine, and I must say two hundred shillings sounds an

[Lt.-Col. Gheris]

extraordinarily small amount for a person who defies an order of the Board to produce documents or appear as a witness.

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, there are one or two points that I wish to raise on this Bill. In the new section 6, the sub-section (a) makes it necessary for an applicant for registration to have had certain hospital experience. Applicants will have to satisfy the General Medical Council of the United Kingdom. I want to know, Sir, if it will be necessary for applicants to make application to the General Medical Council of the United Kingdom, or if the Director of Medical Services here will be able to satisfy himself that the experience is proper? Then, will the acceptable experience be only experience in a hospital? Or will private practice be sufficient?

If hospital experience is necessary, I understand that, so far as medical graduates from India and Pakistan are concerned, they will have difficulty, because it is only in exceptional cases that medical graduates are admitted as house surgeons in hospitals in India. There are not many hospitals recognized for that purpose. Could the Director give us some idea as to what type of hospital is recognized for this purpose and, if there is any difficulty in getting admission as a house surgeon in India and Pakistan, will there be facilities available in Kenya? I suppose even if the Medical Department has no jobs to offer to applicants, they will be able to allow applicants for registration to be admitted to a local hospital for the purpose of gaining the necessary experience only.

Sir, there is one other point that arises on this section (c) of the same section. This sub-section refers specifically to the holders of diplomas from the Makerere Medical School obtained before the 1st day of December, 1951. I wish to suggest for the consideration of the Director, Sir, that licentiates of Indian and Pakistani medical schools should be treated on the same footing and should be included in this provision. I am sure the hon. Director knows that this sort of qualification is going out of existence in India itself. All such schools have been closed down and there are only two

left; they also are on a temporary basis so there will be no question of extending the concession to any large number of applicants. This sort of applicant, Sir, as I have stated, is a dying class. There is a small number of them in service and there may be a few more coming. If the Director is satisfied that the licentiates of Indian medical schools have reached the same standard of education as the holders of diplomas of the Makerere Medical School, prior to December, 1951, I think he should include them in this provision. I believe some such arrangement has been made in Uganda and these people have the option of registering after a number of years' service in the Medical Department, and after taking some sort of test.

Sir, there are one or two points which I wish to raise with regard to the disciplinary provisions of this Bill. The new section 21, sub-section (1), refers to conviction for any felony or for any misdemeanour. Sir, misdemeanour is really a small thing. I personally think that only those offences which are connected with the morals of a doctor or with his proficiency in his profession should make him liable to punishment. Cannot we possibly use the same terms as are used in the law governing advocates, for example? Cannot we use some such term as professional misconduct?

Sir, I wish to refer to sub-section (6) of the same section, which makes the decision of the Supreme Court, in an appeal, final. I personally think that there should be no finality about that decision of the Supreme Court and that aggrieved applicants should be allowed to go higher. It is well known, Sir, that the advocates, if they are aggrieved by the decision of the Supreme Court, can go up to the Privy Council. I do not think the medical profession should be treated any differently.

With these words, I support.

MR. TAMBONO: Mr. Deputy Speaker, Sir, I have only two small points to raise on this Bill.

The first one, Sir, is that in clause 4 (6) it happens that the only place where, after serving for two years, the work, in the opinion of the Board, has been satisfactory, appears only with Make-
re graduates who have qualified

[Mr. Tameno] after December, 1951. Now, it does not show whether the other people who have qualified elsewhere need to have the satisfactory service. I think, Sir, the Medical Council in England is, to some extent, satisfied that the qualification of Makerere graduates after 1951 is up to a certain standard. I feel, Sir, it is unfair to specify only for Makerere graduates who have served satisfactorily, and not to anybody else. I think, Sir, that by putting in this you can make a person to be certified by whoever his senior is and there are always likes and dislikes. I feel that, because there is always power of cancellation of a licence, experience after two years should enable a graduate to be licensed straight away and, if it happens that he is not conforming with the regulations laid down, then there is always the chance of cancelling his licence.

The other point, Sir, is that during the last policy debate it was remarked by the hon. Minister for Local Government and Health that there are seven African doctors who have already been registered. I wonder if they have ever been gazetted?

With that, Sir, I beg to support.

MR. J. S. PATEL: Mr. Deputy Speaker, Sir, I would like to raise only one point, and that is, has the Minister, in providing clause 2 stating "has had such other experience of not less than one year as the Board may approve", specified that, even after years of labour, in getting the degree and certificate of passing the college exams, he needs experience of at least one year. He has acknowledged that experience is an overriding factor; but he contradicts the value of experience by not granting the East African Railways and Harbours Administration servants and the Government servants who have worked within the service for a number of years and gained practical experience, the opportunity of getting their licence to serve the public after their service. I think that is an anomaly in the Bill, in not acknowledging the previous service of people who have been in this country for many years. I think the Minister should look into that matter.

MR. SLADE: Mr. Deputy Speaker, Sir, there is one point that I have to raise

with regard to clause 2 of this Bill and the new section 6 which it proposes. It is a point which would also have arisen under the original section 6. That is, that the section provides that certain persons with specified degrees and experience shall be entitled to registration. There is no discretion in anyone to refuse registration on personal grounds. What occurs to me, Sir, is that one might have a medical practitioner or a dentist, coming to this Colony, who had, indeed, all the required degrees and experience, but who had committed misconduct of a professional kind and been struck off the register in another country. It appears to me that such a person could still claim, as a right, registration in this Colony, because he would be, in fact, "the holder of a degree which is recognized by the General Medical Council of the United Kingdom as entitling him to registration". The only reason he might not be entitled to registration would be because of misconduct, not because of lack of a degree.

What I suggest, Sir, for consideration is, that this section should be made rather more elastic, and that, either in specified cases, or in every case, the Board should be given discretion as to whether they will or will not register a medical practitioner who has the required degrees and experience.

The other points that I have to raise, Sir, are with reference to clause 5 and the new section 21, which that clause proposes, concerning discipline of the profession. Taking first the new section 21, sub-section (1), which provides that the Board may remove from the register the name of any medical practitioner who is convicted of a felony or misdemeanour, or found to have been guilty of any infamous or disgraceful conduct, in a professional respect, I should be glad of an assurance that that would cover infamous or disgraceful conduct in a professional respect, outside the Colony; or alternatively that, if it does not cover disgraceful conduct outside the Colony, then the striking off of a medical practitioner from a register in some other country would be grounds to justify the Board striking him off the register in this country.

Then, Sir, with regard to the actual punishments that a medical practitioner

[Mr. Slade] can suffer from the Board, I see provision for his being struck off the register and I understand that sub-section (5) intends to provide the alternative—the less severe alternative of suspension; suspension from practice, as opposed to being struck off. I should be grateful for confirmation that that is what it does mean, because the wording is rather peculiar. It says, "The power to order removal of the name of a person from the register or to cancel the licence of any person shall include a power exercisable in the like manner to direct that during such period as may be specified in the order the registration of his name in the register or the licence granted to him shall not have effect".

It is rather curious to say that one power includes the other, if it is intended that one should be an alternative to the other.

The last point, Sir, is to suggest that there should be an expressed further alternative, and that is for the board to administer an official admonition on lines parallel to the provisions in regard to advocates. So that we have the three things: striking off, suspension, or admonition. I have no doubt that, in fact, the Board does warn practitioners and rebuke practitioners, but there is value in an official statutory admonition in that it can be officially recorded and officially published in the *Medical Journal*, and yet it is less severe than suspension or striking off.

Subject to those comments, Sir, I beg to support the Motion.

DR. TRIM: The hon. African Representative Member, Mr. Tameno, has referred to the question of satisfactory service during an internship and, although I have not the Medical Act, 1950, here at the moment, I am certain, as certain as I can be, that that is included in the conditions of service in the United Kingdom in regard to a year's internship. It must be satisfactory service, so there is no difference in the wording of the conditions applicable to the Makerere graduate who has to do two years' satisfactory service.

MR. TAMENO: I thank the hon. Member for giving way. What I was saying was that it appears here that anybody qualified elsewhere does not need to

have any satisfactory service after one year's experience.

DR. TRIM: I am sure that the Board would consider the question of satisfactory service. In doing this year's service, it must be a year's satisfactory service. If a man has not done satisfactory service, he will obviously have to be prepared to serve for a longer period.

In regard to the registration of African doctors, it is, at the moment, necessary to prescribe certain rules before that registration can become official in the sense that it is published in the *Official Gazette*, but there are seven African doctors at the moment who are of registrable status, who have very facility, who work as registered doctors and are paid the salaries of registered doctors, and it is merely a question of publishing their names in the *Official Gazette* and sending the necessary certificates. That will be done as soon as the rules are prescribed.

The hon. Member for Central Electoral Area has raised the question of graduates coming from India and Pakistan and as to how they will manage to do their year's post-graduate work which is required under this Bill. That will be arranged. The Medical Department can arrange for them to do such work at the King George VI Hospital and, if there are larger numbers than can be coped with by the King George VI, other hospitals will be approved for this purpose.

The question of assistant surgeons and Makerere registration, is entirely a matter for the Makerere College who grant the degrees. This Government can have no influence over Makerere which is an independent organization. If it wishes to grant licentiatehip, it can do it under the conditions which it lays down and this Government cannot say to Makerere "You will" or "You will not" grant a licentiatehip. It is possible that if Makerere College consider the granting of a licentiatehip to persons who have not done their training at Makerere, they may insist that the person who is going to take the examination will put in a period of work of, say, one or two years at Makerere, but again that is the affair of Makerere. There is a parallel case in the United Kingdom where if an African, graduated

[Dr. Trim]

from Makerere, goes to England to take a registerable degree, he does not have to do a five- or six-year course. He has to do a course of two to three years.

The question of the word "misdemeanour", I am afraid I shall have to leave to my legal friends. The previous wording I think was "heinous offence" and we were never quite able to discover what a "heinous offence" was, and I, as a doctor, have never been able to say what exactly a misdemeanour is, but, if a man was brought before the disciplinary council, I am sure we should use common sense in our interpretation of the word "misdemeanour".

The hon. Member for Western Electoral Area has also raised the question of assistant surgeons. Assistant surgeons, of course, have not a registerable degree so that there is no way in which it would be possible to register assistant surgeons. Nevertheless, provisions are made for licensing, and an assistant surgeon, who has done long and valuable service for Government, can be licensed. When I say "Government" I include the High Commission, that is the East African Railways and Harbours.

There was one point that the African Representative Member, Mr. Tameno, raised and that was the question of registration. When a Makerere graduate becomes qualified, he is licensed in order to practise immediately he leaves Makerere. When he has done two years' satisfactory work as an intern, he is then eligible for registration. But he can practise for his two years under Government supervision in exactly the same way as a registered doctor.

The hon. Member for Aberdare raised a lot of points which I feel could more suitably be dealt with by my legal friends. When he states that the Medical Practitioners and Dentists Board is unable to refuse to register, he is perfectly right and I feel that that is a point which might receive further consideration.

In regard to disgraceful conduct and misdemeanours which occur outside the Colony, again I am sure the Board, if these matters were brought to their notice, would consider them in exactly the same way as if they had occurred within the Colony. The Medical Practitioners and Dentists Board have, at the

moment, no legal powers of admonition, but they use those powers. Whether it is necessary for them to have legal powers I am not quite certain. These professional bodies, disciplinary bodies, in the early days, were not legally constituted bodies of any kind. They were bodies which were elected by the profession and were in existence for the purpose of preserving the reputation and looking after the welfare of the profession. It is only in more recent years that the legal aspect has crept in. Again, that possibly would be a point upon which my legal friends should express an opinion.

There is the further point of clause 5 (5) which deals with the suspension, rather than the cancellation of a licence. To me, as a layman, this appears perfectly straightforward and simple. The hon. Member is of legal persuasion and he may feel that it is necessary to alter this in some way, but again I think I must turn to the legal authorities for advice on this matter. The hon. Member for Nairobi North raised the question of the Sh. 200 penalty for failing to produce books and documents. I think this is a very minor point and I really do not think that there is anything more that can be said concerning that matter.

I beg to support. (Applause.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Member to reply.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, some of the points that have been raised are rather legal and I will ask for the Committee stage of this Bill to be postponed as long as possible next week so that consideration can be given to these points. Naturally, being both legal and technical, with regard to the technical side, I would like to refer to the Board itself before accepting any particular amendment straight away. However, there are one or two points which I think need dealing with.

The hon. Acting Director of Medical Services has covered a lot of them.

With regard to the matter of a misdemeanour in new clause 21 (1), as I understood it, the hon. Member who raised it suggested that if a medical man

[The Minister for Local Government, Health and Housing]

committed a misdemeanour outside professional conduct, that really should not be taken cognizance of by the board. Well, Sir, I am very doubtful indeed that it would be wise, although, as I understand it, the legal profession are dealt with more leniently in this way; it seems to me that with regard to the medical profession, who, one might say, have a more important function with regard to the human race. I believe, anyway in this Colony, that we must in every way, even if it does seem to be strict, keep up the character and the whole level of the medical profession as high as possible. It is one which we just cannot afford to allow to become in any way undermined or less pure and decent than it is to-day. Anyway, I will consider that, Sir, before the Committee stage, but, in principle, I feel that we must be very strict in retaining and, indeed, improving the level of professional medical men.

I would also like to point out that in that particular sub-clause it says, "the Board may remove such a person from the register"—it is enabling only, although it does direct the Board to consider misdemeanours outside the professional conduct, it is still enabling that they should be so removed.

With regard to clause 5, or rather new clause 21, sub-clause (5), and the question raised by the hon. Member for Aberdare, as to whether that covers suspension, I have consulted very quickly with my hon. and learned friends this side and they will give further consideration to see if they can tidy this up and make it quite clear that that is the intention, and I can assure the hon. Member that it is the intention that it should cover suspension.

The hon. Acting Director of Medical Services has dealt with the matter of admonition. Also, sub-clause (6) of that same new clause, in regard to the appeal to the Supreme Court being final, that again we will give consideration to before the Committee stage.

The same applies to the point raised by the hon. Member for Nairobi North with regard to the fine of Sh. 200 or one month. That he will agree, I think, is a matter that I should seek advice on from the board itself.

The hon. African Representative Member, Mr. Tameno, was worried about the situation with regard to Makerere graduates in that they had to have two years' under clause 2, new clause 6, experience as against one year for other people, and also he was worried at the words, "and whose service while so employed has, in the opinion of the Board, been satisfactory". He seems to indicate that he thinks that may be discriminatory. Again it comes back to the principle that the standard of the medical profession in this country must be kept at a very high level and all students coming from Makerere are required to do two years' internship as against one year. This was recommended by the visiting board of the Royal College of Surgeons which came to Kenya about three years ago and conforms with the requirements in other East African Territories. The recommendation was based on the present immaturity of the Makerere diploma. It is, however, gratifying that Makerere can turn out a graduate who is recognized in East Africa by the senior medical body of the United Kingdom and it augurs well for full recognition in future. Meanwhile, that was a recommendation, and I feel we will have to retain it, I would point out that there is nothing racial in this matter at all.

I think the hon. Acting Director of Medical Services has covered the other points and, as I say, I will come back to the Council, Sir, with my recommendations for any amendments in view of the remarks of hon. Members at the Committee stage later next week.

I beg to move. (Applause.)

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Kenya European Civil Service Contributory Pensions Bill

Order for Second Reading read.

MR. MACKENZIE: Mr. Deputy Speaker, Sir, I beg to move that the Kenya European Civil Service Contributory Pensions Bill be now read a Second Time.

This Bill, Sir, is a tidying-up measure and it is one that arises out of the recommendations of the Holmes Commission on the Civil Service and the acceptance of those recommendations.

[Mr. Mackenzie]

Hon. Members will, no doubt, remember that prior to 1st January, 1947, members of the Kenya European Civil Service contributed to a provident fund scheme. On 1st January, 1947, the Kenya European Civil Service Contributory Pensions Ordinance came into effect and the members of the Service were given the option of transferring to the new Contributory Pensions Fund which most of them did. Then, in 1948, the Holmes Commission reported and recommended that the members of the Kenya European Civil Service should be given the option of accepting the new terms of service and, as a result of that acceptance, they would become entitled to a free pension. Of course, the great bulk of the Service did, in fact, so opt and their option had effect from 1st January, 1946, with the result, of course, that the Kenya European Civil Service Contributory Pensions Ordinance, to a very great extent, became a dead letter.

All civil servants who opted for the new terms should have ceased to contribute with effect from the date on which the new terms came into effect and they became entitled to free pensions. For this reason it is necessary to amend the Contributory Pensions Ordinance so as to debar an officer from contributing to the Fund after 1st January, 1946, unless he elected not to be subject to the new terms of service. Clause 2 (a) of the present Bill is designed to achieve this object. As I have already stated, Sir, all officers who were contributors to the Contributory Pensions Fund, on opting, ceased to contribute with effect from 1st January, 1946, but, of course, as the new terms were not introduced until 1948, contributors who opted for the new terms became eligible for a refund of any contributions which they had made since 1st January, 1946, either to the Provident Fund or to the Contributory Pensions Fund. This refund, they were entitled to have it made with interest. Provision has been made in clause 2 (b) (i) of the Bill to provide for such refund of contributions, and clause 2 (b) (ii) provides for the refund with interest of any contribution made by an officer who opted for the new terms before he had attained the age of 20 years in view of the fact that under the new terms, whereby these officers

receive free pensions, service below the age of 20 has no pension value.

There is one final point, Sir, and that is that under the Holmes Commission Report officers who were contributors to the Contributory Pensions Fund, when they opted to receive the new terms, had to surrender to the Government all their contributions which they had made between the date on which they attained the age of 20 years, or the date of their first appointment, whichever was the later, and 1st January, 1946. In return, the whole of their previous continuous service, from either attaining the age of 20, or the first appointment, was allowed to count for pension purposes. All such surrendered contributions will be paid into the general revenue of the Colony in accordance with clause 2 (c) of the Bill.

Sir, I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed, to a Committee of the whole Council to-morrow.

The Customs Tariff (Amendment) Bill

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT—Mr. Deputy Speaker, I beg to move that the Customs Tariff (Amendment) Bill be now read a Second Time.

In accordance with custom, Sir, this Bill has been through the Ways and Means Committee and this, I think, is a formal moving.

I beg to move.

MR. MACKENZIE seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Excise Tariff (Amendment) Bill

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT; Mr. Deputy Speaker, Sir, I beg to move that the Excise Tariff (Amendment) Bill be now read a Second Time.

[The Minister for Finance and Development]

This, too, Sir, has passed through the Ways and Means Committee and the Second Reading is regarded as formal.

I beg to move.

MR. MACKENZIE seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Stamp (Amendment) Bill

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT; Mr. Deputy Speaker, Sir, I beg to move that the Stamp (Amendment) Bill be now read a Second Time.

This Bill, Sir, has been through the usual stages of a financial Resolution in the Ways and Means Committee.

I beg to move.

MR. MACKENZIE seconded.

Question proposed.

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, there is a small point that I wish to raise on the new section 32 (a). It mentions the sale of any "equitable" estate or interest in any property. I believe, Sir, that the Kenya law does not recognize equitable estates or interests. If my view is correct, then this will cause confusion. All that is intended is that agreements of sale should bear stamp duty, and if that is stated, it will clearly express the intention.

MR. MILLS-OWENS: Mr. Deputy Speaker, Sir, I think that the hon. Member is quite right in saying that the law of the Colony does not generally recognize equitable interests. I think that arises from the fact that the main property law of the Colony derives from the Indian Transfer of Property Act, which is applied here by Order in Council. That being so, Sir, I think it would be proper to delete the word "equitable" appearing in the proposed new section 32A.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Member to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I thank the hon. Mem-

ber for Central Electoral Area, Mr. Chanan Singh. Sir, as my hon. and learned friend, the Solicitor General, has said, the matter will be dealt with at the Committee stage. We appreciate his having raised this particular point.

I beg to move, Sir.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

The Municipalities (Amendment) Bill
Clauses 1 to 8 agreed to.

Title and enacting words agreed.
Bill to be reported.

The Distribution of German Enemy Property (Amendment) Bill
Clauses 1 to 3 agreed.
Schedule agreed to.

Title and enacting words agreed.
Bill to be reported.

The Tax Reserves Certificates Bill
Clauses 1 to 7 agreed.
Title and enacting words agreed.
Bill to be reported.

The Accountant General (Transfer of Functions) Bill
Clauses 1 to 3 agreed to.

Title and enacting words agreed.
Bill to be reported.

The Egerton Agricultural College Bill
Clauses 1 to 25 agreed to.

Title and enacting words agreed to.
Bill to be reported.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee do report to Council that the Committee of the whole Council has considered and approved the Municipalities (Amendment) Bill, the Distribution of German Enemy Property

[The Minister for Finance and Development] Bill, the Tax Reserve Certificates Bill, the Accountant General (Transfer of Functions) Bill and the Egerton Agricultural College Bill and has approved the same without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered, clause by clause, the Municipalities (Amendment) Bill and has approved the same without amendment.

The Municipalities (Amendment) Bill

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I beg to move that the Municipalities (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered, clause by clause, the Distribution of German Enemy Property (Amendment) Bill and has approved the same without amendment.

The Distribution of German Enemy Property (Amendment) Bill

MR. MILLS-OWENS: Mr. Deputy Speaker, I beg to move that the Distribution of German Enemy Property (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered, clause by clause, the Tax Reserve Certificates Bill and has approved the same without amendment.

The Tax Reserve Certificates Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Tax Reserve Certificates Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered, clause by clause, the Accountant General (Transfer of Functions) Bill and has approved the same without amendment.

The Accountant General (Transfer of Functions) Bill

MR. MACKENZIE: I beg to move that the Accountant General (Transfer of Functions) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to move that a Committee of the whole Council has considered, clause by clause, the Egerton Agricultural College Bill and has approved the same without amendment.

The Egerton Agricultural College Bill

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I beg to move that the Egerton Agricultural College Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

THE DEPUTY SPEAKER: That concludes the business on the Order Paper. Council will now stand adjourned until 2.30 on Tuesday, 14th June.

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

Tuesday, 14th June, 1955

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

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Record and Report of a Commission of Inquiry held at Mombasa in respect of the Naaz Cinema.
(BY THE CHIEF SECRETARY)

Kenya Meat Commission: Fifth Annual Report and Accounts, for the Period 1st January to 31st December, 1954.

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES)

ORAL NOTICE OF MOTION

GUARANTEE FOR LOAN FOR CONTROL OF MAIZE AND PRODUCE

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that the Government may from time to time, as may be desirable, guarantee the repayment of any sums together with interest thereon advanced or other lent for the financing of the control of maize and of produce up to an amount not exceeding £2,500,000.

PERSONAL STATEMENT

MR. S. V. COOKE

MR. COOKE: Mr. Deputy Speaker, with your permission, Sir, and with the permission of the Council, I beg to make a personal statement which I shall read, Sir.

Mr. Deputy Speaker, Sir, as recorded in our HANSARD of 31st May, a debate on Vote XXXV—Public Works took place in this Chamber. Speaking in that debate I suggested we should draw further from our national income in order to provide additional funds to the Kenya Road Authority. In his reply, the Minister for Finance made, *inter alia*, the following disparaging remarks about me: "Statements such as this", he said,

"are a disservice to this country. I think it is time my hon. friend"—that is me—"left economics alone until he understands them a little bit more."

I regarded—and I still regard—those words as a most unwarranted attack on my competence as a Member of this Council, but since I had already spoken you, Sir, ruled that I could not speak again.

Later that evening an old political friend of mine informed me that when the Minister for Finance first got on the electoral roll he had described himself as a "Company promoter or company director and a musician", qualifications which would not necessarily connote great competence in economics.

On the following Tuesday, on the vote of the Minister for Finance, I questioned the accuracy of some figures supplied to me in connexion with the national income and claimed that as I had read economics for my degree, I might at least be regarded as good an authority on the subject as the Minister who had derided me a week ago, and I mentioned his qualifications as indicated just now. My hon. friend was present when I made the remark and made no effort to contradict me—either when I uttered it or later on when he had the opportunity of speaking.

I have since had the opportunity of examining the voters' roll for 1944—when, I understand, Mr. Vasey's name first appeared on the roll, though he first came to this country eight years previously—and he is described therein as a "Cinema manager" and not as a "Company director", etc.

MR. TYSON: Mr. Deputy Speaker, Sir, on a point of order, can we not appeal to the hon. Member to stop this business. I think it is really degrading that we should allow our debates to get to this sort of level. I would ask the hon. Member for the Coast to cease this constant bickering.

MR. COOKE: Mr. Deputy Speaker, Sir, I have a right to make a personal statement if I wish to make one.

THE DEPUTY SPEAKER: I understood this was going to be a personal explanation, and I would ask the hon. Member to come on to that explanation as soon as possible.

MR. AWORI: Mr. Deputy Speaker, Sir, on a point of order, I hoped the hon. Member for the Coast was going to make a withdrawal, but I think he is just explaining the same matter which appeared last week, and I would like your ruling on this matter.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, on a point of order, it is customary to hear personal statements in silence.

MR. COOKE: Mr. Deputy Speaker, Sir, I think it is gravely in disorder to interrupt when a personal statement is being made. If the hon. gentleman will restrain himself, he will find that I am coming to a withdrawal; but it is quite necessary to make this point first and I may say also, this matter has been submitted to your clerk, Sir, who has already seen it, and I assumed that you are acquainted with what is in it; so those people who rose on points of order, might withdraw.

I understand that eight years before, he was described as a cinema manager and not as a company director. Mr. Deputy Speaker, I wish to make it perfectly clear that I see nothing opprobrious in the context of the terms I used—I merely mentioned them to question if those qualifications alone entitled my friend to hold to derision my qualifications in economics. But since those qualifications were not, in fact, mentioned in the 1944 Voters' Roll and since they are hurtful to the feelings of my hon. friend, I, of course, unreservedly withdraw them.

Now, Sir, there is another matter which arose during that debate. The speaker in the same debate—the Minister for Commerce—alleged that I called in question the educational qualifications of my hon. friend, the Minister for Finance. This, as reference to HANSARD will disclose, is quite untrue and, indeed, mischievous. I have always admitted—and, indeed, envied—the educational qualifications of the Minister for Finance, and even if I did not, I would never deride a fellow Member in this Council for such alleged deficiencies.

Unfortunately, Sir, I was not permitted to speak a second time in the debate, and, if I had been permitted, the matter might then have been put right.

BILLS

FIRST READING

The Transfer and Delegation of Powers Bill—(The Chief Secretary)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Estate Duty (Amendment) Bill—(Mr. Mills-Owens)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Public Trustee (Amendment) Bill—(Mr. Mills-Owens)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Companies (Amendment) Bill—(Mr. Mills-Owens)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Chattels Transfer (Amendment) Bill—(Mr. Mills-Owens)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Mental Treatment (Amendment) Bill—(Mr. Mills-Owens)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The European Agricultural Settlement Bill—(The Minister for Agriculture, Animal Husbandry and Water Resources)—Order for First Reading read.

MR. TYSON: Mr. Chairman, I wish to oppose this Bill—

THE DEPUTY SPEAKER: The hon. Member is out of order in opposing it at the First Reading.

Bill read the First Time—Ordered to be read the Second Time to-morrow.

The Marketing of African Produce (Amendment) Bill—(The Minister for Agriculture, Animal Husbandry and Water Resources)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Appropriation, 1955. Bill—(The Minister for Finance and Development)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

The Accountants (Designations) (Amendment) Bill

Clause 1 agreed to.

Clause 2

LT.-COL. GHERSIE: Mr. Chairman, Sir, I wish to move an amendment to the proposed new section 2. My amendment, Sir, reads as follows: "That section 2 be amended by deleting the words 'add to, vary or amend the Schedule to this Ordinance' and inserting in place thereof the words 'amend the Schedule to this Ordinance in so far as it relates to designations and appropriate initials'."

Sir, my object in moving this amendment, is to comply with the original object of the Ordinance whereby no body, institute or society could be included in this Schedule without the approval of Legislative Council.

Now, Sir, when the Minister introduced this Bill, he gave, as the main object, the change of designation which had arisen due to the amalgamation of the three Scottish bodies of chartered accountants and, with that, Sir, one can have no complaint and I think it is a very reasonable request that a change of that nature could be provided for by gazetting in the Government Gazette. But, Sir, if this clause were allowed to stand I am afraid it would defeat the whole object of the Bill, that it would then provide to add, vary and amend, which, I suggest, Sir, was not the object of this Bill when it was first introduced in Legislative Council.

I beg to move, Sir.

Question proposed.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Chairman, Government finds the amendment of my hon. friend acceptable. Government can, in fact, accept the amendment. I should add one thing, that of course the undertakings I gave on Friday on the Second Reading referred to the larger powers that were

then taken, and, quite obviously, must be modified by the more restricted powers now contained in the Bill.

LT.-COL. GHERSIE: Mr. Chairman, I am very grateful to the Minister for accepting this amendment. I move this in the interests of the profession and the public in general.

The question was put and carried.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

The Transport Licensing (Amendment) Bill

Clauses 1 and 2 agreed to.

Clause 3

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Chairman, Sir, I beg to move that the following paragraph be substituted for paragraph (d) of clause 3: "(d) by deleting therefrom sub-section (14) and substituting therefor the following: (14) The Minister may pay to the members of the Licensing Authority and to the officers and servants appointed under sub-section (13) of this section such salaries, remuneration and allowances (if any) as the Minister may, with the consent of the Treasury, determine; and there shall be defrayed out of moneys provided by the Legislative Council the expenses of the Minister so incurred."

Question proposed.

The question was put and carried.

Clause 3, as amended, agreed to.

Clause 4

MR. CHANAN SINGH: Mr. Chairman, Sir, I propose that sub-clause (a) of clause 4 be deleted.

If this clause, as in the Bill, is passed, it will mean that all cars that carry more than four passengers for hire will require a T.L.B. licence. Now, Sir, it is common knowledge that it is almost impossible to get additional T.L.B. licences. There are, I am told, about 100 cars paying for hire. They carry six fare-paying passengers. No one knows what is going to happen to those small owners if this clause becomes law and, Sir, as I stated on the Second Reading, I do

[Mr. Chanan Singh]

not think it is in the public interest to insert this particular provision in the law. I am told, Sir, that these cars carry six fare-paying passengers and do not compete with the ordinary African buses. The ordinary buses charge, I am told, cents five to cents ten per passenger mile, whereas these taxis charge cents 20 per passenger mile, so there is no competition between the African buses and these new cars. There is definitely competition between them and the luxury buses which carry 25 to 30 passengers. The luxury buses, I am told, Sir, charge about cents 34 per passenger mile.

Now, Sir, my information is that so far as the owners of these cars are concerned, they consider that cents 20 per passenger mile pays for their running costs and their depreciation. It is not a cut-throat competition by any means. If there are people who spend more than they need to on their buses, that is no reason why they should be enabled to have a monopoly of transport. There is, sometimes, a case of protecting a national concern, such as the railways. If there is cut-throat competition against the railways, which is a national asset, then the Legislative Council can legitimately intervene and stop that competition because it would be the country that loses in that case. Here the public will have to pay more, but the gaining party will be only one company—that is my information, Sir, I do not know if it is correct, but there is only one company that runs luxury buses, and the competition exists only with the luxury buses, not with third-class buses. As I have stated, Sir, there are about 100 such cars plying for hire throughout the country.

Now, Sir, if this clause is passed, as I say, the public will suffer—the public will not gain—but, in so far as these cars continue to ply for hire after the passing of this Bill, it will mean increased fares. Even then, the cars will find it possible to run in competition with the luxury buses. At the present time, Sir, you can hire these cars at Sh. 1 a mile; they now carry six passengers. Under this provision they will be compelled to carry only four passengers, so that they will have to charge cents 25 a mile, whereas these luxury buses still

charge cents 34 per passenger mile. I think it will not help the big luxury bus company, but it will certainly hit the small car owners.

For these reasons, Sir, I think this clause should be deleted.

Question proposed.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Chairman, Sir, I regret that Government cannot accept this amendment. You will recall, Sir, when speaking on the Second Reading, I explained the reasons for introducing this clause.

Now, I should like to point out to my hon. friend that his information is not correct. He has stated, Sir, that there is only one private company who would benefit if this amendment is carried—that is, the original amendment as proposed in the Bill. I should like to tell him, Sir, that I have a list here of the buses that operate on the Nairobi/Nakuru, Nairobi/Kericho and Nairobi/Kisumu routes which are 17 in number and, as far as the owners are concerned, there are 11. In other words, Sir, it is not only one company, for whose benefit the amendment is made and who would benefit by it.

Now, Sir, I also explained during the Second Reading, the intention is not completely to cut out the miniature buses and station wagons which are the type of vehicles which would be affected by the passing of this amendment. The intention is that they should be allowed to operate on these routes and any other designated routes provided they are able to obtain a licence from the Transport Licensing Board.

Now, Sir, the Board will be concerned with matters, which my hon. friend, the Mover, has mentioned, and that is the public interest; whether it is in the public interest to permit such smaller buses to continue to operate on the designated routes or not should now be controlled and should be decided by a body which is competent to do so and which is appointed for the purpose of adjudicating on such applications. I should also like to point out, Sir, that in permitting the station wagons and the smaller buses to operate freely on the designated

[The Parliamentary Secretary to the Minister for Commerce and Industry] routes by permitting them to carry six passengers, it is bound to work to the detriment of the larger organizations which have to maintain depots, garaging facilities, proper offices for the issuing of tickets; for supplying information to the public and facilities to provide mechanical repairs for their vehicles—matters with which these smaller buses do not appear to be concerned. It means, Sir, that while they enjoy all the benefits of running their vehicles on the approved routes, they do not appear to be obliged to observe any of the obligations which the larger concerns have to, and I would submit, Sir, that that is bound to work to the detriment of the transport industry. If the larger organizations are to develop properly, then I feel, Sir, it is essential that pirating in this manner by small vehicles should be stopped.

The question was put and negatived.

Clause 4 agreed to.

Clauses 5 to 10 agreed to.

Clause 11

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Chairman, Sir, according to the notice given, there are three amendments proposed to this clause. I am not quite sure whether I should move them all at one go, or one by one?

THE CHAIRMAN: Take them all together.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Thank you, Sir.

Sir, I beg to move that clause 11 be amended—

- (a) by deleting the word "and" which appears at the end of paragraph (b) therein;
- (b) by substituting a semi-colon for the full stop which appears at the end of paragraph (c) therein and by adding the word "and" immediately thereafter; and
- (c) by adding thereto the following paragraph: "(d) by deleting the words and figures 'of section 13' which appear in sub-section (3) thereof".

I do not propose to speak on this amendment; Sir, as I explained it during the Second Reading.

Question proposed.

The question was put and carried. Clause 11, as amended, agreed to. Clause 12 agreed to.

Clause 13

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Chairman, Sir, I beg to move that clause 13 be amended—

- (a) by deleting the word "and" which appears at the end of paragraph (b) therein;
- (b) by inserting a semi-colon immediately after the full stop which appears at the end of the new sub-section (1a) in paragraph (b) therein and by adding the word "and" immediately thereafter; and
- (c) by adding thereto the following paragraph: "(c) by deleting the expression 'in pursuance of paragraphs (b) and (c) respectively in sub-section (6) of section 5 of this Ordinance' which appears in sub-section (3) thereof".

This clause, also, Sir, like the last one, was fully explained by me during the Second Reading of this Bill.

Question proposed.

The question was put and carried. Clause 13, as amended, agreed to. Clauses 14 to 23 agreed to.

Title and enacting words agreed to.

MR. COOKE: with all due respect, Mr. Chairman, I did not hear an "aye" from the other side. Perhaps you did. It must have been very inarticulate.

The Bill, as amended, to be reported.

The Branding of Stock (Amendment) Bill

Clause 1 and 2 agreed to. Title and enacting words agreed to. Bill to be reported.

The Maize Subsidy Repayment (Repeal) Bill

Clauses 1 and 2 agreed to. Title and enacting words agreed to. Bill to be reported.

The Kenya European Civil Service Contributory Pensions Bill

Clauses 1 and 2 agreed to.

Title and enacting words agreed to. Bill to be reported.

The Customs Tariff (Amendment) Bill

THE CHAIRMAN: I should like to draw the attention of the Committee to two minor amendments. They appear on page 2. A comma should be inserted after the word "yard" in sub-items (a) and (b): "per square yard, cents -/12 and cents -/20".

Clauses 1 and 2 agreed to.

Title and enacting words agreed to. Bill to be reported.

The Excise Tariff (Amendment) Bill

THE CHAIRMAN: There is another minor amendment here. A comma should be inserted after the word "machinery" in item 4: "without the use of machinery, ready for smoking in tobacco pipes".

Clauses 1 and 2 agreed to.

Title and enacting words agreed to. Bill to be reported.

The Stamp (Amendment) Bill

Clauses 1 and 2 agreed to.

Class 3

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, during the Second Reading of this Bill, my hon. friend the Member for Central Electoral Area, Mr. Chaman Singh, drew attention to the position created by this clause—the inclusion of the words "equitable estate"—and pointed out its effect in relation to the current law of this country. His point was a very valid one, Sir, and I would like to move an amendment to this clause. That clause 3 be amended by substituting for the first six lines of section 32A (1) set out therein the following: "Any agreement or memorandum of an agreement for the sale of any estate or interest in any property (except lands, tenements or hereditaments, or property locally situate out of the Colony, or goods, wares . . .

I would like to thank again my hon. friend for drawing our attention to this matter.

Question proposed.

The question was put and carried.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Schedule agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the following Bills without amendment—

The Branding of Stock (Amendment) Bill;

The Maize Subsidy Repayment (Repeal) Bill;

The Kenya European Civil Service Contributory Pensions Bill;

The Customs Tariff (Amendment) Bill;

The Excise Tariff (Amendment) Bill;

and its consideration and approval of the following Bills with amendment—

The Accountants (Designations) (Amendment) Bill;

The Transport Licensing (Amendment) Bill;

The Stamp (Amendment) Bill.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Accountants (Designations) (Amendment) Bill and has approved the same with amendment.

The Accountants (Designations) (Amendment) Bill

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, Sir, I beg to move that the Accountants (Designations) (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Transport Licensing (Amendment) Bill and has approved the same with amendment.

The Transport Licensing (Amendment) Bill

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Deputy Speaker, Sir, I beg to move that the Transport Licensing (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I have to report that a Committee of the whole Council has considered the Branding of Stock (Amendment) Bill and has approved the same without amendment.

The Branding of Stock (Amendment) Bill

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I beg to move that the Branding of Stock (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I have to report that a Committee of the whole Council has considered the Maize Subsidy Repayment (Repeal) Bill and has approved the same without amendment.

The Maize Subsidy Repayment (Repeal) Bill

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I beg to move that the Maize Subsidy Repayment (Repeal) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I have to report that a Committee of the whole Council has considered the Kenya European Civil Service Contributory Pensions Bill and has approved the same without amendment.

The Kenya European Civil Service Contributory Pensions Bill

MR. MACKENZIE: Mr. Deputy Speaker, Sir, I beg to move that the Kenya European Civil Service Contributory Pensions Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I have to report that a Committee of the whole Council has considered the Customs Tariff (Amendment) Bill and has approved the same without amendment.

The Customs Tariff (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Customs Tariff (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I have to report that a Committee of the whole Council has considered the Excise Tariff (Amendment) Bill and has approved the same without amendment.

The Excise Tariff (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Excise Tariff (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I have to report that a Committee of the whole Council has considered the Stamp (Amendment) Bill and has approved the same with amendment.

The Stamp (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Stamp (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

THE DEPUTY SPEAKER: That concludes the business on the Order Paper. Council will now stand adjourned until 2.30 p.m. to-morrow, Wednesday.

Council rose at twenty-two minutes past Three o'clock.

Wednesday, 15th June, 1955

Council met at thirty minutes past two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

The Higher Education Loans Fund Annual Report for 1954.

(BY THE EUROPEAN MINISTER WITHOUT PORTFOLIO.)

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move:

That the Standing Orders be suspended to the extent necessary to enable the Forfeiture of Lands (Amendment) Bill to be taken through all its stages on Thursday, 16th June, 1955.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

THE DEPUTY SPEAKER: No hon. Member rising to speak I will put the question.

The question was put and carried.

MOTION

GUARANTEE FOR LOAN FOR CONTROL OF MAIZE AND PRODUCE

(Governor's consent signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to move:—

BE IT RESOLVED that the Government may from time to time as may be desirable, guarantee the repayment of any sums together with interest thereon advanced or otherwise lent for the financing of the control of maize and of produce up to an amount not exceeding £2,500,000.

I wish, Sir, in accordance with Standing Orders to signify that the consent of the Governor has been received to the introduction of this financial Motion.

Sir, this Motion is made necessary by the deterioration in our cash position. In the old days, Sir, it had been possible

[The Minister for Finance and Development]

to finance the maize and produce control operation from a bank overdraft which had been secured by the holding of a deposit with the bank of an equivalent amount of the Colony's cash. With the deterioration in our financial position, it is not possible to-day to immobilize cash in this way. It has become necessary, therefore, to find other means of financing the short-term requirements of the maize control. Authority is therefore sought now to replace the security of the deposit of cash by the security of a Government guarantee. I hope, if the negotiations which have now been going on for some time come to successful fruition, to introduce before long something in the nature of a Cereals Finance Corporation to enable finance of this kind to be done on a short-term basis without the necessity of a guarantee of this kind, but as an interim measure, it is essential that a measure of this kind shall be in operation.

Sir, I beg to move.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

MR. TYSON: Mr. Deputy Speaker, Sir, it is only a week or two back that the Minister for Finance introduced a measure in Council in connexion with his short-term financing and the question of

rates of interest has a very important bearing on this side of the question. He told us in answer to some questions which were put to him—I think last week—that he had in mind—Government had in mind—the problem which was going to arise by the offer of what some of us consider a high rate of interest which would militate, I think, against his short-term loan policy, and I would like to know whether, in putting forward this Motion, he has kept in mind that, what one might call, competitive element which has got somehow to be overcome if he is to be successful in his short-term loan programme.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Mover to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, the answer to my hon. friend is, of course, that we have kept that in mind and are

keeping it in mind. It does not arise in regard to the present transaction because, as I pointed out, this particular financial operation, as an interim measure, will be carried out by arrangement with the banks who have, of course, an agreed rate of interest to which they are prepared to advance on a Government guarantee.

The question was put and carried.

BILLS

SECOND READING

The European Agricultural Settlement Bill

Order for Second Reading read.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, I beg to move that a Bill entitled the European Agricultural Settlement Bill be now read a Second Time.

Mr. Deputy Speaker, there seems to have been a considerable amount of misunderstanding as to the scope and purposes of this Bill. There seems to have been some sort of an idea that what this Bill seeks to do is to remove the ownership of all land in the European Highlands now resting in the Crown, and placing the "and" or legal ownership into the hands of the European Settlement Board. Therefore, Sir, before I deal with the details of the Bill, I would like to explain to hon. Members, to the best of my ability as a layman, what the position really is.

Now, Sir, to-day (and if this Bill is approved by Council, hereafter), the ownership of all land will still remain resting in the Crown—that is all land except that very, very small amount, which I believe exists mostly in urban areas, which is freehold.

Now, Sir, in the Highlands—that is known to-day as the Highlands area—there are 10,240,000 acres of land. That you can find in any of the reports which, from time to time, appear on this subject, and out of those 10,240,000 acres of land, over 7,000,000 acres have been "alienated"—that is to say, have been leased by the Crown to private owners, or companies. Of those 7,000,000 alienated acres, the activities of the Highlands Board—I beg your pardon, Sir, I am Board—I beg your pardon, Sir, I am Board—I beg your pardon, Sir, I am Board—I beg your pardon, Sir, I am Board, it is the Settlement Board—the

[The Minister for Agriculture, Animal Husbandry and Water Resources]

We have here a Limitation Ordinance, in paragraph 17 of the new Bill, which provides—"Notwithstanding anything to the contrary contained in the Limitation Ordinance or in any other law in force in the Colony, no suit, application or proceeding by the board shall be rejected or dismissed on the grounds only that such suit, application or proceeding is barred by limitation under any of the provisions of such Ordinance or other law". That, of course, is to safeguard the board's advances, or the Government's advances, and you will notice that much the same was provided in the old Bill. That was introduced under the amending Ordinance in 1949. It is, in fact, I think, the same provision.

I need hardly say, Sir, that the main objective of the Settlement Board's activities, and, therefore, of the old Ordinance and of this new Ordinance which is now before hon. Members, is to develop this country. This country has many facets and all those facets, I submit, are capable of considerable measure of development and progress. I believe, Sir, that the activities of the European Settlement Board during the last three or four years, have been very remarkable. I need only quote one instance, which I think I quoted quite recently, of the board purchasing the lease of a very big property which was owned by one man, and to-day, I believe I am right in saying, that there are between 26 and 29 families living on an economic basis, on that land, and that sort of thing, Sir, I submit, is worthy of consideration because it shows we are trying to develop this country in every possible way.

Sir, I beg to move the Second Reading of this Bill. (Applause.)

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, I do not propose to deal with the obvious merits of this Bill, as I think the ground has been adequately covered by the hon. Mover during his very comprehensive explanation of the objects of this Bill.

Sir, as pointed out by the Minister, the principal purpose of this Bill is to transfer the powers and duties from the Minister to a board and that board will be a corporate body. I suggest, Sir, that

is the natural sequence of events following the important part that the existing board has played in the past and at present.

Now, Sir, speaking on behalf of all hon. European Members on this side of Council, I welcome the Bill. (Applause.)

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, I oppose the Second Reading of this Bill, I think the Second Reading should be postponed until after the Royal Commission Report has been considered.

Sir, since that important document deals with this and other allied subjects in a very comprehensive manner, I think the present Bill is premature.

The hon. Mover told us that there is considerable misunderstanding about the purpose of this measure. I quite agree with him, but I do not agree that the doubts that have been expressed are unjustified. He, himself, has told the Council, Sir, that the board will have 400,000 acres at its disposal. This land is now Crown land. It will, under the provisions of this Bill, become vested in the board, but the Crown is the ultimate owner. That is quite true, but I submit that 999 years' lease is as good as freehold. So, although this area of land may seem small as compared with the 10,000,000 acres that form the Highlands, even this is big enough to cause some concern.

THE EUROPEAN MINISTER—WITHOUT PORTFOLIO: On a point of order, Sir, I thank the hon. Member for giving way. I would ask the hon. Member to clear in his own mind what are the Highlands—the total area of the Highlands. It is 56,000 square miles, which is many times the area of the 7,000,000. I want to make it quite clear, Mr. Deputy Speaker, that the Highlands are not solely the Highlands which are considered in this Bill.

MR. CHANAN SINGH: The area of the Highlands, as I understand it, Sir, is 16,000 and not 56,000 square miles. That includes forests.

I was suggesting, Sir, that this 400,000 acres might seem small, but it is not so small. It can accommodate 400 settlers, if each settler is given 1,000 acres. Sir, we should also remember that if we have to-morrow a Minister who thinks differently from the present Minister, he

[Mr. Chanan Singh] may say, "Well, I do not think the present restrictions are really justified. I may have 400,000 acres of Crown land at my disposal, why not give some of it to some non-Europeans who will make good use of it?"

Sir, the present Bill will stop that sort of thing happening.

LADY SHAW: Why?

MR. CHANAN SINGH: Because the land will cease to be Crown land; it will be up to the board itself to allocate any of it to a non-European. I am sure that will be impossible. It has been impossible in the past.

The hon. Minister also told us that the Bill involves very little change from the 1948 Ordinance. Well, Sir, why not be content with the 1948 Ordinance for the time being at least? If it has been possible to make use of the 1948 Ordinance for six years, we might as well do with it for another six months, because I am sure the Report of the Royal Commission will receive consideration during the next six months.

There is also another point, Sir, it does seem that the Government thinks that the standstill agreement is not broken by making existing interests in the Highlands more entrenched than they have been in the past. I do hope that when the Royal Commission's Report comes up for consideration, they will not change their views.

Now, Sir, this is such an important measure that I think that the Government should allow a free vote to all the Members sitting on the opposite benches.

I oppose the Second Reading.

DR. HASSAN: Mr. Deputy Speaker, Sir, I support the Member for the Central Area in opposing this Bill.

I am surprised that the Minister for Agriculture stated that there had been misunderstanding and without any reasons. The powers of controlling the land are now being transferred to the European Settlement Board, and yet he considers it is merely a misunderstanding. We know that the European Settlement Board is appointed and now established chiefly to deal with the settlement of the European community only. Now that this major issue has been one of the subjects of the Royal Commission

appointed for this purpose, and we have the report already in our hands, I cannot see any reason why such a Bill is pushed through before that report is debated. I say so without prejudice as to what will be the end of the debate on the report, but yet it is one of the major issues which the wise men appointed have spent months together to find out a way to deal with the problems that are retarding the healthy progress and development of Kenya.

Sir, the land in question which was a matter of investigation is the land which has not been fully developed. Now the Board is being given power to buy that undeveloped land from the alienated farms and sell it to the members of one particular community, which is entirely against the principle on which the Government is trying to find out ways and means as to how best the country could be developed: whether the present system of development is effective; and whether the people of Kenya should be advised into another scheme and find out ways that it could be developed in a better way so that—

MR. HARRIS: On a point of order, Mr. Deputy Speaker, is the hon. Member in order in anticipating any deliberations there may be on an entirely different subject—namely the Report of the Royal Commission?

DR. HASSAN: I am sorry, Sir, to-day is the day of misunderstanding. My friend has misunderstood me. It was only the other day that the hon. Chief Secretary, in replying to Colonel Grogan's Motion, said that—

MR. HARRIS: On a point of order, Mr. Deputy Speaker, I asked for a ruling from the Chair.

DR. HASSAN: But I wanted to explain before the ruling from the Chair.

THE DEPUTY SPEAKER: As the hon. Member is aware, he should not anticipate future debates.

DR. HASSAN: Thank you, Sir.

Regarding this Bill, Sir, the question has been dealt with effectively by the Minister regarding the tenant farmers. Now, tenant farmers mentioned in this Bill are also restricted to members of one particular community, and I fall to

[Dr. Hassan] see, when this question is going to be decided finally for the good of Kenya in the very near future, why this Bill is passed through so that the powers of having any changes in it in future are taken away by the European Settlement Board.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Is 1960 in the very near future?

DR. HASSAN: We shall try to make it earlier, Sir. When the question is now before us for the good of Kenya as a whole, why are the taxpayers committed so that their money will be used for the benefit of one community? Agriculture does not affect one community alone. If you have the right to till the land and produce, we have the right to have some say in the matter because we consume it. We are a partner in that venture. I feel, Sir, this Bill is premature and I suggest it should be deferred until after the report is debated.

MR. MATHU: Mr. Deputy Speaker, Sir, I should like to support the view expressed by some of the previous speakers that the Second Reading of this Bill be postponed, and I, therefore, shall oppose the Second Reading of the Bill. My reasons are few and I should like to put them before the Council.

The first is that the Minister does agree that the present arrangements under the 1948 Ordinance, including the amendment of the 1949 Ordinance, are working well. In fact, he has paid tribute to the present European Settlement Board. The only point that I see which the Minister wants to achieve as a result of this Bill is that, instead of the board working in an advisory capacity to the Minister or to the Government, he wants to confer his own functions—that is the executive functions—to the board, and that the board will be in a position of granting titles which are, at the present moment, granted by the Crown.

Now, Sir, there is one thing I do not like about this and that is, that I should like the Minister to be directly responsible to this Council in the way he is now, as far as the functions of the European Settlement Board are concerned, so that he can answer questions

on the executive responsibility of this matter across the Floor of this Council. It is right, of course, that the Minister for Agriculture should still be responsible for this, incorporate-body if this Bill comes through, but that is not as satisfactory, to my point of view, as if the Minister has executive responsibility for the working of the Settlement Board. That, I think, is my strongest argument against getting this Bill through to-day, because I think I will be happier and many of the people will be happier if the Minister will continue to exercise executive responsibility in the running of the Settlement Board.

I have mentioned also one fear I have and that is that under the present arrangement, the land, if I may quote from the Memorandum of Objects and Reasons, "The land which was the subject of settlement in accordance with the provisions of the Ordinance was held by the Crown and any title to such land could only be granted by the Crown". Now, I think, reading this through, there is some ambiguity in the phrasing of that, Sir, because the land was held by the Crown and the implication is that if we get this Ordinance through the land will not be held by the Crown, which is true, and I do think I will be very afraid for that land—it is only 400,000 acres, which I think the Minister did say will come under the purview of this board, even in that, as I see it, there are dangers to which I personally would not like to be a party to at the present moment.

Now, Sir, the Minister took pains to explain that this board would not be dealing with the ten and a quarter million acres which come in the Highlands—roughly ten and a quarter million acres—and they will be dealing, as I said, with the 7,000,000 acres which have been alienated, with 400,000 acres. But, if we accept the principle, Sir, of a board administering Crown land—even one acre—there is nothing to prevent that principle being extended to include 1,000,000 acres, 10,000,000 acres. The principle is exactly the same. On that one, Sir, I feel again I would be very afraid to accept the principle to be extended in that way.

Finally, Sir, I would like to say that the Minister should not minimize the

[Mr. Mathu]

importance of this measure. It is very important. I do think, Sir, that—he did not at any rate indicate in his speech to us—that there was any special reason of urgency for putting this into practice right now. At any rate I did not gather any urgency in the matter. It is just felt that the Settlement Board has been working and now he would like to give it executive responsibility. I feel, Sir, that if there is no urgency, and I do not think there is—he did not suggest it in his speech—I suggest it would do no harm to allow the present board to carry on under the present law until discussions on other matters take place before this Council. Further, Sir, I understand this Bill has been in the hands of Members for a week or a little more at a time when the Council was very busy indeed, but Government has been working for two years on it. The Government has been discussing it for two years. Now, that is all right for the Government, but surely to give the hon. Members on this side only ten days—they should have had at least a year to look at this matter.

I oppose the Second Reading. (Applause.)

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, Sir, I suggest that it is entirely specious to argue that this Bill will in any way affect or prejudice deliberations on the Report of the Royal Commission or any action which may or may not be taken as a result thereof. I do hope, Sir, that we are not going to be faced with the proposition, either expressly or by implication, that the publication of the Royal Commission Report means that we have to put a stop to every form of activity, of progress and of development. (Hear, hear.) That would be in accord neither with the spirit nor with the letter of the Report itself.

This Bill, as I see it, has no impact on the prospects of consideration or action on the Royal Commission Report whatsoever. It is intended to facilitate the activities of an already established board and scheme for agricultural settlement. It will make that scheme very much more efficient. It gives the board corporate status and the capacity, therefore, to deal with the land incorporated in the scheme itself, instead

of, as at present, as an agent, of somewhat dubious standing, of the Crown. It is not easy to introduce a third party agency into dealings with Crown lands whilst those lands retain the status of Crown land. By incorporating the board, however, the land can be vested in the board and their activities in relation to settlement, to tenant farmers, assisted owners, etc., can be conducted in the corporate capacity of the board.

It has been said, Sir, that one of the objections to the Bill is that the land will cease to be Crown land. Now, again, there seems to be a misconception there. Whether or not the land is alienated directly by the Crown to the individual tenant farmer or owner, or whether that tenant farmer or owner receives his title to the land from the board, does not seem to me to make the slightest difference in the ultimate effect. It will not alter by one acre the area of land involved, and it will not alter by one head the number of settled agriculturalists involved. All that will happen is that these titles, instead of being held direct from the Crown, will be held from the Crown through the board, and it does not seem to me, Sir, that that will have any effective impact on the scheme, on the future of the board, on the Royal Commission's Report or on anything else.

I do ask that the Council should consider this Bill on its merits and not on any form of bogey objections which are entirely without substance. (Hear, hear.) (Applause.)

MR. TYSON: Whilst I do not oppose, and do not intend to oppose, the Second Reading of this Bill, my objection to it is for reasons, which must be well known to those Members who read the newspaper, that the introduction of the Bill is inopportune. Quite frankly I can see no harm, in view of the explanations which have so far been given, in postponing the implementation of this Bill for, say, six months. I believe, if the Second Reading is pursued with, we shall be creating serious difficulties for ourselves, not only for Eastern Africa, but overseas, and it is for that reason that I would ask Government to seriously consider postponing the Second Reading for six months; but I do not intend to oppose the Second Reading.

Mr. J. S. FATEL: Mr. Deputy Speaker, Sir, I heard with great interest the explanations the Minister for Agriculture has given to us and I have also heard my learned friend, the Minister for Legal Affairs. Both of them have failed to show us any sense of urgency for this Bill. In my opinion, Sir, the timing is definitely wrong, and no harm could be done if the matter, which has not been regularized so far, if I may put it that way, may remain unregularized for another six months.

For that reason, Sir, I oppose this Bill. Mr. SLADE: Mr. Deputy Speaker, Sir, I think there is one point I can contribute to this debate and that is to remind hon. Members how long this matter has really been under open discussion with the knowledge of all Members of this Council. I can think of at least two occasions, if not three, during the past two years, when I have asked the Minister for Agriculture how the incorporation of the Settlement Board was getting on, and have had an assurance from him that it was getting on.

I have not yet heard until to-day any protest from any Member in Council at the suggestion.

The reason, Sir, for our asking for it, and also for Government contemplating this measure, have been very clearly explained by the Minister. They were to give the board, which has functioned well, the status which will enable it to function better still. With that, there is one point which the Minister has not mentioned; and I think it is important. It was one of the arguments put forward before for the incorporation of this board. That is that it should have facilities for self-finance, which it can only have if it is in a position to grant security over its own property.

To give only one example, Sir, of how this matter has been raised before—but it is the last out of a series—this was eight months ago, on 14th October, 1954, when I said in the debate on the Speech from the Chair: "Another small point, Sir, yet not so very small is that reference to the European Agricultural Settlement Board mentioned on page 8 of the Speech. Now, it was very encouraging to see there the proposals which will shortly be laid before Legislative Council

for increasing the capital of the Settlement Fund. I would suggest, Sir, that now is the time to do what we have advocated for a little time past and with which I believe the Minister for Agriculture is in full sympathy, and that is to incorporate the Settlement Board as a separate corporation, holding its own lands—the lands which it lets out to tenants—and holding its own means for raising such finance as it requires.

Now, this moment when the stature of the board is increased so much in the matter of finance is surely also the moment to increase its stature in the matter of legal incorporation."

Sir, that, as I say, was the last of a succession of mentions of this subject in this Council over a period extending, I believe, for as much as two years. This Bill is now doing exactly what we were suggesting on all those occasions.

Sir, I beg to support. (Applause.)

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: I would like to apologize to the hon. Member for East Area when I interrupted him. The point I really wanted to make, Sir, was this. That we refer very loosely to the Highlands, but the Highlands in effect are about 56,000 square miles of which some 4,000 are forest areas and some 12,000 are administrative practice, allocated for development for European settlement. That is the point I wanted to establish, because I think we talk loosely of the Highlands and do not realize that in the Highlands are included all those areas such as the Kipsigis and Nandi land unit, that was the only point I wanted to make clear. I thought the hon. Member was narrowing the Highlands down to something which was not really quite correct.

Sir, when the hon. Member was speaking I had the impression that he was under a misapprehension in regard to this matter. He referred to a pool of land. But there is actually under the European Settlement Board no pool of land; it is land already in the possession of persons who are farming it and those persons have valid titles for many, many years—if they buy the land for 999 years—so there is in effect no pool of land which is loose for allocation elsewhere.

Sir, I was deeply disturbed when I heard the hon. Member say that existing

[The European Minister without Portfolio]

interests would be more entrenched because it is the policy of this Government and it is the policy, as I see, of any reports which have been made upon the matter, that private interests should not be dispossessed and it is extremely dangerous to imply that the Government is entrenching interests more if it is intended to give the impression that those interests should be dispossessed, because that would be quite wrong and would do this country great harm.

Now, Sir, the hon. Muslim Member for East Area said that we were pushing this Bill through. Really, Mr. Deputy Speaker, I think that is a ridiculous statement. This matter was raised a year ago by the hon. Member for Aberdare in one of his speeches and I for one on this side of the Council get a bit tired of accusations about the Government being inefficient and being dilatory, and when we do actually advance then, of course, everybody gets up and calls us to order for moving.

Now the final point, Sir, I would like to deal with is this. I would like to emphasize what my hon. friend, the Minister for Legal Affairs, has said. This Bill does not, in any way, prejudice whatever the Government of this country and the people of this country, as expressed through the Legislature, may decide upon the findings of the Royal Commission Report. I think it is the greatest pity, really, that any subsequent discussion on that matter should be prejudiced in advance. One has only got to listen in this Council to the atmosphere of debates of this nature to realize how some of these matters are extremely explosive. I would say this, Mr. Deputy Speaker, they are not explosive only for one community, they are explosive for all communities and they will be possibly explosive apart altogether from European landowners, to African landowners as well. I would urge hon. Members to realize that this Ordinance to-day does not prejudice whatever we may decide in that matter.

Finally, Sir, I was very disturbed at what I consider is a narrow outlook which was presented, again, by the hon. Muslim Member. He emphasized more than once the benefit to one community.

One community seemed, as it were, to be sticking in his throat. Now, Sir, I think that is a very narrow-minded outlook and I would like to say why. We cannot really isolate the operations of Government down into the benefits of one community or another. We have got, I think, to consider the operations of Government over the whole scale of those operations and very intensive work is going on at the present time for the development of African agriculture in the African areas, so that the question of benefiting one community is, I think, Sir, isolating down our whole scheme of affairs. Sir, there is a very real chance that if this European Settlement Board can become a body corporate, there is a very real chance of considerable finance being available for the intensive development of areas of land held by that board. Now, Sir, I think that that is something that we cannot afford to turn down. I remember once in the army, when I was leaving it, a Sergeant-Major of mine was saying to me, Sir—if hon. Members will excuse the language—he said to me, "Mtu hawazi kushiba na rupa". Well, Sir, that "man does not ever get satisfied with money". Sir, I would like to suggest as a country and as a Government we are not in a position to turn down money for developmental purposes and reduce that, turning down, to what I think is merely disastrous racial prejudice. The advancing of money to this board, if we can secure it, will enormously help the development of this country and in that process every community in it. It helps the stimulation of trade, in the easing of the taxation burden and for the addition of services which hon. Members opposite are, except during the Budget debate, so keen to have. (Applause.)

THE DEPUTY SPEAKER: If there is no other hon. Member rising to speak, I will call upon the hon. Member to reply.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I think many of the points raised have already been answered.

There was a suggestion, Sir, made by one hon. Member, that under this Bill there was some sort of idea that taxpayers were being asked to spend money on developing land for one race only.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Now, Sir, I would like to make it clear that what I have in mind is the first stage—Regional Marketing Boards, which this legislation provides—but I think that under umbrella of these boards—we shall gradually—and I am afraid it will be a gradual process—build up African co-operatives, which will eventually become unions of African co-operatives—powerful bodies capable of dealing with their own produce, which I hope by that time will have reached considerable proportions, in their own way, and in many cases—I expect to a stage beyond the “free on rail”—such produce will lose its identity—whether it is grown by Africans, Europeans or anybody else. That would be a sound way of dealing with African marketing, which already is a very long way ahead of what it was when I first was privileged to have the responsibility I have held for the last few years.

I have consulted, Sir, the Tanganyika authorities on this, and they have given me the benefit of their experience, as a result of which we have made certain amendments in the Ordinance which is now before you—before it has come before you—and I hope we shall thereby have avoided any difficulties which they met when they tried to do the same thing. Anyhow, Sir, the short story is that we think the best means of giving effect to what is required is to amend the existing Marketing of African Produce Ordinance, which is the law under which we work to-day, so as to empower the Governor in Council of Ministers to establish marketing boards in African areas, and the Minister for Agriculture to make regulations for the operation of such boards.

I do not think, Sir, it is necessary for me to go through the detailed provisions of the Ordinance. They will be found in the Objects and Reasons, but—roughly—the Ordinance as at present enacted empowers the Governor by Order to declare areas and to specify kinds of African produce as specified African produce. When an Order has been made, licences are required for the purchase in any declared area of any specified African produce.

Under section 5, provision is made for the issue of exclusive licence, but

the provisions of the Ordinance as it exists to-day do not authorize the establishment of marketing boards and we are therefore introducing into the old Ordinance this new Part III to make such provision.

There is only one aspect, Sir, which I think I would like to draw attention to. It was pointed out that, under the new Agriculture Bill, in the non-scheduled areas we have made provision for district boards or committees, and provincial boards or committees, and we felt that it would be unwise to set up these marketing boards entirely divorced from the Agricultural Bill district committees and the Agricultural Bill provincial committees, and we have therefore provided, Sir, that there is a tie-up, as will be seen by this Ordinance. I think that is an important fact, and the desirability of doing this was pointed out to me by two hon. African Members.

Sir, I think, with that comparatively short introduction, I will endeavour to, and my hon. friend, the Director of Agriculture, will endeavour to answer any questions that may arise in connexion with this Bill. I would repeat, Sir, that this is a first stage. The second stage will be the encouragement of co-operatives, and the third stage the unions of co-operatives, and that is, I believe, the right sequence.

Sir, I beg to move.

MR. RODDAN.

Question proposed.

MR. AWORI: Mr. Deputy Speaker, Sir, when I came into this Council originally this afternoon, it was my intention to oppose this Bill, and I had informed my non-European colleagues on this side of Council that I would oppose it, but, after the explanation that I have received from the Minister for Agriculture I feel that I will be able to support the Motion, with the exception that I would like to get some more information on this Bill.

In the first instance, Sir, from the explanation of the Minister, if this Bill is enacted, then it will replace what we have been having as the Maize and Produce Control, which particularly operates in Nyanza.

There is another point of information I would like to know from the Minister

[Mr. Awori]

The Maize Control has always had a big monopoly regarding the buying of African produce. At times it has not been advantageous both to the producer and to the consumer, as they have had to increase the price by the time the produce gets to the consumer. Now, if the Bill, once it is enacted, is to increase the prices to make it harder for the consumer and, at the same time, hard for the producer, I would not be too happy about it. When the hon. Minister some time this year raised the matter of agriculture—I think it was during the Budget debate—I protested that the Maize Control was giving a monopoly to the Kenya Farmers' Association as far as eggs are concerned. Now, I am wondering whether, as he mentioned the question of exclusive licences, whether some people are not going to get—the middleman—these exclusive licences, to the detriment of the producer and the consumer.

I would like also, Sir, to know whether this marketing board will be responsible for making out prices year after year. At the same time, Sir, the Minister mentioned that the African co-operatives will be encouraged. I would like to know whether it would be possible that in such areas—particularly in Nyanza where a number of African producers are working on a good scale—they should not be allowed to sell their produce as they like, instead of selling it through the marketing board. If they sell directly, their price comes down to the consumer, but if they have to sell through the marketing board the price goes up.

I would also like one more bit of information, Sir—to know whether the marketing board is going to levy a certain fee for every bag of maize or cotton that they purchase from the African producer, and, if a levy will be made, whether the African producer will be able to benefit from such a levy.

With those words, Sir, I beg to support the amendment.

STENKH MAHFOOD MACKAWI: Mr. Deputy Speaker, Sir, I should like very strongly to support the hon. Member for African Interests, Mr. Awori, in his speech regarding this Bill. I feel, Sir, that the provisions in this Bill are very far-reaching, and it is fair that the

Council should be given enough time to consider its implications, Sir. I hope that this Bill will be postponed for six months.

Sir, I beg to support.

THE DEPUTY SPEAKER: I think it will be convenient to take the break now. Council will suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

MR. RODDAN: Mr. Deputy Speaker, I rise to support the Second Reading of this Bill and, before replying to some of the points raised by hon. Members opposite, I would like to enlarge a little on the reasons for the Bill.

The hon. Minister has said that the Bill is necessary because Defence Regulations will lapse some time in the near future. It is necessary because certain obligations will have to be met under the Agriculture Bill. It is also obviously, Sir, necessary in order to maintain and improve the orderly marketing of African produce. A further reason, Sir, is from the educational angle. One of the main intentions of this Bill is to educate the African himself in business methods and management, so that he can in the future assume some—or all—of the responsibilities which now fall on the shoulders of Government officers.

One can look at the establishment of these marketing boards from two angles really. One is to fulfil the conditions mentioned by the Minister—and that is fair—over the functions at present exercised by controls, such as the Maize and Produce Control—but one important reason behind the setting up of marketing boards is to encourage district cash crops. In the development of cash crops, it is necessary in Government's view, even right from the very beginning of development, to set up these marketing boards for cash crops, even although in the early stages it will be necessary to use Government funds and Government officers to operate these cash boards.

The intention behind that is, again, the education one—that the African will be trained up to assume his responsibility in the running of his own affairs—and the other one is to engender an

[Mr. Roddan]

interest at district and local level in the development and in the fostering of these cash crops. They will feel that it is very much more their own concern, and their show, if they have this direct controlling interest in the development of the crops.

I will try to answer the points raised by the hon. Mr. Awori, Sir. His first one, I think, was—he wanted to know whether what he called a monopoly of control would continue in so far as, I think, price fixation is concerned. Well, Sir, under the Agriculture Bill, essential food crops—that is, the scheduled crops—the price of these will continue to be fixed centrally by the Central Government, and the local board will be, as it were, told what the price will be.

He mentioned exclusive licences, and who will get them. Exclusive licences, Sir, are only granted in rare circumstances, when a new crop or a new method of processing is developed, and where, in most cases, a large amount of capital is involved in setting up the new organization or the new method of processing. I can only think at the moment of one exclusive licence which is in existence and that is in respect of tobacco at Sagana and Kikuyu, where the East African Tobacco Company have at the moment an exclusive licence to buy in that area; and these exclusive licences, as I said, are only granted after very mature consideration, after approval by the Governor in Council of Ministers, and after the approval of this Legislature Council.

He asked whether the marketing board would make out prices year after year—I think those were his words. By that he means will the marketing board be responsible for the fixation of prices annually. We heard earlier in this debate, Sir, that prices will be fixed in respect of essential food crops by the Central Government, but it is quite clear in the case of cash crops—if, for example, a Kisii coffee board is established it will, with the approval of the Minister, be able to vary the price—be able to fix a levy on their people, and a different price may be agreed for Kisii from that of, say, a Meru coffee board on representations made to the Minister on price.

He asked whether co-operatives should sell direct or through the marketing board. I think the hon. Minister, in speaking to the Bill, indicated that it was his view, and Government's view, that possibly in 10 or 15 years' time these marketing boards might disappear and be replaced by co-operative societies. It is Government's view at the moment that, without the guidance which can be given in the marketing boards by a mixture of Europeans and Africans, there might be trouble in the marketing of the various crops, and so on, and co-operatives, of course, in the true sense are an association of producers. We feel that at this stage, anyway, they are not really competent to do the full marketing of their produce, and to assess marketing prospects, and so on, and it really is regarded as an interim measure that these cash boards should be set up. In the meantime the co-operative industry will be fostered in every way, and eventually possibly take over from the marketing boards.

He asked, too, Sir, whether a levy would be made, and would the African producer gain any benefit from it if it were made? Sir, under the Bill, it is possible for the marketing board to impose a levy, with the approval of the Minister, and that levy—the purposes for which that levy is made—are given in the Bill. They are—without reading the Bill—for the payment of staff used by the marketing board; etc., but we hope that, after a period when funds accumulate, we will be able to develop somewhat on the lines of the Kilimanjaro Native Coffee Board. It is a long-term aim, Mr. Deputy Speaker, but as hon. Members probably know—that board employs its own staff—including field staff. They have their own nursery staff for raising seedlings of the crops. They even run schools, and so on, from this levy fund. The object of this Bill is to build up something worthwhile in the way of a fund, then, obviously, when it is built up to something worthwhile, the people who produce from the crops will benefit from it.

I was not quite clear as to what the hon. Arab Elected Member for the Coast was getting at, Sir, but I feel he thought that, with the setting up of these marketing boards the business and the job of the intermediate trader would disappear.

[Mr. Roddan]

That, of course, would not be so, Sir. The reason for the setting up of these marketing boards is to organize the business side and to control the marketing of the crop, and not to do the day-to-day buying and selling which will—and must—remain with the traders scattered round the country, and who will be licensed and employed by the board as agents.

DR. HASSAN: Mr. Deputy Speaker, Sir, I am all out that the marketing of native produce should be controlled for the benefit of the producers, for the benefit of the consumer and for the benefit of the country as a whole. This marketing which is now imposed was introduced as a war measure to help the country in the first instance, and the control of native produce was taken over by committees with a view to see that the fighting forces and other elements were not lacking supplies. After years of working, it has come to a stage where the authorities have considered it desirable to make it legal in the form of a marketing organization. The aim of it is eventually to hand it over to the co-operative of the Africans themselves—to handle their produce and market it one day—a very noble object, and I am all for it; but the experience we have had of the marketing organizations in the past has not been very satisfactory. The advantages of marketing were outweighed by the disadvantages. For instance, take the case of the marketing of livestock: It has been so badly disorganized, and so defectively carried out in the past that we find livestock is congested in the reserves, and most of the reserves are overstocked today. Whatever the Africans were prepared to sell, the monopolized Meat Commission was not in a position to take over from them. They were taking only certain quotas, and the results were obvious. A very large number of livestock was thinning down in condition, and getting very poor. That quota is now being brought into the auction system, and sold by auction, with the result that the Africans do not like to bring from the surplus stock the good animal, but bring very thin, very old and very poor animals. There has been no regard given to the fact at the time of the auction whether the animals are

fit for slaughter for human consumption or not. Anything Africans bring is purchased and sent down to the Meat Commission.

So far as Mombasa is concerned, I find a very large percentage of them are condemned and rejected, and the consumers are protected with the type of meat which is only considered by the meat inspector as fit for human consumption. There is a different tale for Nairobi. I find when the thin and poor stock is sent to Nairobi, it is slaughtered at Athi River and sent to the market. When I visited the market last month, I found some goats hanging there, the carcasses of which were similar to the dead emaciated animals; there was hardly any flesh on them. I requested the meat inspector from the Athi River to come to the market; he kindly came up to the market and saw the meat. He explained to me that the majority of animals coming there were fit for rejection, but, if they are rejected, there is no holding place to keep them until they are fit enough for slaughter, and then there is the possibility of their dying, and that will be a loss to Kenya. Therefore, they are slaughtered to prevent this waste and sent to the market. The funny thing is, when they reach the market, the meat is not second class and third class, or even fourth class, it is meat of no class at all yet it is sold in the market at the same price as first-class goat meat.

Now, this is the system of the marketing which has been going on for the native produce. Africans are not gaining by that, and, as far as I know, the Meat Commission is gaining very little out of that. If this sort of marketing is to be maintained for the African produce, which has nothing but disastrous results to the consumer in this country, that marketing will give no benefit to anybody.

I am all out that everything should be done for the benefit of the producer, but, at the same time, it must be carefully considered whether by this organically marketing the consumers in the country are benefiting or not.

The same thing applies to agricultural produce. You take the marketing of grapes. It is not helping the African producer; neither is it helping the consumer.

[Dr. Hassan]

Ever since the marketing has been introduced, the quality has deteriorated and it is hardly possible to get any quantity of ghee without it being adulterated. If this is the object of the marketing of native produce, it is time that it should be improved.

The same thing applies to other produce of the Africans. Marketing organizations take the surplus from the Africans with a view to protecting the lean period so that it will be evenly distributed when there is a shortage in the country, but if the same produce, by a series of marketing, is sold back to the Africans at 100 per cent or 200 per cent higher prices, that is not to the benefit of the producer nor to the benefit of the consumer.

The only communities that gain from it are the commercial communities and the merchants who get their percentage out of it without running the slightest risk.

I feel, Sir, that this is one of the very good Bills brought in with a view to helping the African producers, and all the disabilities that are now being suffered by the African consumers and other non-African consumers, unless a system is devised to eliminate them, this marketing will never help the country at all.

With these remarks, Sir, I support the Bill.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Member to reply.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, I think most of the questions asked by the hon. Mr. Awori were dealt with by my hon. friend, the Director of Agriculture.

The hon. Dr. Hassan, Sir, spoke about marketing as having really started with the idea of feeding the fighting forces during the war. Well actually, Sir, the Bill, which this amending Bill seeks to amend slightly and to which this Bill is designed to make the addition to provide for these marketing boards, was passed

in 1936, and has been on the Statute Books since that day, so its attempts to deal with marketing, do date back quite a long time.

Now, Sir, of course, I am not going to admit that some of the short-comings in our efforts at marketing which have been outlined by the hon. Member, are quite as serious as the hon. Member suggests, but I do agree with him, Sir, that there are short-comings and it is in the hopes that these short-comings may be overcome that we are hoping to set up the marketing boards. Again, I would stress, Sir, that the idea of these marketing boards was to bring the African producer himself into the picture as far as marketing is concerned, so that he, himself, does not feel as I think sometimes they do, that the objective of marketing arrangements is to get as much as we can from the producer at as low a rate as possible, but to try to instil into his mind that the objective certainly that I have and the Government has in producing this measure, is precisely the opposite. It is to try to get for all African producers the best price possible and, at the same time, raise the standards of his produce.

We had a long discussion about meat marketing fairly recently and I did quote a number of figures at the time, Sir—I have not got them with me now—and I do not propose to reopen all that debate. I would, however, like to assure the hon. Member that we are doing our best to try to deal with some of the difficulties he pointed out.

Sir, I really do not think I have much more to reply to, and therefore beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Transfer and Delegation of Powers Bill

Order for Second Reading read.

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to move that the Transfer and Delegation of Powers Bill be now read a Second Time.

[The Chief Secretary]

This is a simple and uncontentious Bill, and its purpose is so clearly set out in the Memorandum of Objects and Reasons and there is little that need be added.

Briefly, recent constitutional changes have made it essential that there should be some devolution of the various minor powers of sanction and approval now vested in the Governor, or in the Governor in Council of Ministers; this devolution should be to Ministers themselves.

There are innumerable occasions when matters which are really capable of determination by a Minister are required by law to be decided by the Governor, or by the Governor in Council, and, as a result, there is a danger of the Council of Ministers being compelled to devote to trivialities the time it needs for more important matters.

Clause 2 of the Bill, Sir, enables the Governor or the Governor in Council of Ministers, as the case may be, to make an order transferring any statutory power or duty to the Minister concerned. To this authority is attached the important safeguard that no order may be submitted to the Governor, or to the Governor in Council of Ministers, unless it has first been submitted to this Council in the form of a formal resolution.

It is not, of course, intended that any contentious matter should be dealt with in this way. The examples of the statutory powers to which such an order would be applied, are: exemption from closing on Sundays and public holidays under the Shop Hours Ordinance, appointments to the Board of Trustees under the Museum Trustees Ordinance, power to close cemeteries under the Public Health Ordinance, and so on. Examples of rules to which such an order might well be applied are: rules covering the shape of branding irons under the Branding of Stock Ordinance; rules for the government and discipline of detention camps under the Detention Camps Ordinance, and rules for the government and discipline of nursing homes under the Public Health Ordinance.

The remaining clauses of the Bill, Sir, provide for the delegation of powers and duties. Clauses 3 and 4 re-enact the substance of the relevant provisions of the Interpretation and General Clauses Ordinance.

Sir, I beg to move.

THE MINISTER FOR COMMERCE AND INDUSTRY seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Estate Duty (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, Sir, I beg to move that the Estate Duty (Amendment) Bill be now read a Second Time.

Under section 35 of the Estate Duty Ordinance, Mr. Deputy Speaker, Sir, a certain degree of remission of estate duty is authorized. It is authorized in the case of naval and military personnel in respect of deaths which occur on active service or on service of a similar nature, to active service or involving similar risks. It is, therefore, available in respect of deaths of naval, military and air force personnel in this country. Emergency conditions in this country.

For other persons, civilians, including police, Kenya Police Reserve, Government officers, private persons, this remission, as the Ordinance stands at present, is only available in respect of persons, or the estates of persons, dying as a result of the operations of war. That remission is not, therefore, available in present circumstances for civilians.

The purpose of this Bill is, therefore, to extend the field of that remission to include civilians in present circumstances. It is understood that similar action is projected in the United Kingdom in respect of United Kingdom estates, subject to United Kingdom estate duty, of persons who lose their lives from causes due to the Emergency in Kenya.

The extent of the remission—it may be of interest to note—is discretionary,

[Mr. Harris]

case for halving these fees. He has admitted that the value of money now is very much less than it used to be. Therefore, as most of these fees are based on a per pound of capital base, and it is necessary to have at least twice as much capital to-day to do the same thing as was done in 1948, then naturally, Sir, the fees should be halved and not doubled.

However, Sir, I support the Motion. (Laughter.)

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, purely as a matter of interest, could the Minister inform us whether or not the adjoining territories are also adjusting their Ordinance in conformity with what we are asked to approve now?

What I have in mind, Sir, is that we hope one day, perhaps in the not too distant future, that we shall have a consolidated Companies Ordinance for the three territories. That is the obvious goal that we should aim at, Sir. I just wondered if the adjoining territories were also carrying out this increase in fees so that we should not conflict with them when that day arrives.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Mover to reply.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, I am wholly unable to reply to the Member for Nairobi South because my mathematics do not run to such lengths. (Laughter.)

As regards the Member for Nairobi North I think the other territories are probably not introducing similar increases. The new comprehensive Companies Bill, the replacement of the present Companies Ordinance, is under active consideration in all three territories at the moment, and perhaps this measure will give them a lead and urge them to adopt similar standards of fees.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

*The Chattels Transfer
(Amendment) Bill*

Order for Second Reading read.

MR. MILLS-OWENS: Mr. Deputy Speaker Sir, I beg to move that the Chattels Transfer (Amendment) Bill be now read a Second Time.

Under the Chattels Transfer Ordinance, the principal Ordinance, a fee of Sh. 5 is payable on the registration of a chattels transfer instrument. A similar fee is payable on the renewal of the registration which has to take place every five years. Those fees are considered to be inadequate and the purpose of this Bill is to double them to Sh. 10.

I beg to move.

THE MINISTER FOR LEGAL AFFAIRS seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

*The Mental Treatment
(Amendment) Bill*

Order for Second Reading read.

MR. MILLS-OWENS: Mr. Deputy Speaker, Sir, I beg to move that the Mental Treatment (Amendment) Bill be now read a Second Time.

This Bill, Sir, relates to the management of estates of persons of unsound mind. Under Part XI of the principal Ordinance the court is empowered to appoint a manager and such managers have to present certain accounts to the court and to the Public Trustee. It is the Public Trustee's duty to audit those accounts and report to the appropriate Minister on them.

The accounts are open to public inspection and provision is made for a fee when they are so inspected, but no provision is made in the Ordinance for the Public Trustee to charge for the work which he, himself, performs, work which is of an onerous nature and of a valuable nature.

The purpose of this Bill, therefore, Sir, is to enable the Public Trustee to charge such fees as may be prescribed by the Minister.

I beg to move.

Question proposed.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Appropriation 1955 Bill

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to move that the Appropriation Bill be now read a Second Time.

This Bill, Sir, which presents to the Council the request for the authorization of supply for the amounts voted by the Council during its committee work in supply, is, I think, regarded in this Council as a matter of custom, passed without debate.

I beg to move.

THE CHIEF SECRETARY seconded.

Question proposed.

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, there are two minor points I would wish to raise, Sir, and the first is I would like to emphasize, Sir, at this stage what was stated during the Budget debate, namely that Government will keep under constant review the expenditure on our non-productive projects, and I am referring particularly to the Development Programme, Sir, in order that the Colony is not carrying too great a burden and our finances will become financially embarrassed in regard to the recurrent cost which will follow our development plan.

There is one other point, Sir, and I hope I am not out of order, but I am sure the Minister would be only too pleased to clarify any point of misunderstanding on my part, or any other hon. Member for that matter, Sir. We are asked to pass £38,726,000, being expenditure envisaged for the 1955/1956 year. Now, Sir, that is, of course, reflected in the Budget Estimates—the expenditure of £38,726,000.

The only point I wish to raise, Sir, is this and it is in relation to the financial resources at our disposal. On those Estimates we were informed by the Minister that, with the assistance from Her Majesty's Government of £9,000,000 last year, £6,000,000 was a free grant and £3,000,000 was an interest-free loan.

Now, Sir, in this case we then have assistance from Her Majesty's Government on 31st March, 1956, of £10,000,000 free grant and, as I understand it, Sir, a £4,000,000 interest-free loan. Now, Sir, the latter amount has not been shown in our Estimates and I wonder if the Minister would explain why, because that would, in fact reduce the debit balance and we would have further money available, presumably, for our development project or our recurrent expenditure, as the case may be.

MR. MACKENZIE: Mr. Deputy Speaker, Sir, on the last point which has just been made by my hon. friend, the Member for Nairobi North, the £10,000,000 grant and £4,000,000 loan, which has been promised by Her Majesty's Government during the United Kingdom year beginning on 1st April, 1955, and ending on 31st March, has not actually been included as revenue in the Estimates because it is money which will only be drawn on as the need arises; but it does not, in fact, make any difference to the total amount which has to be appropriated in this Bill.

This Bill, Sir, is entirely concerned with the supply which has to be voted for each of the expenditure services and the total amount for ordinary purposes amounts to £38,726,000. Towards that, we can see something of the order of £25,000,000 in revenue and that appears in the Estimates. The additional £14,000,000, which is, of course, the amount that is needed to cover the total expenditure, will be drawn from Her Majesty's Government as the need arises, but it would not make any difference to the amount available for expenditure if it were included in the Estimates in any other way.

Sir, I beg to support.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the Mover to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I think I can do no better than re-read the statement I made in the Budget debate. With the increased taxation proposals I have made, the estimated level of revenue will be £25,337,238, leaving me with an estimated deficit on the 1955/

[The Minister for Finance and Development]

1956 Budget of £13,388,762. To this must be added the deficit at 30th June, 1955, of £6,259,357, making a total estimated deficit on the Exchequer Account of £19,648,119. By bringing into account the grant of £10,000,000 from Her Majesty's Government, covering the period to 31st March, 1956, that deficit will be reduced to £9,648,119."

So that, Sir, having taken into account the whole of the grant of the £10,000,000, the Colony will still have a deficit of over £9,648,000.

Now, Sir, I will continue, with your permission, with what I said. "To meet this deficit, I shall probably have to call upon the whole of the interest-free loan which Her Majesty's Government has offered to cover the period to 31st March, 1956."

If I call, Sir, upon the whole of the loan of £4,000,000, the country will still have a deficit of over £5,648,000.

"It will be necessary"—I quote again—"before the end of the year, to approach Her Majesty's Government for assistance for the April to June quarter of 1956. It is impossible, before those discussions, to know at what rate such assistance, if any, will be made available." So that, Sir, I must repeat we have a period of three months for which we have no assistance assured at all and a deficit of over £5,648,000 to face.

LT-COL. GHERSIE: Three months at £2,759,000.

THE MINISTER FOR FINANCE AND DEVELOPMENT: The months, Sir, up to 31st March, 1956, having taken the £10,000,000 and the £4,000,000 into account, we shall still have April, May and June to deal with, and we still have a deficit of over £5,648,000. If there is assistance at the same proportion, then it is possible that that deficit will be reduced, but until the negotiations are undertaken, there is no assurance that assistance will be continued at the same rate. I will repeat, Sir, what I said in the Budget debate. "It is impossible, before those discussions, to know at what rate such assistance, if any, will be made available. I also hope, during the year that a Cereals Finance Corporation will be set up to carry, mainly on a short-term basis, the £1,500,000 at present

in the Cereals Finance Fund provided from the Exchequer."

Now, Sir, I went on, having had regard to this rate of assistance in the three months April, May and June, and having reckoned in my own mind that it might be possible to persuade Her Majesty's Government to continue at the same rate; "I hope that these various measures will reduce the deficit to something in the nature of £650,000, which would, of course, not be an unmanageable amount to be met from short-term sources, or by economics. But, I must emphasize that this will largely depend on the outcome of the discussion with Her Majesty's Government."

So that, Sir, when the whole is taken into account, until we are assured of what rate of assistance we shall get for the months April, May and June, we still have a deficit of over £5,648,000. If the assistance continues at the same rate, plus the Cereals Finance Corporation finance being successful, we shall reduce the deficit to £650,000, but no more money, even if Her Majesty's Government assists at the same rate, is likely to be available for development.

LT-COL. GHERSIE: I thank the hon. Minister for giving way, Sir. On a point of personal explanation, I appreciate everything the Minister has said, more particularly with regard to the gap, because the Imperial Government's fiscal year ends on 31st March. I appreciate that, Sir. There is an overlap of three months and we do not know whether or not those funds will be made available in proportion to the loans already made—the assistance already made—but, Sir, the fact remains that, according to the Minister's statement, what he said a moment ago and what appeared in his original speech, there is also a £4,000,000 interest-free loan already arranged in addition to the £10,000,000. Therefore, Sir, unless it is included here with the £10,000,000, I suggest it is inconsistent with the manner in which the £9,000,000 has been treated for the year 1954/1955.

THE MINISTER FOR FINANCE AND DEVELOPMENT: With all due respect, Mr. Deputy Speaker, this is where we are going over the Budget debate again. I did point out, Sir, at the time that we had dealt with the accounts differently

[The Minister for Finance and Development]

in the present instance. The hon. Member for Nairobi North will remember, I think, that he was the Member who argued in last year's Budget that the grant and the loan from Her Majesty's Government are not revenue and, therefore, should not be taken into account, and we have not done so this year.

LT-COL. GHERSIE: This is an exchequer balance, not revenue.

THE MINISTER FOR FINANCE AND DEVELOPMENT: That is the point, Sir, that it is not, therefore, now the same type of account as it was before.

LT-COL. GHERSIE: If the hon. Member will give way? Thank you, Sir. I entirely agree, if it had been treated as revenue I would have objected because it cannot be regarded as revenue if it is interest-free loan. But, Sir, by the very fact that the Minister has now altered the method of compiling these accounts and he emphasized this point, shows it now as an exchequer balance which is not revenue and it is for that very reason, Sir, I maintain the £4,000,000 could have been added to the £10,000,000.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am very sorry, Sir, but only a few days ago in this Council I had occasion to point out to the—I think it was the hon. Member for the Coast, Sir—quoting the words that my hon. friend, the Secretary to the Treasury, has used, on every occasion that the Secretary of State has announced this assistance, he has said it will only be called upon to the extent needed and it is not, therefore, Sir, so firm that it can be put into the exchequer account at this stage. If I could repeat, Sir, what I have said in the statement, "By bringing into account the grant of £10,000,000 that that deficit will be reduced to £9,648,000. To meet this deficit I shall probably have to call upon the whole of the interest-free loan which Her Majesty's Government has offered to cover the period to the 31st March, 1956." Now, Sir, I do not want to call upon that unless it is absolutely necessary because the Colony has to repay it and only if it is absolutely necessary will it be called upon, but I have forecast that we shall probably have to call upon the whole of that interest-free loan. But even if all that

is done, Sir, the hon. Member for Nairobi North's argument falls to the ground if I understood his last words correctly when he said: more money would be available for development, because there will be no more money available for development for even after that is taken into account; we are still placed with the deficit of £5,648,000 pending the settlement of the rate of further assistance by Her Majesty's Government. Sir, I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

The Medical Practitioners and Dentists (Amendment) Bill

Clause 1 agreed to.

Clause 2

DR. TRIM: Mr. Chairman, Sir, I beg to move that clause 2 be amended by adding the words "and whose service while gaining such experience has in the opinion of the Board been satisfactory", immediately after the word "approve" which appears in section 6 (a) (ii) therein.

The reason for this amendment is in order to put the persons in the category in this section (ii) in line with legislation in the other three paragraphs, that is, the ones who are registered in the United Kingdom, who have to do one year's satisfactory internship, and the Makerere school graduates who have to do two years' satisfactory service. This second group will be people who come out from the United Kingdom to do their pre-registration year in Kenya or who come from India and do their pre-registration year in Kenya, and it is considered that satisfactory service should be required.

Question proposed.

The question was put and carried.

DR. TRIM: Mr. Chairman, Sir, I beg to move the following amendment. That clause 2 be amended by renumbering the existing section 6 as sub-section (1) and

[Dr. Trim]

by adding the following new sub-section: "(2) The board may require any applicant for registration under this Ordinance to satisfy it that he is a person of good moral character and a fit and proper person to be registered under this Ordinance, and the board may postpone the registration of the applicant until so satisfied."

The purpose of this amendment is to permit the board to refuse registration when persons are considered unsatisfactory, that is, if they should have been removed from the register in another country. As the Ordinance stands at present, the board has no powers to refuse registration. This amendment will correct the position.

Question proposed.

DR. HASSAN: Would the Director of Medical Services tell us whether this thing will apply only to the medical practitioners coming for registration in this country who were already practising outside Kenya. Will it be applicable to those who go to the United Kingdom for studies and come back after qualifying? As the Member stated, if a person who is a qualified medical practitioner and comes from another country, probably pushed from there due to bad character and so on, he shall be called upon to satisfy the registration that he is of good character. Will it be applicable to those who go in the first instance to qualify in England and come back here and apply for registration?

DR. TRIM: Mr. Chairman, Sir, I am sure it will refer to girls, I believe in legal phraseology that when the word "he" is used it refers to girls as well. It will refer to everybody. I may have misunderstood the hon. Member's question.

DR. HASSAN: The Director of Medical Services said that the applicant applying for registration has to satisfy the board that he is of a good moral character and a fit and proper person to be registered. I want to know whether it only applies to those who were practising medicine in other countries and who come here for registration and will it apply to those new people who qualify in the first instance in the United Kingdom and who come back to Kenya for registration?

DR. TRIM: Mr. Chairman, Sir, this applies to everybody irrespective of whether they come from overseas or not. It is stated that the board may require an applicant to satisfy it; it does not say that every applicant must satisfy the board.

The question was put and carried.

MR. CHANAN SINGH: Mr. Chairman, I propose that clause (c) of the new section 6 (1) be amended by inserting the words "and the licenciate of a medical school of India or Pakistan" before the words "with" in the third line. Sir, if this amendment that I am proposing is accepted, clause (c) will read: "The holder of a diploma of the Makerere Medical School received before the 1st day of December, 1951, and the licenciate of a medical school of India or Pakistan with the approval of the Board and subject to such conditions as may be prescribed." Well, Sir, so far as Makerere graduates who took their diplomas after December, 1951, are concerned they are registrable as a matter of light; but those graduates who obtained their diplomas before 1951 are thought to be below the registration standard. The same is the position with regard to licenciates (as distinct from graduates) from India. I think, Sir, the licenciates should be treated on the same footing, so that they will also be eligible for registration if they satisfy the conditions laid down by the board.

I propose the amendment.

Question proposed.

DR. TRIM: Mr. Chairman, Sir, Government cannot accept this amendment. This last clause (c) was inserted to cover those men from Makerere who qualified before 31st December, 1951, and it will be realized that they are in a sense a dying race. There are only a certain number who will eventually take the examination and obtain registration, and in a few years there will be no people left from Makerere who are not registered.

The licenciates of medical schools in India and Pakistan, if they have not a registrable degree cannot be registered in Kenya. The Ordinance in Kenya is framed on the United Kingdom Registration. It has been agreed to accept people

[Dr. Trim]

who have a registration which is recognized in the United Kingdom. If persons have a diploma which is recognized in the United Kingdom they can become registered in Kenya. If they have not, provisions are made to license and, it looks at the moment as if they must apply for a licence, for they cannot expect to have registration.

The final point is that if exceptions are made in this sub-section and we put in India and Pakistan, we must open the door to other Commonwealth universities which have not a degree which is registrable in the United Kingdom, and also to other countries in the world where there are degrees which, at the present, are not recognized in Kenya.

This section 6 of clause 2 gives powers of registration, and registration is open to persons who have a degree which is registered in the United Kingdom or possess a degree which the United Kingdom will register.

That is registration. Licensing is an entirely different matter. When there are persons who have had a satisfactory form of medical training, but are not eligible for registration, then the Director of Medical Services may grant those people permission to practise in Kenya under a licence and that licence may be withdrawn.

MR. GIKONVO: Mr. Chairman, in this matter of registration of doctors, the hon. Director of Medical Services already knows our view as it affects the African doctors. He assures me that the African doctors now are receiving the same salary and are given the same salary and are given the same facilities as the registered doctors. I do hope that when this becomes law, he will take steps to register those who are registrable, because I understand that there are some who are really qualified who left Makerere before 1951, have gone there again and have taken the necessary examination or interview and they have passed; then for those who left after 1951, some have completed two years, I feel something should be done. Although they are given all these facilities, they should be registered, and, when they are registered, some of them will perhaps be appointed on the Medical Board so that there is no question of saying that some

of them are not registered on grounds of colour bar or something of that kind. I do not think we should give them that feeling. I think there should be an African doctor on the board.

THE CHAIRMAN: I do not think the hon. Member's remarks are relevant to the amendment before the Committee.

MR. GIKONVO: Well, Mr. Chairman, I think I have made the point I wanted to make.

MR. CHANAN SINGH: Mr. Chairman, the hon. Director has explained that this particular paragraph was meant for a dying class. Well, the reason for my amendment is exactly the same. These medical schools have almost all closed down in the sub-continent of India and only a few remain and they are running on a temporary year-to-year basis. They are also closing down. We are not getting any more licenciates from India or Pakistan. That is exactly the reason for this amendment.

We have a small number; I think they should be given the same facilities as the diploma holders from Makerere prior to 1951. If there is a test, they should be made to pass it before coming on to the register.

The hon. Director has explained the difference between licensing and registration but the fact is that only those people who have been "licensed" in the past who have been "working" in Government service and perhaps those who have been employed by very large employers like the Magadi Soda Company Limited.

In other cases, licences have been refused. There is a specific provision in the Ordinance which empowers the board to grant a licence for these fellows if they want to practise in small out-of-the-way places where no doctors with registrable qualifications are available. Nevertheless no licences have been granted.

I think, Sir, this is a matter which does need consideration.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, it may well be that the medical schools in Pakistan and India have closed down, but I might remind the hon. Member of what the hon. Acting Director of Medical Services said, that it is impossible to make a special case for

[The Minister for Local Government, Health and Housing] India and Pakistan. There are a number of medical schools in other parts of the world which have not closed down, and I am afraid the Government cannot accept this amendment.

With regard to the refusal of licences, if the hon. Member would like to give me more particulars, I will certainly go into it. On the other hand, I reiterate what I said previously, that the standard of medical officers and medical practitioners and licentiates in this Colony, must be of a very high standard.

DR. HASSAN: I am sorry, I do not want any reply now, Sir.

The Member for Central Area, appealed for the people who are now Kenya residents, some of them having served in the Medical Department for a long time and, to all intents and purposes, are Kenyans. They know no profession other than the medical profession for which they were qualified and they come with the diploma here. It is extremely inadvisable to deprive them of their means of livelihood when they know no other profession and have to remain in Kenya for good. This is only a matter of appeal. I would appeal to the authorities that the means of livelihood of those people should not be withdrawn when they were considered fit to work under supervision in the Medical Department, for different companies and for different military departments, but when they leave their jobs and come back, they are considered unfit to be licentiates.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, it is all very well for the hon. Member to talk about the deprivation of the means of livelihood. We, Sir, and the hon. Acting Director of Medical Services, have got to see that people do not deprive people of their lives. This is a matter of life and death, and we cannot accept a low standard of medical practice.

As I have always said, if the hon. Member would wish to bring particulars to my notice, they will certainly be gone into, and we will see if it is possible to license the people that the hon. Member has in mind, but I reiterate that the

standard of the medical practitioners in Kenya must remain very high.

THE CHAIRMAN: No other hon. Member rising to speak I will put the amendment.

The question of the amendment was put and negatived.

Clause 2, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clause 5

MR. CHANAN SINGH: Mr. Chairman, Sir, I propose that sub-section 6 of the new section 21 be amended by deleting all words after the word "may" in the third line by substituting therefor the words "may annul or vary the decision as it thinks fit".

Sir, if this amendment is accepted, the sub-section will read thus: "Any person aggrieved by the decision of the Board may appeal to the Supreme Court, and in any such appeal the Supreme Court may annul or vary the decision as it thinks fit."

Sir, the effect of this amendment will be that any appellant who is aggrieved by the decision of the Supreme Court will be able to go higher than the Supreme Court.

Question proposed.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, the Government can accept this amendment. In doing so, it must be recognized that the medical officers are now in the same category as the legal profession and the poor veterinary people are still under the clause in this particular Bill before it was amended.

The question was put and carried.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

DR. TRIM: Mr. Chairman, I beg to move that the Committee do report to the Council its consideration and approval of the Medical Practitioners and Dentists (Amendment) Bill with amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Medical Practitioners and Dentists (Amendment) Bill and has approved the same with amendment.

The Medical Practitioners and Dentists (Amendment) Bill

DR. TRIM: I beg to move that the Medical Practitioners and Dentists (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

THE DEPUTY SPEAKER: That concludes the business on the Order Paper. Council will now stand adjourned until 2.30 to-morrow afternoon, 16th June.

Council rose at fifty minutes past Five o'clock.

Thursday, 16th June, 1955

Council met at thirty minutes past Two o'clock

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper, was laid on the Table:—

The Annual Report, 1954, of the Transport Licensing Board.
(BY THE MINISTER FOR COMMERCE AND INDUSTRY)

ORAL ANSWERS TO QUESTIONS

QUESTION No: 98

SHEIKH MAHFOOD MACKAWI asked the Minister for Local Government, Health and Housing if he is aware that the compulsory acquisition of land around Mombasa is causing considerable hardship by reason of the fact that, under the Public Health (Division of Lands) Ordinance those displaced are prevented from building on their land belonging to themselves or their relatives unless such houses are built on areas of not less than 20 acres per house.

Will he consider appointing a commission of inquiry to inquire into the grievances of the persons concerned in these matters, and will he further consider amending the law in order to alleviate the position?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: The Government is not aware of any cases of considerable hardship being caused by the compulsory acquisition of land around Mombasa, but it is aware of concern having been expressed by persons whose land has been compulsorily acquired for public purposes.

(2) It must be recognized, however, that the utilization of land so acquired greatly benefits the Colony at large and the local taxpayers by the activities which follow after the land is developed for the purposes for which it was acquired. Examples of recent acquisitions are:—

(a) African Housing, Changamwe, 136 acres.

[The Minister for Local Government, Health and Housing]
(b) E.A.R. & H. Harbour Extensions, 102 acres.

(c) E. A. R. & H. New Industrial Area and Marshalling Yards, 359 acres.

(d) E.A.R. & H. Staff Housing, 46 acres.

(e) E.A.R. & H. Mombasa/Magongo Road and Rail, 8 acres.

(3) In advance of a comprehensive planning policy being evolved for the area of the Coast, where high density development is expected, a limited number of accessible and properly planned schemes have been conditionally approved by the Public Health (Division of Lands) Board subject to the construction of roads and the provision of a satisfactory water supply.

(4) All persons who have been displaced through the compulsory acquisition of land have received compensation in cash at the prevailing value of the land plus 15 per cent for disturbance. It is recognized that these persons wish to establish themselves on properties in the same area and the Government is considering schemes for the development of other land in the Changamwe area which should not entail any further compulsory acquisition and which will result in residential plots being made available for the public in general.

(5) Further, the Government is taking active steps to plan the area concerned and an aerial survey has already been carried out. Other details of the Government policy in this regard were given in answer to Question No. 57 by the hon. Member for Mombasa on 11th May, 1955.

(6) In view of the action taken, the Government does not consider that a commission of inquiry is necessary; however, consideration is being given to the suitability of the present legislation and amendments may be necessary. The position with regard to the Public Health (Division of Lands) Board has already been described and it is only necessary to re-emphasize that, provided the necessary conditions with regard to health and general amenities are met, a higher density of building can be allowed under the present legislation.

Mr. TYSON: Mr. Deputy Speaker, arising out of that reply, instead of paying these landowners compensation in cash, would it not be possible for the department—for the Minister—to consider the question of giving these people who are dispossessed, land in exchange instead of monetary compensation?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Naturally, Sir, that has been considered. The difficulty is that there is very little land available.

Mr. COOKE: Mr. Deputy Speaker, Sir, the hon. Member seemed to lose the real gist of the question. It is not against the acquisition of the land to which they are protesting, but that they cannot get other land in its place—less than 20 acres at once.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: If the hon. Member had listened to the reply, Sir, he would have seen that I stated that a scheme is now in formation to allow for residential plots in that area to be made available to the public.

Mr. COOKE: I listened to the reply, but there was not sufficient emphasis put on it. The hon. Member put all the emphasis on the fact that land had to be acquired for purposes—which is admitted—but he did not show that he was really concerned about replacing, giving other land in place.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I am very grateful to the hon. Member for the Coast in highlighting and spotlighting the particular point which with my second reply and my third reply has probably now been re-emphasized sufficiently.

QUESTION No. 101

Mr. SLADE: On a point of order, Mr. Deputy Speaker, I was trying to catch your eye for a further supplementary on the last one—

THE DEPUTY SPEAKER: I am sorry, I thought I had given enough time. I have called the next question.

LT.-COL. GHERSIE asked the Minister for Finance and Development: Having regard to the financial provision made to effect payment of the amount due under the Lidbury Report

[Lt.-Col. Gherisie]

in respect of the year 1954; will the Minister for Finance and Development state whether or not civil servants have, in fact, received their full entitlement in this connection? If the answer is in the negative, will the Minister please state why.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Following the issue of circular instructions dated 5th February, 1955, departments have been engaged in the calculation and payment to their staff of the arrears due to them under salaries revision. In the majority of departments almost all officers either have been, or will be, paid the arrears due to them before the end of this financial year. In two or three departments, where considerable numbers of staff are involved, it is not expected that it will be possible for the departments to complete the payment of outstanding arrears until August. The departments concerned are making every effort to expedite payment of outstanding arrears, but, in view of the numbers of persons involved, and the detailed nature of the computations to be made, some further delay is inevitable.

LT.-COL. GHERSIE: Mr. Deputy Speaker, Sir, arising out of that answer will the Minister state whether or not in certain departments some officers have been paid in full their arrears for 1954—whereas others, Sir, have not—in the same particular departments?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I am afraid I cannot answer for all departments because, as the hon. Member for Nairobi North is aware, this is now a departmental question and any questions on that would have to be addressed to the Minister specifically concerned. All I can say, Sir, is the Treasury has agreed to the payment of overtime to clerical staff working on making these payments. We have agreed to advances of one month's salary being given to officers awaiting their arrears of salary and entitlement so that it will avoid cases of hardship, and we certainly, Sir, if any Minister has any particular case, or if my hon. friend the Member for Nairobi North, will let me know of any particular case, we will cer-

tainly draw it to the attention of the Minister concerned.

LT.-COL. GHERSIE: Mr. Deputy Speaker, arising out of that answer, I would like to ask the Minister, again, would he give this Council an assurance that no officer in any particular department, either by influence or otherwise, and the case may be that he being a senior officer, can obtain a priority payment of arrears for 1954 compared with the more junior staff?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I can state that perfectly clearly, Sir, that I do not believe any accounting officer would be so neglectful of his duties as to give preference under the conditions outlined by the Member.

Mr. AWORI: Mr. Deputy Speaker, with reference to the arrears of salary for the staff of African district councils and municipalities, would the Minister state whether he has instructed the African district councils and municipalities to pay arrears with effect from January, 1954?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I would suggest first that that is completely outside the scope of this question—(Hear, hear.)—which is to do with departments of Government. Secondly, Sir, it is not my province to instruct any of the bodies concerned. Thirdly, Sir, the questions could be more correctly addressed to my hon. friend, the Minister for Local Government, Health and Housing. (Laughter.)

Mr. AWORI: In that respect, Sir, can I ask the Minister for Local Government, Health and Housing to give the answer?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING indicated dissent.

PERSONAL STATEMENT

MINISTER FOR COMMERCE AND INDUSTRY

THE MINISTER FOR COMMERCE AND INDUSTRY: With your permission, Sir, and that of the Council, I beg leave to make a personal statement.

Mr. Deputy Speaker, with reference to my remark that the hon. Member for the Coast referred in personal terms to the Minister for Finance's educational

[The Minister for Commerce and Industry] opportunities, I find, that on a study of HANSARD, the hon. Member for the Coast did not use the words I attributed to him, and, with your permission, Sir, I wish to withdraw my remarks in that connexion. (Applause.)

BILL

FIRST READING

The Forfeiture of Lands (Amendment) Bill—(The Minister for Legal Affairs)—Order for First Reading read—Bill read the First Time—Ordered to be read the Second Time to-day.

BILL

SECOND READING

The Forfeiture of Lands (Amendment) Bill

Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, Sir, I beg to move that the Forfeiture of Lands (Amendment) Bill be now read a Second Time.

If, Sir, in moving this Motion I tax the patience and indulgence of the Council, it is because of the complexity of my subject-matter and of the fact that it is not susceptible of lucid exposition without reference, not only to the more apparent effects of the text, but to certain implications which may not be immediately apparent from a perusal of the text.

The purpose of the Bill, Sir, is to extend the existing powers of forfeiture of the land of terrorists which are, at present, available under the Forfeiture of Lands Ordinance, 1953. The Bill, of course, has a direct relation to the withdrawal of the surrender terms which has already been announced for midnight on 10th July, and it is the intention that this Bill, on enactment, should be brought into force on 11th July, immediately succeeding the expiration of the surrender offer.

The extended powers of forfeiture, therefore, under this Bill, or under the principal Ordinance which will be amended by this Bill will be applicable to all terrorists who fail to surrender by 10th July and who continue to resist thereafter.

LT.-COL. GAOGAN: Passive or active?

THE MINISTER FOR LEGAL AFFAIRS: I have got quite a long way to go yet, and I think I shall perhaps satisfy the curiosity of the hon. Member for Nairobi West—at least some of it—in the course of my speech.

In order to understand the nature and extent of the provisions included in this Bill, Sir, it is necessary to bear in mind the limitations of the powers contained in the existing Ordinance. Under the existing Ordinance, provision is made for the forfeiture of specific, and identified pieces of land described in forfeiture orders—those are orders relating to land in urban areas outside the natives lands—and setting apart orders, which are orders providing for penal setting apart of lands situated in the native lands.

These existing powers are unaffected by this Bill, except to the extent that the categories of people in respect of whom those two forms of order—existing forms of order—can be made, are concerned. Those categories are extended, widened, by this Bill.

The process of identification and description of land for the purposes of these existing forms of orders, is too cumbersome and dilatory for our present purposes. Moreover, the present powers of penal setting apart of lands within the native lands, relate, in effect, only to private right-holdings and not to rights in communal land. Of course, a very large number—and probably a large majority—of the terrorists have no private right-holdings and, therefore, are beyond the reach of the existing powers of forfeiture.

The present powers of forfeiture are available in respect of two categories of persons. First, persons convicted during the period of the Emergency of serious offences connected with the Emergency. Secondly, leaders or organizers of terrorist activities whether or not convicted or apprehended—that is to say, even though they be at large.

This Bill will introduce a new type of order; an order which, for want of a better name, is called a Native Land Rights Confiscation Order. The Bill extends the application of the powers of forfeiture to include not only leaders and organizers of terrorist activities, but also the rank and file. That is to say, all

[The Minister for Legal Affairs] persons engaged in any form of armed or unarmed activity in the terrorist campaign. The words used as amended—as they will be amended by this Bill—are "persons leading or organizing or participating or aiding in armed or violent resistance against the forces of law and order". This extended category of persons will be liable, not only to the new form of order, that is to say the Native Land Rights Confiscation Order, but also, of course, to the existing forms of order as well, if it should be appropriate that those forms of order should be made in respect of any terrorists within these extended categories.

The new type of order, the Native Land Rights Confiscation Order, may be made in respect of any number of persons where, as is likely to be the case in a number of these orders, indeed most of them if not all of them, a relatively large number of persons are subjected to the same order; the names of those persons—including all known aliases—will appear in the schedule to the order. The names of a very large majority of active terrorists are already known to the Government and quite apart from general propaganda directed to the whole field of terrorists and persons in the terrorist organization, propaganda is already being directed at individuals by name, so that quite apart from the impact of general propaganda on the whole body of terrorists, there is, already, an impact on individuals which should have, it is thought and hoped and indeed there are indications, should have a personal effect on individuals.

Hon. Members will have seen that in clause 4 of the Bill mention is made of "the appointed day". That is to be the day on or after which these extended categories of persons may be made subject to these orders, and the day which will be appointed is the day of the commencement of this amending Bill—that is to say, the 11th of July.

Now then, to deal with the effect of the new type of Native Land Rights Confiscation Order. It will affect the two types of land known to native law and customs—that is to say, non-clan land, private right-holdings, on the one hand, and clan land on the other.

Dealing first with the effects of these orders on non-clan land, that is to say private right-holdings, the position will be as follows:—the order will automatically apply to all such lands belonging to any person named in the order wherever those lands may be in the native lands, and whatever their nature or extent. The lands will not have to be previously identified and they will not, in fact, be described, or referred to specifically, in the body of the order. The order is therefore a blanket order. The lands to which the order will apply will be subsequently identified, and this work of identifying these lands will be carried out by the provincial commissioner concerned acting in conjunction with the local land board. Those local boards are local emanations of the trust board and on them, of course, are representatives of the responsible elders of the area concerned.

Once identified, the boundaries of the land and the extent of the forfeited interest in the land will be certified by the provincial commissioner and these certificates will be held in the records of the local land boards.

Forfeited private right-holdings, non-clan land, will vest in the local land boards which, for this purpose, are given corporate capacity. These boards are given by the Bill very wide powers of disposal and of control of those forfeited lands. They can dispose of them by gift, sale, exchange, tenancy licence or otherwise; or they can authorize their use for communal or public purposes, either local public purposes or general public purposes. Any proceeds of sale, rents or profits derived from these forfeited lands, will be applied first in or towards meeting any compensation that may be payable under section 12 of the principal Ordinance in respect of innocent interests in these forfeited lands, if they exist; and any balance of the proceeds of sale, rent or profits remaining after defraying the cost of such compensation will be paid to local African district councils or the African Trust Fund.

Now, secondly, in respect of clan land. Again, the effect of the order is a blanket effect, and it automatically extinguishes the rights in clan land of any private right-holdings, on the one hand, and all individuals named in the order.

[The Minister for Legal Affairs]

This will not affect the clan rights, or rather the rights in clan land, of innocent loyalist relatives of these people. They will not affect those rights which those people enjoy in virtue of their membership of the clan. It will only extinguish the individual terrorist's rights in clan land.

In so far as native law and custom provides for this sort of right in clan land to pass from one person to his descendants, those rights, of course, having been extinguished by the order, will not so pass. But the effect will be, of course, that the remaining members of the clan will enjoy a proportionately larger interest—each of them—in the clan property. The nearest analogy perhaps which one can draw is that of a partnership owning partnership property, when one partner retires from the partnership surrendering his share, and his share, therefore, accrues to the remaining or surviving partners in accordance with the proportions of their share in the partnership.

I want next to deal, Sir, with those provisions of the Bill which relate to the protection of innocent loyalist interests in lands affected by these confiscation orders. As I have shown, in clan land these innocent loyalist interests are not appreciably affected, but if, in any case, the expectation of innocent loyalist descendants of the terrorists whose land has been forfeited being lost causes hardship or inequity, then the clan elders have, under native law and customs, I understand, powers of reallocation or of adjustment in respect of the clan land and of the occupational rights and rights of cultivation, which could sufficiently ensure that no injustice persists.

In respect of non-clan land, private right-holdings, the wide powers which are given by the Bill to local land boards to dispose of forfeited holdings, which I have described already, will enable those boards to dispose of those holdings, or to deal with them, in such a way as to ensure that no injustice is suffered by any innocent loyalist interest as a result of the forfeiture.

Moreover, by amending section 12 of the principal Ordinance, provision is

made for compensation in respect of innocent interests, if there are any, adversely affected by the forfeiture.

Now, these local land boards in disposing of forfeited private right-holdings, will have to be careful, of course, that they do not, by disposing of them to loyalists or to other persons, start blood feuds which might persist perhaps for generations, but this matter can, and indeed must, be left to the discretion and the local and tribal knowledge of the African elders on these boards. It may be possible by exchanges and transfers of these forfeited lands to facilitate, in some measure, the consolidation of holdings in the native lands. This is proceeding at the moment and is a necessary preliminary to the introduction of any form of individual titles to land holdings.

The Bill provides that disputes regarding the boundaries of forfeited non-clan lands, or the extent of other shares of interests in forfeited non-clan lands, will be adjudicated on by the tribunal which has already been established under section 11 of the existing Ordinance to adjudicate on disputes in respect of lands subject to the existing forms of order, that is, forfeiture orders and setting apart orders.

The penal sanctions applicable to persons subject to forfeiture orders or setting apart orders, who try to remain in or resume occupation of forfeited land, are, of course, extended to include persons who in the same way may seek to defy the new type of Native Land Rights Confiscation Order in respect of their forfeited private right-holdings or their extinguished rights in clan land. If necessary, they can be forcibly ejected.

Section 17 of the principal Ordinance is amended to include the new type of order—the Native Land Rights Confiscation Order—within its scope. The provisions of that section relate to the finality of decisions of the Governor of the Tribunal to which I have referred in regard to any matters arising under the Ordinance.

Similarly, the existing provisions for revocation or variation of orders, which are contained in section 18 of the principal Ordinance, are extended to apply also to this new form of order, and express provision is made that, if there

[The Minister for Legal Affairs]

should be any necessity for revocation or variation, the revocation or variation can apply either to one or more persons mentioned in the same order, or, of course, to one or more pieces of land affected by the order, without affecting other persons subject to the order or other pieces of land affected by the order.

It will be seen, Sir, that the extension of the powers of forfeiture contemplated by this Bill is really very considerable. At the same time, the basis of forfeiture remains discriminate and selective and applicable only to those identified as our enemies and as the enemies of the whole community in perpetuating the Emergency. As I have explained, innocent loyalist interests, which might otherwise be adversely and unjustly affected by forfeitures, are safeguarded to the greatest extent possible, and where they are inextricably connected with forfeited land, or land rights, the way is left open for compensation or for replacement by interests or rights of comparable value.

The procedures and processes of forfeiture under the existing Ordinance are both simplified and expedited, and the effects and impacts of the Ordinance, both practical and, perhaps more important, psychological, are greatly widened and increased. The efficacy of the weapon of land forfeiture in contributing to the early termination of the Emergency is greatly enhanced.

Now, Sir, no loyalist has anything to fear from this Bill. No person, innocent of complicity in the enterprise of terrorism which has caused and is causing so much suffering and hardship to this country and to its people and to no one more so than to the Kikuyu people, has anything to fear from this Bill. It is directed solely and exclusively against our enemies; but they will feel its lash in full measure. No person, in view of what I have said, who abhors terrorism; no person who earnestly seeks and desires the early termination of the Emergency; no person who has the best interests of this country and of its peoples at heart; no person who wishes to see the energies of this country and of its people, and the resources of this country, released from destructive objectives in

eliminating Mau Mau terrorism and applied to constructive objectives of progress and development; no person, indeed, who hopes and wishes to see conditions restored when we can look forward to and strive for a better way of life for everybody of all races in this country—none of these people can, on any valid grounds, oppose this Bill. There may be those, of course, like my hon. friend from Nairobi West, who may wish that the Bill had gone further, but at least they will not, I am sure, oppose it on that ground, since it goes at least some part of the way which they would wish.

I, therefore, Sir, commend this Bill to the Council confidently and I beg to move. (Applause.)

THE MINISTER FOR COMMUNITY DEVELOPMENT seconded.

Question proposed.

MR. AWORI: Mr. Deputy Speaker, Sir, during the fine speech made by the hon. Minister for Legal Affairs, he looked at me in such a way as if he was suspicious that I would oppose this Bill. Unfortunately, due to the very able way in which he moved this Bill, I for one am not going to oppose it, because, first when this Bill was published I had some misgivings and fears that it would be able to destroy the land rights of the loyalists, but after listening to his first-class speech on this subject, I am glad to say that Government has made enough provisions to protect those people who have fought the enemies of this country—that is the Mau Mau.

There were three aspects: the question of the loyalists, of which I have been able to get a proper picture, and the question of clan land and non-clan land. I had some fear that if Government did not protect those Kikuyu loyalists who might have clan land and yet some of their brothers have taken to terrorism which might make them lose. Fortunately, I hope that Government will keep their promise as far as they have described it in this Bill to see that clan land will not be interfered with, with the exception of compensation or something in that nature.

I am glad to know that this Bill is only to apply to terrorists who are well known in the forest, and so long as it

[Mr. Awoiri] adheres to that particular point, I do not think that any sane African in this country will be able to oppose this Bill.

One main point, Sir, that I would like to say is that I would like full publicity, before 10th July, to be given, both in the Press and over the radio, to let the terrorists know that after 10th July, if they do not come out, they will have their land forfeited. That is a very, very important point that I would like Government to stress.

One important matter that I would like to know from the hon. Minister during the course of his reply is to know what it going to happen to the land of those terrorists who have surrendered after 18th January? They might be well-known terrorists, but are they going to be affected by this Bill or not?

I would like, at the same time, these local land boards, when they are established, to see that proper Africans—the Kikuyu who are well-trusted—are those who are going to be on these boards, because my fear is that there might be some *fitnas*, people who have got grievances against others, who might be able to say that Mr. So-and-so was a terrorist, and for that matter have his land confiscated. I would like to see that Government takes great caution when applying this Bill in this respect.

As I said before, Sir, at first I had some misgivings about it, but from the explanation I have received, I feel that this is only going to apply to terrorists and as I have no sympathy with the terrorists, I will be doing this country a great injustice if I oppose the Bill.

Mr. Deputy Speaker, I support. (Applause.)

MR. SLADE: Mr. Deputy Speaker, Sir, I should like to congratulate the hon. Mover on his excellent exposition of the complexities of this subject. No one could have put the purpose and object of this Bill more clearly.

I agree with him, Sir, that this Bill should be supported even though it does not go so far as some of us would like it to go. What is remarkable—and I feel justified in commenting on it, Sir—is that we have only got as far as this after some two and a half years of Emergency. I do believe that we are entitled on this

side of Council to acclaim this Bill as justification for some of the criticisms that have been levied during the past two and a half years, and which have been proved so irresponsible.

Having said that, Sir, I would like again to say that we must support this Bill as it goes at least some way towards establishing the most important penalty of all against rebels; and I would only ask the hon. Mover to consider one problem which the Bill seems to me to raise. It is with regard to the forfeiture of the somewhat nebulous interests in clan lands at which he is, quite rightly, trying now to reach. There is a danger, to which he himself referred, of people trying to defy the forfeiture. Now, when individual titles, private rights, are forfeited, it is quite easy to ensure that the original owner never sees the benefit of those rights again, but when interests of a member of a clan and of clan land is forfeited, it is not so easy. It appears to me, Mr. Deputy Speaker, that it is not quite enough to impose penalties on a man, who, in spite of his interest being forfeited, tries still to derive benefit from the land concerned. It seems we will have to go a great deal further and impose penalties on those other members of the clan to whom the lands, as the hon. Mover described it, as surviving partners would accrue, to see that they do not defy the forfeiture by trying after all to give the offender the same benefits in the clan land as the offender had before. It is on both sides that one has got to watch the possibility of defiance of the law in this particular case.

I have no other comment to make, Sir, on the Bill. I beg to support. (Applause.)

MR. GIKONYU: Mr. Deputy Speaker, Sir, there can be very little doubt that this measure is a very harsh measure. All I say is this: I hope that it will achieve the object for which it is proposed, but I wish to ask the Government that its administration be very, very carefully considered because, if it is not, with the complex nature of land tenure of the Kikuyu, it will be very easy that the people will suffer—not actually the terrorists, but a very large number of innocent people. If it is not carefully considered, the innocent may suffer more than the guilty ones, and that will be very, very bad indeed. All I hope is that every step will be taken to drive the

[Mr. Gikonyu] effect of this Bill to the actual terrorists and that the fellows who are not connected with terrorism do not suffer at all as the result of the enactment of this Bill.

As I say, if it is not administered properly, it is possible to make more enemies than at present and I do not think that that is the desire of anybody in this country. This will come about, mostly by the clan land. There may be a member of a clan who has gone to the forests, and the other members of the clan have nothing to do with it, and they can do nothing to bring them out or to bring the truth of the position to the man in the forest. I feel that that clan should not suffer as a result of one member of their clan who just went away in the forest without the rest of the clan having anything to do with him at all in that matter.

I feel that the clan land, more than the individual land, should be considered carefully because it is on that score that we can create enemies. If land is known to belong to a certain terrorist, there is no difficulty, but when he is concerned with the land of the clan, I ask the authorities concerned in this to take very careful consideration and consult the elders of the clan and to take their advice because it can be very bad if the whole clan suffers because of one man, they can say, "Well, what is the use of our being good, because we suffer on account of one man and that man, like the Government, we have no control over him". That is my fear, and all I can say is that I hope that the effect of this Bill will fall on the terrorists themselves and not their clan. I do not know what the Government has in mind with regard to the families of those terrorists in the forests. A man just decides to go into the forest himself, but his wife and children are with the clan and the clan has to become responsible for his children. I do not feel that the children of those terrorists should suffer because they may be loyalists to-morrow; they may be loyalists to-day, and because their father went into the forest, I do not see why they should suffer.

Another thing is the question of convicted persons. The Minister for Legal Affairs said that this measure applied to

persons convicted of serious offences during the Emergency. I want to know what would happen with the very large number of people who have been convicted of serious crimes connected with the Emergency and who have been hanged. Are their relatives going to suffer, and their clans going to suffer, as a result of their activities and convictions for their offences?

These are some of the few points I want to raise, but I hope that in the administration of this law the clan elders and perhaps the African district councils will be consulted in every step taken. If we administer it wrongly, we are going to create more enemies amongst the innocent Kikuyu than now, and I hope we shall do everything possible to encourage the loyalists and harm the enemies and I hope that this measure will be directed solely to those who have caused the trouble.

MR. CAOSSELI: Mr. Deputy Speaker, I support the Bill, but in doing so I would like to state that I do share the doubts of the hon. Member for Aberdare as to the possibility of making effective this sanction on individuals participating in clan land. I would like the Minister, when replying, to clarify the position and state whether he has any ideas on how it can be administratively effective.

Furthermore, Sir, I would like him to confirm, if he will, whether it is proposed that the local land boards will automatically, on the 11th July, carry out this sanction on all absentees from their district.

I beg to support.

MR. TAMBO: Mr. Deputy Speaker, Sir, I have only one point to raise. If I did hear the Minister for Legal Affairs correctly, I understood him to say that the local land board will not come to know of the land to be forfeited later on. I feel, Sir, that if that is the case, the local land board should know about the intended forfeiture before it is actually forfeited—if I understood him correctly—because I feel, Sir, that the people should know previous to that and be able to give any evidence they wish to give to show whether the land should be forfeited or not.

LT. COL. GADOMAN: Mr. Deputy Speaker, Sir, it is a comfort to find that the central mountains is at last in labour.

[Lt.-Col. Grogan]

It seems to me a pathetic thing that, after a period which exceeds the period of gestation of an elephant, they cannot produce anything more than this ridiculous mouse. (Laughter.)

Now I think really the Government should have done—the thing they should have done—they ought to have produced this as a compound ordinance because it is certainly impossible for the ordinary citizen—I found it almost impossible myself—to understand what, this all means when there are a hundred different cross entries referring to the Native Lands Trust Ordinance, referring to the substantive Ordinance and so on and so forth. It would not have been a very difficult thing to produce an entirely new Ordinance so that everybody could have understood it. It is quite absurd, if this is supposed to be part of propaganda for the Africans, that a fellow running about in the forest is going to carry first of all a copy of the Native Lands Trust Ordinance, and secondly a copy of the substantive Ordinance and when this is published he will not have the remotest idea what it is all about.

Now, the substantive Ordinance, which I had occasion to make fun of when it was produced, is only interesting in that it does, in fact, represent a complete negation of the ordinary basic principles of British law and we pointed that out at the time. Its effect, of course, has been exactly nil, other than that it has provided a great source of merriment to a large number of people, including many Africans, when they read in the *Gazette* the notices to go and so and so and so, "Come and be hanged or you lose your land." To that extent it did provide a certain amount of fun, although it achieved no other purpose whatsoever. But this amendment, I think, will go further than that because I am sure, if anybody studies it carefully, it has passed beyond the realm of fun and it will be met with ridicule. There are so many features about it. If it is intended to have any effect, which I sometimes doubt, the first thing we have to do is to compile a *Dreht* of the landed gentry of Kikuyuland, with all their genetic ramifications, and yet we are told that it is not going to cost the public money. Well, it seems to me it is going to take a large amount of time and cost an awful

lot of money to compile such an elaborate genealogical maze.

I think what strikes me is this—going back to the whole history of this Emergency—that this is a typical example of Government's reliance on futile legislative noise, rather than swift, positive, comprehensive and comprehensible action because it is quite certain to me that any action that is likely to arise under this will be very trivial, if anything at all. But the basic error, I think, in the whole thing is, that the Government right away throughout in the conduct of this Emergency have tried to chase the individual, as distinct from making the community responsible for the individual. That, I am quite convinced in my own mind, is the reason why we have got virtually nowhere. Instead of dealing with these people collectively and on a communal basis, we have tried to deal with the individual for whom the commune are really responsible. This emphasizes that fact really because there is an attempt in this to extract from the commune the individual, and my hon. and learned friend opposite has pointed out that the clan interest quite obviously will work, as I venture to submit, in exactly the opposite direction which he expects, because if the clan can reduce its numbers and thereby get an increased individual participation in the benefits of the communal land, then surely their interest will be, and undoubtedly the effect will be, for the clan to do everything they possibly can to put as many of their members as they can find out on the scheduled list. That, surely, is going to work in exactly the opposite direction of what we suggested the other day that you should take an action that will induce the clan to do everything they can to pull their members in for fear that the clan will suffer because of the tort of the member. This, in fact, is going to have exactly the opposite effect and it does not strike me as very intelligent.

There is one point that I also want to draw great emphasis to and it is this, that I tried to make clear the other day. That is that in this elaborate and futile proposal there is no emphasis whatever on the status of the Crown. In fact, it works rather in the opposite direction. It

[Lt.-Col. Grogan]

really, if you read it and study it carefully, means that you are emphasizing and exaggerating the tribal idea that they are, in fact, some sort of independent unit inside the Colony. We tried to point out to you the other day the necessity of disposing of that idea and bringing back to their attention that it is the Crown that is the centre and the origin of all authority. Now, this thing, it seems to me, is going to work in exactly the opposite direction. I am rather inclined to believe that if and when the Kikuyu tribe studies this action carefully they will realize that 90 per cent, which is the passive element in this revolution at the moment, will believe that they have got away with it. Therefore, they will probably, having listened to or studied some of these debates, establish as the Kikuyu native song "Lilibullero", "Lilibullero", of course, was the watchword of the Irish Roman Catholics when they were amusing themselves massacring the Protestants in 1641. After that, it became the song of all revolutionaries and, therefore, I think my hon. friend, the Minister for Agriculture, who was here the other day, was quite correct in believing, as I understood him to believe, that "Lilibullero" was a better slogan and a more appropriate song for this particular occasion than that outdated ditty "Rule Britannia".

Mr. Deputy-Speaker, for what it is worth, and very little, I support the Ordinance. (Laughter.) (Applause.)

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I will call on the hon. Mover to reply.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, there are one or two points. First, the hon. Representative Member, Mr. Awori, stated that my note may not be entirely accurate—no good African could oppose the Bill because it would only apply to known terrorists in the forest. That, of course, is not so. It applies to all persons engaged in participating or aiding in the terrorist campaign. All such persons, may not be in the forest; they may be in Nairobi; they may be in the reserves; they may be in the settled areas; but it is all persons, really, undertaking any form of armed or unarmed activity in the terrorist campaign. I would like to assure him, of

course, that full publicity is being and will continue to be given to the extended powers of land forfeiture during the remaining period of the surrender offer.

As regards terrorists who surrendered since 18th January, they are, of course, within the purview of the existing Ordinances, but they are not, of course, within the purview of this Bill; because it is not yet in force; it will only come into force on 11th July.

Now, Sir, as regards the point raised by my hon. and learned friend for Aberdeen, I fully appreciate the point which he made, and which was supported by the hon. Member for Mau, regarding the possible collaboration of other members of the clan assisting at a later date the individual to reassert his rights of occupation or cultivation in the clan land. Now, we have a penal sanction, as I have explained, available against the individual and we have another also, by relation with the provisions in the Penal Code relating to aiding and abetting, counselling and procuring, the commission of criminal offences which renders a person who does any of those things equally liable under the criminal law as a principal. We have, therefore, the extended penal sanction, not only as against the individual who seeks to defy a forfeiture but also against any members of the clan who might participate in that defiance or counsel or procure, or assist him in, exercising rights over the land which, in fact, he has lost by the forfeiture. We shall, of course, do everything possible to stimulate tribal sanctions and tribal and clan resistance to this sort of defiance and to the exercise of extinguished or forfeited rights by persons who have no longer any claim to them. Whilst I entirely agree that the question of enforcement must constantly be borne in mind, I have hopes that the two sanctions, the tribal sanctions and the penal sanctions, which I have described, will suffice.

The hon. African Representative Member, Mr. Gikonyo, asked that the Ordinance should be administered so as to protect the innocent and I think I really have manifested Government's determination that that should be done. He says that the clan should not suffer. He says that there is no impact, as the hon. Member for Nairobi West has indeed

[The Minister for Legal Affairs] complained: there is no impact on the clan generally; the impact of this Bill is against the individual terrorist.

He also asked what happened to the land of those persons who have been convicted and hanged during the Emergency. Well, Sir, the point is there that if the lands were not forfeited before the man's death, they certainly would not be forfeited afterwards, they would by then be in the hands of or the subject of claims by the relatives or heirs of the dead man concerned. There would be no point in forfeiting a dead man's land because, of course, the people who would suffer would be his relatives and not he, presumably.

The hon. Member for Mau asked if local boards would apply this sanction immediately on 11th July to all absentees. The local boards, of course, will not actually apply this sanction of forfeiture; the Orders are made by the Governor, but the local boards, in fact, the whole body of local elders and the local and clan tribal organization will be co-opted into the administrative machine to bring all suitable persons as soon as possible within the purview of these forfeitures on or after 11th July.

The hon. African Representative Member, Mr. Tameño, asked that these people should be given opportunity to show cause. Well they will have, and they are having at the present, plenty of opportunity. As I said, propaganda is being directed to them in a most intensive form, not only generally, but in many cases actually personally and by name.

Now, Sir, finally, the hon. Member for Nairobi West's comments. I do not propose to reply to them all; I do not think he will expect it, and it would be perhaps anti-climatic to do so, but I might say that in so far as he referred to a terrorist *Debreit*, we already have it. There is no question of our having to compile it; all we need to do is to keep it up to date.

He complained that this Bill would be the object of ridicule because the African in the forest did not carry copies of the Native Lands Trust Ordinance or other Ordinances to which they are cross-references, and in a later breath he referred to the Kikuyu laughing up

their sleeves, so to speak, as they think they have "got away with it", when they studied the reports of these debates. Now, somehow those two views, to my mind, are incompatible. If the terrorist in the forest does not carry around copies of the Native Lands Trust Ordinance with him, I very much doubt if he is going to study the HANSARD of this Council.

LT.-COL. GROGAN: I said "If", "If", "If" the 90-odd per cent of the Kikuyu tribe are not affected by this Ordinance, and understood its significance, then they would adopt the song I suggested. (Hear, hear.)

THE MINISTER FOR LEGAL AFFAIRS: I see. I now understand the point, I think. I understand it as a witticism, but also as an unprofitable speculation.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-day.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. J. M. Stow, C.M.G., in the Chair]

The Forfeiture of Lands (Amendment) Bill

Clauses 1 to 15 agreed to.

Title and enacting words agreed to
Bill to be reported.

The European Agricultural Settlement Bill

Clause 1 agreed to.

Clause 2

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, I beg to move the following amendment of clause 2. That the definition of "tenant farmer" appearing in clause 2 of the Bill be amended by adding at the end thereof the words "or any person with whom an agreement for such a lease has been made".

[The Minister for Agriculture, Animal Husbandry and Water Resources]—It really, Sir, is to cover a legal formality.

Question proposed.

The question was put and carried.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, it had been my intention in order to fulfil an undertaking I gave yesterday evening in the debate to move an amendment to clause 4, but, Sir, I would like, if I might, just to explain to hon. Members why it is not possible for me to do so. I said, Sir, yesterday that I was prepared, in the Committee stage, to introduce some provision under which no unalienated Crown land can be handed over to the Settlement Board without the specific agreement of the Governor in Council of Ministers, and, Sir, again at the end of my remarks I added, "As regards the land which has not been alienated, as I said, I am prepared to see if something on the lines I have indicated could be incorporated during the Committee stage of the Bill".

Sir, in accordance with that undertaking I consulted the Law Officers of the Crown, and I was informed, Sir, that that would be *ultra vires* because—I will ask my hon. friend the Minister for Legal Affairs to explain perhaps more fully—because in all land the "end title"—that is the ownership of the land—is vested in the Crown, and the only person that can give title is the Governor, representing Her Majesty—the Crown, in other words.

This, Sir, of course really accentuates the argument I made yesterday, that any proposal that a piece of legislation of this kind, which only applies to one particular body or corporation only dealing with one small portion of Crown land should necessitate imposing some limitation on the Governor's powers, would probably be ruled out of order, and would certainly have to be referred to the Secretary of State. Therefore, Sir, in lieu of trying to introduce an amendment which would be held *ultra vires*,

am willing, Sir, to give a solemn assurance on behalf of Government that we will make administrative arrangements whereby no unalienated Crown land will be passed over in any way to the European Settlement Board until the proposal has been through the Council of Ministers, the Governor in Council, of Ministers.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Chairman, I will just explain, as the Minister invited me to do, that the view I have taken in this matter is that it would be *ultra vires* to incorporate in this Bill an abridgement or restriction of the Governor's right of alienation of Crown land which is conferred on him by Order in Council. Becoming rather more technical, we would come up against the Colonial Laws Validity Act.

Clauses 3 and 4 agreed to.

Clauses 5 to 29 agreed to.

Title and enacting words agreed to.

Bill to be reported.

The Marketing of African Produce (Amendment) Bill

Clauses 1 to 16 agreed to.

Clause 17

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Chairman, I beg to move the following amendment in regard to clause 17: that clause 17 be amended by inserting the expression "subject to the general or special instructions of the Minister" immediately after the words "the provision", which appear in paragraph (d) of section 29. Section 29, Mr. Chairman, is on page 8 of the Ordinance.

Now, the consequential amendment—if I might read them all out at once.

THE CHAIRMAN: If they are all consequential, I think it would be in order to take them together.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Perhaps it would be better to take them one by one.

Question proposed.

The question was put and carried.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Sir, I beg to move that

[The Minister for Agriculture, Animal Husbandry and Water Resources] clause 17 also be amended by inserting the following sub-section in section 31:—

"(1) That every marketing board shall keep proper accounts and records of all its undertakings, works and property, and shall prepare a yearly balance sheet made up to the end of each financial year, and profit and loss accounts for each such year."

And, Sir, consequentially by renumbering the existing sub-sections (1), (2) and (3) as (2), (3) and (4) respectively. This, Sir, will be the new section (1). This is only a provision, Sir, in order to ensure that proper accounts are kept by such boards.

Question proposed.

The question was put and carried.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: My last amendment is that clause 17 be further amended by inserting the words "or is found insane or is convicted of a felony" immediately after the word "bankrupt" which appears in sub-paragraph (a) of clause 6 of the Schedule. Sir, this is merely common form in this type of proviso in a great many other ordinances.

Question proposed.

The question was put and carried.

Clause 17, as amended, agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

The Transfer and Delegation of Powers Bill

Clauses 1 to 5 agreed to.

Title and enacting words agreed to.

Bill to be reported.

The Estate Duty (Amendment) Bill

Clauses 1 and 2 agreed to.

Title and enacting words agreed to.

Bill to be reported.

The Public Trustee (Amendment) Bill

Clauses 1 and 2 agreed to.

Clause 3

MR. TYSON: Mr. Chairman, I would only ask that the figure of Sh. 8,000 be

increased to Sh. 20,000. would there be any objection?

THE MINISTER FOR LEGAL AFFAIRS: Yes, Mr. Chairman, there would be objection. The organization of the Public Trustee's office could not possibly extend to dealing with all estates up to Sh. 20,000. In due course, if it should prove possible, I will come back to this Council and seek a further increase in this figure but, as I explained in the Second Reading, it is the figure of the maximum estate value for which the Public Trustee can exercise his powers of administration of estates without the formality of a grant from the Court.

Clause 3 agreed to.

Clauses 4 and 5 agreed to.

Title and enacting words agreed to.

Bill to be reported.

The Companies (Amendment) Bill

Clause 1 agreed to.

Clause 2

MR. HARRIS: Clause 2, Mr. Chairman. At the Second Reading yesterday I was astonished to hear from the Government benches that no consultation had taken place with the other territories on increasing the fees, and therefore I should like to give notice now that I propose to move an amendment to the Third Reading, with the intention of delaying the Third Reading.

Clauses 2 and 3 agreed.

Title and enacting words agreed to.

Bill to be reported.

The Chattels Transfer (Amendment) Bill

Clauses 1 and 2 agreed to.

Title and enacting words agreed to.

Bill to be reported.

The Mental Treatment (Amendment) Bill

Clause 1

THE MINISTER FOR LEGAL AFFAIRS: Mr. Chairman, I beg to move that clause 1 be amended by deleting therefrom sub-clause (2), and also by deleting the figure (1) in brackets at the beginning of sub-clause (1). The purpose of this amendment, Sir, is to correct what was an

[The Minister for Legal Affairs] error, in fact. The fees with which this amending Bill relates are to be prescribed by rules, and it is intended that the rules should be brought into force on the 1st July, and therefore the Bill will require to be brought into force before that.

Accordingly, I beg to move that the provisions for it to come into force before 1st July be deleted. Notice has been given.

Question proposed.

The question was put and carried.

Clause 1, as amended, agreed to.

Clauses 2 and 3 agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

The Appropriation, 1955, Bill

Clauses 1 to 4 agreed to.

Title and enacting words agreed to.

Bill to be reported.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the following Bills without amendment:—

The Forfeiture of Lands (Amendment) Bill.

The Transfer and Delegation of Powers Bill.

The Estate Duty (Amendment) Bill.

The Public Trustee (Amendment) Bill.

The Companies (Amendment) Bill.

The Chattels Transfer (Amendment) Bill.

The Appropriation, 1955, Bill.

and its consideration and approval of the following Bills with amendment:—

The European Agricultural Settlement Bill;

The Marketing of African Produce (Amendment) Bill.

The Mental Treatment (Amendment) Bill.

Question proposed.

The question was put and carried.

The Council resumed.

[Mr. Deputy Speaker in the Chair]

THE DEPUTY SPEAKER: It may be convenient to take the break now, as there is an important announcement to be made later, and in report the Bills on our resumption—if that is in order on both sides of the Council?

THE CHIEF SECRETARY: Yes, Sir, we entirely agree.

MR. COOKE: What time will the resumption be, Sir?

THE DEPUTY SPEAKER: Will it be convenient to resume at a quarter to Five, or at Five o'clock? Good—at a quarter to Five. Council will therefore suspend business until a quarter to five.

Council suspended, business at fifteen minutes past Four o'clock, and resumed at forty-five minutes past Four o'clock.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Forfeiture of Lands (Amendment) Bill and has passed the same without amendment.

The Forfeiture of Lands (Amendment) Bill

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Forfeiture of Lands (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the European Agricultural Settlement Bill and has approved the same with amendment.

The European Agricultural Settlement Bill

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I beg to move that the European Agricultural Settlement Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Marketing of African Produce (Amendment) Bill and has approved the same without amendment.

The Marketing of African Produce (Amendment) Bill

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I beg to move that the Marketing of African Produce (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Transfer and Delegation of Powers Bill and has approved the same without amendment.

The Transfer and Delegation of Powers Bill

THE CHIEF SECRETARY: I beg to move that the Transfer and Delegation of Powers Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Estate Duty (Amendment) Bill and has approved the same without amendment.

The Estate Duty (Amendment) Bill

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Estate Duty (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Public Trustee (Amendment) Bill and has approved the same without amendment.

The Public Trustee (Amendment) Bill

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Public Trustee (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Companies (Amendment) Bill and has approved the same without amendment.

The Companies (Amendment) Bill

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Companies (Amendment) Bill be now read a Third Time, and in view of the remarks of the hon. Member for Nairobi South at the Committee stage of the Bill, I should explain that the proposed increases in the fees contained in this Bill were, in fact, notified to Uganda and Tanganyika, but Uganda has expressed its intention to leave its fees for reconsideration in regard to the new comprehensive Companies Bill at present under consideration in all three territories, and Tanganyika has, at any rate, raised no objection to our proceeding as in this Bill.

Question proposed.

MR. HARRIS: Mr. Deputy Speaker, Sir, I wish to move an amendment for the deletion of the word "now" and the inclusion of the words "two months hence" at the end of the Motion.

The purpose of moving this amendment, Sir, is that although the Attorney General has just clarified the approaches that have been made to the Governments of the other East African territories, I feel that notification is insufficient. Some months ago, Sir, this Council approved a Motion in which

[Mr. Harris]

Government was asked that commercial legislation be placed on the schedule of subjects to be dealt with by the High Commission. That Motion was accepted unanimously by this Council and representations were subsequently made to the other territories. I believe that the reaction from the other territories was unfavourable and, therefore, quite naturally, the Kenya Government could not take the matter any further.

At the same time, Sir, I do believe that as we have tried to take the initiative in getting common commercial legislation throughout the territories, we should do more than notify an alteration in the Companies Ordinance. The position, Sir, is difficult enough when one has different rates of company tax in the three territories, and different Companies Ordinances. I believe that there is a move to try and get a common Companies Ordinance enacted in each of the three territorial legislatures. That is a move in the right direction, Sir, but in the meantime by approving the amendment proposed to-day to the Ordinance, we are, in fact, getting further away from the other territories rather than closer.

I did not oppose this Bill on the Second Reading because I believe that the provisions of the Bill are correct, but the purpose of my present amendment, Sir, is to delay the implementation of the Bill to show the other territories that we are even willing to suspend the operation of a revenue-raising Bill in a last attempt to get them to co-operate through the three territories in common commercial legislation.

I, therefore, Sir, beg to move.

MR. USHER seconded.

The question of the amendment proposed.

THE MINISTER FOR COMMERCE AND INDUSTRY: I regret that Government cannot accept the amendment proposed by my hon. friend. Needless to say, I agree with what he said about the desirability for common legislation on these matters in the three territories. I appreciate the point he raised about showing our willingness, even to postpone something the Government considers necessary, but, at the present time,

it is not possible to concede the hon. Member's request. I do not wish to bore hon. Members by going through all the arguments as to why it is necessary that we bring in this revenue-raising Ordinance at the present time. I think the arguments are understood even if they cannot always be accepted by hon. Members. As I say, the objective my hon. friend referred to, is the objective that Government is endeavouring to achieve. But, under the circumstances, it is not possible to accept the amendment.

The question that the words proposed to be omitted stand part of the Motion, put and carried.

The question that the Companies (Amendment) Bill be now read the Third Time was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Chattel's Transfer (Amendment) Bill and has approved the same without amendment.

The Chattel's Transfer (Amendment) Bill

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Chattel's Transfer (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Mental Treatment (Amendment) Bill and has approved the same without amendment.

The Mental Treatment (Amendment) Bill

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Mental Treatment (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

MR. STOW: I beg to report that a Committee of the whole Council has considered the Appropriation, 1955, Bill and has approved the same without amendment.

The Appropriation, 1955, Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Appropriation, 1955, Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

VALEDICTORY

LADY SHAW

THE CHIEF SECRETARY: Mr. Deputy Speaker, Sir, this is the last occasion upon which we shall have the privilege of having the hon. and gracious lady for Ukamba in the ranks of the Opposition. I should like, on behalf of all hon. Members on this side of Council, to say how much we shall regret her absence. (Hear, hear.)

Sir, we are immensely indebted to the hon. and gracious lady for the close knowledge she has brought us of so many problems, for her skill and patience in Committee and for her resounding good sense and forthrightness on the Floor of the Council. (Hear, hear.) In particular, we shall miss the clairvoyant skill with which she has pierced the fogs of doctrine, of verbiage and of bumbledom and her quiet ability in bringing the Council back to the real business before it. (Hear, hear.) (Applause.)

LT.-COL. GROGAN: Mr. Deputy Speaker, Sir, as the grandfather of this Assembly, I have been entrusted with the privilege of adding our tribute to the hon. and gracious lady.

It has been very interesting to watch how, for a long time, gradually and assuredly, she has been catching the ear of the Council. I have noticed even the longest ears—(Laughter.)—prick up when she has had the opportunity to catch the Speaker's eye. Her speeches have always been erudite, terse and to the point and she has never succumbed to that temptation of practising oratory

on this audience that cannot run away. (Laughter.) I am quite convinced, Mr. Deputy Speaker, that we shall all miss for a long time her silent voice in this Council. (Hear, hear.) (Applause.)

DR. HASSAN: Mr. Deputy Speaker, Sir, I associate myself with all that has been said by the Chief Secretary and the grandfather of this Council and I feel, myself, greatly honoured by this side of the Council, not as a grandfather, but as a father of the Council, to be given the honour to speak on the present occasion.

Lady Shaw's retirement is felt by us all because, in the last two to three years that I have had an opportunity to attend these Council meetings and the Committee meetings, I have found that she always acted as a true Kenyan person. She never tried to force on us ideas as a politician and every time her most valuable contribution to the debates in the Council and outside in the meetings were only meant for the good of Kenya as a whole. There is no doubt that we feel her departure from the Council, but I feel pleased that she is bidding for the peace and I wish her every luck to enjoy that peace away from this Council. (Hear, hear.) (Applause.)

LADY SHAW: Mr. Deputy Speaker, I feel quite overwhelmed. There is little I can do except just to say thank you very much to the whole Council for the kindness to me in all these seven years that I have been here and for the courtesy and consideration which they have always granted to me and for the very, very kind things that have been said to-day. I depart with great regret, Sir, but all I wish to say, Sir, is thank you. (Applause.)

GOVERNMENT STATEMENT

FINANCIAL AID FROM U.S.A.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I rise, with your permission, to make the following statement.

Information has just been received from Washington that the United States Government has approved aid to Kenya amounting to £1,388,322. (Applause.) The major part of this grant—namely £969,076—will be for agricultural projects, and will greatly assist in financing

[The Minister for Finance and Development] the Swynnerton Plan for the development of African agriculture. (Applause.)

The specific agricultural projects are the following:—

Pastoral Areas Research and Demonstrations, £26,380.
Surveys and African Farm Re-planning, £218,582.

Tebere Irrigation Scheme, £126,580.
Kibos Irrigation Scheme, £63,290.
Baringo Irrigation Scheme, £126,580.
Experimental Bulking of Improved Livestock, £28,578.

Crop Experiments and Demonstrations, £29,500.

Photogrammetrist, £9,589.

Irrigation Investigation:—

Tana River, £19,148.

Mount Kenya, £28,035.

Nyanza, £28,035.

Nineteen United States' Technical Specialists, £160,714.

Agricultural Schools, £25,000.

Farm Institutes, £29,800.

Pasture Research, £35,940.

Rinderpest Research, £13,325.

The next largest allocation is £170,852 for medical training. Another health scheme is a £12,000 scheme for the eradication of sleeping sickness in the Kuja-Migori River area in South Nyanza. £100,000 has been allocated for loans to Africans in business, and £66,394 for education schemes, including adult literacy, handicraft training, clerical and commercial courses and loans for artisans. £62,860 will go to the Road Authority for a highway economist, a road research engineer and assistance towards a training school for African road supervisors and plant operators. £7,140 will assist in development at Jeanes School, Kabeti.

Sir, I should like to express my personal thanks to the Members of the Foreign Operations Administration, whom I met in Washington, for their sympathetic reception, and to those representatives of that Administration who visited Kenya last year and this year

for the strenuous efforts they made in examining and drafting of the application submitted to Washington. (Hear, hear.)

I would also like to thank the staff of the American Consulate in Nairobi for their co-operation; and the Colonial Office officials, who deal with our applications both here and in London, for their help.

Finally, I should like to express, on behalf of the Kenya Government—and I am sure on behalf of the Members of this Council and the people of this country—appreciation and gratitude to the United States Government for this very generous and valuable assistance to Kenya's development. (Applause.)

MR. HARRIS: Mr. Deputy Speaker, Sir, I would like to endorse the thanks just expressed by the Minister for Finance to the Government and the people of the United States of America for this gesture of generosity.

I think, Sir, it is probable that this sum of over a million and a quarter pounds may enable us to be able to do in Kenya many of the things that we have always wanted to do, but things which, particularly for the last three years, we have been unable to afford from our own resources. I mention particularly, Sir, in the agricultural field, that it is over, or very nearly, £400,000 which is allocated either to irrigation schemes or to irrigation investigation. I believe this sum of money may easily fulfil some of the dreams that many people have had in Kenya that, if only we can get water to the right places, this country will, indeed, develop.

The medical grant is another, Sir, for which I know people will be very grateful.

Many of us have, for some time, been trying to find means of assisting Africans in building up their own businesses. This grant, again, Sir, will assist in that enterprise.

Adult literacy is a thing which has often been talked of. Pilot schemes have been initiated. Here, again, Sir, our American cousins have come to our help with the sinews of education—namely, money.

(Mr. Harris)

I know many people in Kenya will be glad to see that there is a fair sum allocated in this generous gift for road research and the services of a highway economist and an engineer.

Finally, Sir, I think that it is very fitting that the American people should have chosen the basis of their grant to be spent on those things which each and everyone of them will add to the economic standard of the people of this country. I know it is in the spirit of their belief and volition to do this throughout the world that they have made this very generous gift. (Applause.)

MR. CHANAN SINGH: Mr. Deputy Speaker, Sir, since the end of the war we have been reading in the Press, stories of American generosity in other countries of the world. I have wondered all the time whether our American friends had forgotten us. Apparently, they had not.

I wish to associate the Asian group in this Council with the thanks that are offered to America for this very generous gesture.

There is one item in this programme, Sir, which I like very much. That is the help that is being given to Africans in business. I wish to say again that the Asian group in this Council is very thankful to America for this generous help. (Applause.)

MR. GIKONYO: Mr. Deputy Speaker, Sir, I wish to join the previous speakers in thanking the Government of the United States of America for their very generous gift to this Government and, through the Government, to the people of Kenya.

Africans, I think, more than the other groups will benefit very greatly from this assistance and, on behalf of the African people and the African Members of this Council, I wish to express our thanks to the United States Government for their financial assistance.

I would also like to thank the Minister for Finance for his efforts in obtaining this assistance. (Applause.)

THANKS TO THE DEPUTY SPEAKER

THE CHIEF SECRETARY: One last word, Sir,—may I on behalf of both sides of the Council thank you, Sir, for the forbearance and wisdom with which you have guided us along the tortuous paths of this Session. We are, indeed, most grateful. (Hear, hear.)

GILL REPORT

LT-COL. GHERSIE: Mr. Deputy Speaker, Sir, before you conclude the business of this Session, may I raise a matter on a point of order? It is a matter of public interest.

Sir, at the commencement of this Session, the Minister for Finance stated that during the course of this Session he would be tabling what is better known as the Gill Report. Now, Sir, to the best of my knowledge, that report has not been tabled, and it is a report which is awaited with considerable interest by everybody in this Colony, more particularly the commercial community. I think some explanation should be afforded to the Council, Sir, for the non-tabling of that report.

THE DEPUTY SPEAKER: I do not think that can conceivably be a point of order. (Laughter.) (Applause.) It is a request for a certain amount of information. I do not think therefore that it will be proper to call on the Minister to reply.

I would like to reply very briefly to the hon. Chief Secretary by saying that I, in turn, am very grateful to hon. Members on both sides of the Council for the consideration which they have shown to me which has made my duties a pleasure. (Applause.)

ADJOURNMENT

THE DEPUTY SPEAKER: That concludes the business on the Order Paper and Council will now stand adjourned *sine die*.

Council rose at sixteen minutes past Five o'clock.

WRITTEN ANSWERS TO QUESTIONS

No. 73

MR. HARRIS (Member for Nairobi South) to ask the Minister for Agriculture, Animal Husbandry and Water Resources, to state:—

The reasons for the shortage of meat in Nairobi on 26th March and succeeding days.

REPLY:—

The shortage of meat in Nairobi on 26th March, 1955, was indirectly caused by a number of contributory factors, but the principal reason for the shortage becoming acute on the day in question was an admitted error of judgment on the part of the Kenya Meat Commission.

The seasonal shortage of meat resulting from the general reluctance of both European and African producers to sell owing to the poor condition of slaughter stock normally begins to make itself felt in March and depending on the rains may continue into June. At the beginning of March the Cold Store at Athi River was full to capacity with about 1,200 tons of beef and mutton of all grades and edible offal.

The Commission, with some justification, relies upon a limited intake of low-grade beef from the African producing areas during the deficiency season, but in March supplies of beef from this source were negligible largely owing to the restrictions placed on the movement of stock from the reserves on account of outbreaks of foot-and-mouth disease. In view of uncertainty as to the immediate future prospects of supplies of low-grade stock and the limited quantity of these grades which it is possible to hold in cold storage, the Commission on 16th March decided as a precaution to reduce the issues of 3rd and 4th grade beef to all butchers, to the Armed Forces and in respect of contracts held by the Commission by 33%.

The obvious result of a reduction in 3rd and 4th grade beef and a shortage of mutton, is to increase the demand in the shops for 1st and 2nd grade beef. Unfortunately, this does not seem to have been fully appreciated by those responsible for the allocation of supplies of meat to the butchers, otherwise it would have been possible, as happened at a later date, to

increase the allocations of higher grades of beef, since there was, at the time ample supplies of these grades in cold storage. The Kenya Meat Commission is fully alive to the inconvenience caused to the public by the shortage, which developed and the Chairman of the Commission has undertaken the most careful investigation to establish the reasons for the shortage so as to prevent if possible a repetition of these events.

While in no way attempting to shift the responsibility for the shortage of meat which occurred in Nairobi over the weekend 26th March, it would be unwise to ignore the difficulties which have to be overcome if consumer requirements are to be met smoothly and efficiently throughout the year without adding to the cost of the meat.

The average demand for meat by Nairobi butchers alone is now approximately 1,000,000 lb. a month and the consumption of meat in Nairobi has risen from 4,320 tons per annum in 1952 to 6,200 tons in 1954. It is to be remembered that the cold storage was planned in 1950 and built and equipped in the period 1952/3 before the full effect of the increased demand for meat could be foreseen. Supplies of beef have also increased from a total of 50,000 head of slaughter cattle handled by the Commission in 1951 to 75,476 head in 1954, but this increase is only just keeping pace with local demand and a modest export trade which in the interest of the Colony should be actively encouraged.

In spite of criticisms which have been made, some of which have been shown to be justified, it is safe to say that had it not been for the Commission and the policy it stands for, of encouraging the production of more and better quality meat and providing reserves in cold storage for the short season, the Colony would by now almost certainly be faced with a succession of increasingly severe seasonal shortages, and the price of meat during such periods would be very much higher than it is at present.

No. 81

MR. COOKE (Member for the Coast) to ask the Chief Secretary:—

Will Government issue a list of all European officers at present employed

on temporary and contract terms, giving their salaries and allowances and the names of the departments by whom they are employed.

REPLY:—

Yes, Sir.

No. 91

MR. SLADE (Member for Aberdare) to ask the Minister for Commerce and Industry:—

1. What is the nature, origin and extent of Government's present financial interest in the margarine factory which Unilever (East Africa) Ltd. is establishing in this Colony?
2. What is the policy of Government with regard to possible competition in East African markets, between the products of this factory and the products of the dairy industry of this Colony?

REPLY:—

1. The East African Industrial Management Board was established in 1942 as a Government-financed and sponsored concern, to develop and produce essential products required for the war effort, including vegetable ghee and vegetable oils. In 1949 East Africa Industries, Ltd., was formed to take over the operations of the East African Industrial Management Board, and the authorized capital of the new company was £750,000 in £1 shares and of this amount £450,000 was issued and was held by the Colonial Development Corporation and the Government (through the East African Industrial Management Board) in the ratio of 2 to 1, i.e. £300,000 and £150,000 respectively, the Colonial Development Corporation buying its holding from the East African Industrial Management Board at par.

The East African Industrial Management Board continued in being as trustee for the Government's holding in East African Industries and became the Industrial Management Corporation (Inc.) in 1952, which in turn was reconstituted as the Industrial Development Corporation by Act of the Legislative Council with effect from 15th February, 1955.

When Unilever took an interest in East Africa Industries, Ltd., the capital structure was reorganized and certain transfers were effected as a result of an agreement made in 1953 between the Colonial Development Corporation the Industrial Management Corporation (Inc.), Unilever, Ltd., and East Africa Industries, Ltd. The present holdings in East Africa Industries, Ltd., are as under:—

	Unilever, Ltd.	Colonial Development Corporation	Industrial Development Corporation
£1 Shares at Par	—	45,000	22,500
A Ordinary Shares	67,500	—	—
B Ordinary Shares	—	48,000	24,000
B Special Shares	—	162,000	81,000
C Special Shares	—	—	—
Total	67,500	255,000	127,500

The A and B Ordinary Shares represent the continuing assets and equity in the business, and as between Unilever, Ltd., Colonial Development Corporation and the Industrial Development Corporation, the Shares are held in the ratio of 3 : 2 : 1 respectively. The B Special Shares rank for repayment in the event of a winding-up after the Ordinary Shares, to the extent that there are surplus assets and then only to the equivalent of the paid-up value of the B Special Shares. The C Special Shares represent assets which have been realized or are in the process of being realized, the proceeds of which will be made available to the Colonial Development Corporation and the Industrial Development Corporation for investment in other projects. As far as the equity is concerned the broad effect was to reduce the public holding in the Unilever—C.D.C. and I.M.C. "partnership" as successors to East Africa Industries from one-third to one-sixth.

2. The production of margarine is intended to satisfy and educate the low income consumer market (particularly the African market) which normally would not be able to afford butter. Experience in other parts of the world, and, in particular, in comparatively undeveloped areas, has been that the production of margarine has had no adverse effect on sales of butter, and indeed in due course has resulted in increases as the lower income users have developed a liking for palatable edible

fats and subsequently purchased butter as well as margarine.

So as to ensure the best constructive relationship between the margarine and dairy industries, it has been agreed by East Africa Industries, Ltd., and the Kenya—Co-operative Creameries, Ltd., that a liaison committee should be set up consisting of representatives of both concerns, which would study problems of mutual importance and interest.

during normal holiday periods are liable to be called up for National Service—whether half-way through their university course or not?

2. If the answer is in the affirmative, have any students been prevented from carrying on with their studies to date, and if so, how many?

REPLY:—

1. Students on normal university vacation visits to this country are liable for call-up under the Compulsory National Service Ordinance but in practice call-up notices are not issued to such students, and this practice will continue.

2. None.

No. 102

MR. LETCHER (Member for Trans Nzoia) to ask the Minister for Internal Security and Defence to state:—

1. Whether students returning from universities in Britain or South Africa

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10th Council—Fourth Session—Third Sitting

VOLUME LXV

5th April, 1955, to 16th June, 1955

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